

ORDINANCE NO. 1648

CITY OF BURNSVILLE, MINNESOTA

AN ORDINANCE REVISING TITLE 10: ZONING

THE CITY COUNCIL OF THE CITY OF BURNSVILLE ORDAINS AS FOLLOWS:

SECTION 1: “CHAPTER 10-1 TITLE AND APPLICATION”, “CHAPTER 10-2 LEGISLATIVE PURPOSE AND INTENT”, AND “CHAPTER 10-3 INTERPRETATION” of the Burnsville Municipal Code are hereby repealed in their entirety:

SECTION 2: “CHAPTER 10-1: INTRODUCTORY PROVISIONS” of the Burnsville Municipal Code is hereby amended to add the following:

CHAPTER 10-1 INTRODUCTORY PROVISIONS

- A. Title: This Title is known as the “Burnsville Zoning Title” except as referred to herein as “This Title”.
- B. Purpose and Intent: This Title is adopted for the purpose and intent of protecting the public health, safety, comfort, convenience, and general welfare through the establishment of minimum regulations governing development and use. This Title divides the city into zones and establish regulations in regard to location, erection, construction, alteration, and use of structures and land. These regulations are established with the intent to:
 - 1. Implement the comprehensive plan.
 - 2. Promote orderly development and redevelopment of the residential, commercial, industrial, recreational, and public areas.
 - 3. Protect, conserve, and enhance the natural environment and resources that currently exist within the city.
 - 4. Control and regulate the development and redevelopment of Burnsville to ensure development in areas where adequate public sewer and other public services are provided.
 - 5. Provide compatible land uses and the most appropriate use of land throughout the city.
 - 6. Provide a safe, effective transportation system including roadways, pedestrian pathways, and transit opportunities.
 - 7. Provide adequate light, air, and convenience of access to property.
 - 8. Protecting the quality and diversity of the City’s tax base.
 - 9. Conserve the value of property throughout Burnsville.
 - 10. Regulate uses and business that may have adverse secondary effects on the quality of life of Burnsville residents.
- C. Relationship to Comprehensive Plan: It is the intent of the City of Burnsville that the enforcement, amendment, and administration of this chapter be accomplished consistent with the city’s comprehensive plan, as may be amended from time to time.

The city council recognizes the comprehensive plan as the official policy plan for the regulation of land use and development in accordance with the policies and purposes herein

set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

D. Effective Date and Authority to Adopt:

1. This Title applies to development applications filed on or after its effective date; applications filed prior to that date are governed by the zoning regulations then in effect.
2. The authority to adopt this title within the City of Burnsville is derived from Minnesota Statutes, Chapter 462, including but not limited to Minnesota Statutes, Chapters 462.357 and 462.358, as well as other applicable state statutes and rules. Whenever other applicable city, state, or federal laws or rules referenced in this title have been amended or superseded, this Title shall also be considered amended accordingly.

E. Severability:

1. If any section, clause, provision, or portion of this Title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Title is not affected.
2. If any application of this Title to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement will not be applicable to any other structure, land, or water not specifically included in said judgement.

F. Interpretation and Application:

1. Interpretation:

- a. In their interpretation and application, the provisions of this Title is held to minimum requirements for the promotion of the public health, safety, morals, and general welfare.
- b. In their interpretation and application, the provisions of this Title is be held to the minimum requirements. Wherever this title imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Title govern except as otherwise provided in state statutes or rules.
- c. All measured distances in this Title expressed in feet are to the nearest tenth of a foot.

2. Application:

- a. Except as provided in this Title, no building, structure or premises will be used or occupied and no building permit is granted and no plat approved that does not conform to the requirements of this Title.
- b. If a use is not explicitly permitted or expressly prohibited within a zoning district, it will be deemed prohibited..
- c. The City Council or the Planning Commission may request a study to determine if a use which is neither allowed nor prohibited is acceptable and if so, what zoning district would be most appropriate and the conditions and standards relating to the development of the use. The City Council, Planning Commission or property owner, if appropriate, will initiate an amendment to the Zoning Title to provide for the particular use under consideration or shall find that the use is not compatible for development

within the City.

3. Abrogation and Greater Restrictions: It is not intended by this Title to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Title imposes greater restrictions, the provisions of this Title prevails. All other ordinances inconsistent with this Title are hereby repealed to the extent of the inconsistency only.
4. Use of Graphics, Illustrations, Figures, Photos, and Cross-References:
 - a. Graphics, illustrations, figures, and photos are provided for illustrative purposes only and are not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text will control.
 - b. In some instances, cross-references between titles, chapters, sections, and subsections are provided that include the title, chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name will control.
5. Rules of Construction:
 - a. Clarification on the provisions of this Title or questions on the procedures or applicability of this Title should be directed to the Community Development Department or other City Departments as may be appropriate. Further clarification or interpretation will be accomplished according to the procedures of the board of appeals and adjustments as set forth in Section 10-2-1-2 “Appeals” of this Title.
 - b. For additional clarity and consistency in the understanding, interpretation, and application of this Title the following applies:
 - (1) Grammatical use or references made in the singular includes the plural and the plural includes the singular, unless such use or reference is otherwise specifically stated.
 - (2) Sentence construction or phraseology in the present tense, and similarly, references in the future tense may include the present.
 - (3) The word “shall” is used to mean mandatory; whereas, the word “may” is permissive and does not imply obligation.

SECTION 3: “CHAPTER 10-5 ADMINISTRATION” of the Burnsville Municipal Code is hereby repealed in its entirety:

SECTION 4: “CHAPTER 10-2 ADMINISTRATION AND CODE COMPLIANCE” of the Burnsville Municipal Code is hereby added as follows:

CHAPTER 10-2 ADMINISTRATION AND CODE COMPLIANCE

10-2-1 : General

A. Enforcing Officer:

1. The Community Development Director or their designee is the zoning administrator.
2. The zoning administrator enforces this Title and is responsible for the following functions:

- a. Review all matters pertaining to applications and enforcement of this Title.
- b. Review building permits to ensure for proper zoning and approve other permits, and make and maintain records thereof.
- c. Conduct inspections of buildings and use of land to determine compliance with this chapter.
- d. Maintain permanent and current records of this chapter, including but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
- e. Receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- f. Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- g. Institute, in the name of the city, any appropriate actions or proceedings against a violator as provided in this chapter.

B. Certificate Of Occupancy:

1. Certificate Of Occupancy Required: No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved will be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building official stating that the building or structure complies with this title and applicable state building code sections.
2. Application: The certificate of occupancy shall be applied for coincident with the application for a building permit, conditional use permit and/or variance, and shall be issued within ten (10) days after the building official finds the building or structure satisfactory and passed final inspection. The application shall be accompanied by a fee as established by city council ordinance.

C. C. Filing With County Recorder: A certified copy of approved conditional use permits, interim use permits, planned unit development agreements, and variances shall be filed with the County Recorder or Registrar of Titles.

D. Fees: The fees required for processing applications and appeals shall be as established by the City Council from time to time. In addition, the applicant shall be required to reimburse the City for all out of pocket expenses the City incurs in having consultants and its attorneys review the application. The City may require a deposit on the anticipated costs before processing the application.

E. Certification Of Taxes Paid

1. Prior to the City processing or approving any land use, zoning application, or permit under the City's official controls, the applicant shall provide to the City written certification that the following statements are true for the property for which the application relates:
 - a. There are no delinquent Property Taxes, special assessments, interest, or City utility fees due; and
 - b. There are no unpaid City inspections fees; and
 - c. There are no unpaid City rental license fees; and
 - d. There are no unpaid City reinspection fees.
2. No applications or permits shall be processed until outstanding amounts are paid in full.
3. Property Taxes which are being paid under the provisions of a stipulation, order, or

confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this section provided all required payments that are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid.

F. Application Submittal Requirements: Applications shall include materials sufficient to evaluate compliance with this Title, including but not limited to:

1. Application forms, fees, and proof of ownership;
2. Project narrative and applicant contact information;
3. Surveys, plats, and legal descriptions, as applicable;
4. Site plans showing existing and proposed conditions;
5. Engineering plans, including grading, drainage, stormwater, and utilities;
6. Architectural plans, including building elevations and materials;
7. Landscaping, lighting, and signage plans;
8. Supporting studies and documentation as required by the City, including traffic, environmental, noise, wetland, and floodplain analyses; and
9. Additional materials determined necessary by City staff to adequately review and evaluate compliance with this Title.

G. Development Review Committee:

1. Establishment and Membership: The Development Review Committee (DRC) is hereby established as a technical conformance review body. The DRC shall consist of City staff or their designees, as determined by the Community Development Director and may include, but is not limited to, representatives from Planning, Public Works, Engineering, Building Inspections, Fire, Police/Crime Prevention, Economic Development, and Parks and Natural Resources.
2. Purpose and Duties. The DRC shall serve as an interdepartmental staff review team and shall:
 - a. Review development applications for technical compliance with this Title and other applicable City codes, standards, and policies;
 - b. Coordinate and consolidate departmental review comments;
 - c. Identify deficiencies and recommend revisions necessary for compliance; and
 - d. Provide technical recommendations and reports to the Planning Commission and City Council, as applicable.
3. Authority and Limitations. The DRC is advisory in nature and shall not have independent authority to approve or deny applications.

10-2-2 : Public Hearings, Notice, and Procedure

The City shall hold a public hearing on all variances, conditional use permits, text amendments, map amendments and interim use permits. Notice of the public hearing shall be given not less than ten (10) days prior to the date of the hearing by publication in the designated legal newspaper of the City. The notice shall contain the date, time and place of the hearing and a description of the land and the proposed application. At least ten (10) days before the hearing, the City Clerk or designee shall mail a notice to the owner and to each of the property owners within a minimum of three hundred fifty feet (350') of the property for which the approval is sought. Failure to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings.

10-2-3 : Variances

- A. Purpose: The purpose of the variance is to allow variation from the strict application of the terms of this Title where, by reason of the exceptional physical characteristics of the property, the literal enforcement of the requirements of this Title would cause practical difficulties for the landowner.
- B. General Provisions: In no case may a variance be granted to permit a use other than a use permitted in the zoning district. Nonconforming uses, land, structures, or buildings in the same district or other districts may not be considered grounds for issuance of a variance.
- C. Procedure: The procedures for applying for a variance from this chapter are as follows:
 1. The property owner or his agent shall meet with the zoning administrator to describe the situation and to be advised of the procedures and obtain an application form.
 2. The applicant shall file the completed application form together with the required exhibits and shall pay a filing fee as established by ordinance.
 3. The city shall hold a public hearing on the application pursuant to City Code Section 10-2-2.
 4. The zoning administrator shall submit the application to the planning commission for its review, comment, and recommendation to the city council.
 5. The city council shall, after receipt of the report from the planning commission, either approve or deny the application pursuant to Minnesota Statutes 15.99.
 6. The city council may impose such restrictions or conditions as may be necessary that are directly related to and bear a rough proportionality to the impact created by the variance.
- D. Required application information and materials: The following information and materials shall be required for the application:
 1. A complete application form signed by all property owners.
 2. All required fees and escrows.
 3. The legal description of the property and the common address.
 4. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
 5. Any maps, drawings, and plans that the zoning administrator considers to be of value in considering the application.
- E. Findings: A variance may be granted only when all of the following conditions are found:
 1. The variance is in harmony with the general purposes and intent of this Title.
 2. The variance is consistent with the Comprehensive Plan.
 3. The applicant for the variance establishes that there are practical difficulties in complying with this Title. "Practical difficulties," as used in connection with the granting of a variance, means that all of the following must be found to apply:
 - a. The property owner proposes to use the land in a reasonable manner for a use permitted in the zone where the land is located, but the proposal is not permitted by other official controls;
 - b. The plight of the landowner is due to circumstances unique to the property and that are not created by the landowner; and
 - c. The variance, if granted, will not alter the essential character of the neighborhood.
 4. Economic considerations alone do not constitute practical difficulties.

- F. Precedent: A previous variance must not be considered to have set a precedent for the granting of further variances. Each application must be considered on its own merit.
- G. Reapplication: No application which has been denied wholly or in part shall be reconsidered for a period of six (6) months from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions.
- H. Expiration: In any case where a variance approval does not proceed within one (1) year of the date on which the variance was granted, the variance approval shall become void unless a petition for extension is requested in writing and filed with the zoning administrator. The extension request shall be sent to the city council for review and decision.

10-2-4 : Conditional Use Permits

- A. Application, Public Hearing, Notice And Procedure: The application, public hearing, public notice and procedure requirements for conditional use permits will be the same as those for amendments as provided in Section 10-2-2 of this chapter, except that the permit will be issued on the affirmative vote of a majority of the entire council.
- B. Standards: The planning commission recommends conditional use permits and the council issues such conditional use permits only if it finds that such use at the proposed location:
 - 1. Will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
 - 2. Will be harmonious with the general and applicable specific objectives of the city's comprehensive plan and this title.
 - 3. Will be designed, constructed, operated and maintained so to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
 - 4. Will not be hazardous or disturbing to existing or future neighboring uses.
 - 5. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
 - 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - 7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - 8. Will have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
 - 9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
 - 10. Will not depreciate surrounding property values.
- C. Conditions: In reviewing applications for conditional use permits, the planning commission and the council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. Such conditions may include, but are not limited to, the following:
 - 1. Controlling the number, area, bulk, height and location of such uses.

2. Regulating ingress and egress to the property and the proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 3. Regulating off street parking and loading areas where required.
 4. Utilities with reference to location availability and compatibility.
 5. Berming, fencing, screening, landscaping or other facilities to protect nearby property.
 6. Compatibility of appearance.
 7. Regulating hours and dates of operation.
In determining such conditions, special consideration is given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.
- D. Denial For Noncompliance: If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it will include in its recommendation or determination findings as to the ways in which the proposed use does not comply with the standards required by this title.
- E. Permittee: A conditional use permit will be issued for a particular use and not for a particular person.
- F. Periodic Review: A periodic review of the use may be attached as a condition of approval of a conditional use permit.
- G. Revocation: Failure to comply with any condition set forth in a conditional use permit, or any other violation of this title, will be a misdemeanor and constitute sufficient cause for the termination of the conditional use permit by the City Council following a public hearing.
- H. Expiration: If substantial construction has not taken place within one year of the date on which the conditional use permit was granted, the permit is void except that, on application, the Council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit is void. This provision applies to conditional use permits issued prior to the effective date of this title, but the six (6) month period is not deemed to commence until the effective date of this title.
- I. Minor Alterations: Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee (DRC) if they are consistent with the purposes and intent of the approved CUP and as provided below:
1. No change may increase the footprint of any building or structure by more than thirty percent (30%).
 2. Changes to building exteriors and building materials, construction of accessory trash enclosures and sheds, changes to signage, lighting, parking, landscaping and adding sidewalks/trails or altering their alignment are permitted to the extent there are no specific conditions in the approving CUP documents and any such changes are in compliance with this title.
 3. Any other changes to the CUP must be authorized by an amendment to the CUP pursuant to the public hearing process outlined in City Code Section 10-5-6 of this title.

10-2-5 : Interim Use Permits

- A. Purpose: The purpose and intent of allowing interim uses is:
 1. To allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the comprehensive guide.
 2. to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.
- B. Application, Public Hearing, Notice And Procedure: The application, public hearing, public notice and procedure requirements for interim use permits will be the same as those for zoning amendments as provided in Section 10-2-2 of this chapter.
- C. Standards: The Planning Commission recommends interim use permits and the Council issues such interim use permits only if it finds that such use at the proposed location:
 1. Meets the standards of a conditional use permit set forth in Section 10-2-4 of this chapter.
 2. Conforms to the zoning regulations, performance standards and other requirements.
 3. Is allowed as an interim use in the zoning district.
 4. Will terminate upon a date or event that can be identified with certainty.
 5. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 6. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
- D. Termination: An interim use permit terminates upon the occurrence of any of the following events; whichever first occurs:
 1. The date stated in the permit; or
 2. A violation of conditions under which the permit was issued; or
 3. A change in the City's zoning regulations which renders the use nonconforming.

10-2-6 : Zoning Text And Map Amendments

- A. Generally: The City Council may adopt amendments to this Title and the zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments are not be issued indiscriminately but used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan. Amendments must be adopted by a majority vote of the City Council. The adoption or amendment of any portion of a Zoning Code which changes all or part of the existing classification of a zoning district from residential to either a commercial or an industrial district requires a two-thirds majority vote of the City Council. There are the following kinds of amendments:
 1. A change in a district's boundary (rezoning).
 2. A change in a district's regulations.
 3. A change in any other provisions of this Chapter.
- B. Initiation: Amendments of this title may be initiated by:
 1. A petition of the owner or owners of the property, the zoning of which is proposed to be changed.

2. By action of the community development department.
 3. By action of the City Council.
- C. Application: Except for minor amendments for which information requirements shall be established by the city planner, amendments initiated by the petition of property owners shall be filed in the planning department and include the following information:
1. A generalized location map showing the location of the proposed site in relation to the city.
 2. A scale plot plan, with north indicated, of the proposed site showing all site dimensions.
 3. All types of proposed uses.
 4. Location of all buildings and structures on the proposed site.
 5. Elevation drawings or illustrations indicating the architectural treatment of all proposed buildings and structures.
 6. Any plans for the modification of standards set by this title or any other provision of this code.
 7. Location and size of all required parking spaces.
 8. Landscape plan subject to chapter 30A of this title.
 9. General floor plans of all proposed buildings and structures.
 10. Indication of location, size and type of facilities for the storage of trash and waste materials.
 11. Design layout and size of all proposed signs.
 12. Drainage plan of the proposed site.
- D. Public Hearing; Notice And Procedure: The planning commission shall hold at least one public hearing affording an opportunity for all parties interested to be heard and shall give not less than ten (10) days' nor more than thirty (30) days' notice of time and place of such hearing, and of the expected date of city council consideration, published in the designated legal newspaper for the city. Such notice shall also contain the description of the land and the proposed zoning changes. When an amendment involves changes in district boundaries of an area of five (5) acres or less, at least ten (10) days before the hearing, the city planner, on behalf of the planning commission chair, shall mail an identical notice to the owner and to each of the property owners situated wholly or partly within three hundred fifty feet (350') of the outside boundaries of the land proposed to be rezoned. When an apartment building owner is notified, a notice shall also be sent to the apartment manager for posting, and when a nonlocal business owner is notified, a notice shall also be sent to the local business address. The applicant shall post a sign on the property indicating a rezoning proposal is under consideration. The sign shall be posted on the property at least ten (10) days prior to the hearing before the planning commission. Failure to post the notice or to properly mail the notice, or failure of the property owners to receive the notice shall not invalidate the proceedings.
- E. Action By Planning Commission: The city council shall not rezone any land or make any other amendment to this title without having first referred it to the planning commission for their consideration and recommendation. The planning commission shall make a written report to the city council stating its findings and recommendations.
- F. Action By City Council: The city council shall consider the amendment at the next available city council meeting after the receipt of the report and recommendations from the planning commission. Failure to receive a report from the planning commission as herein provided

shall not invalidate the proceedings or actions of the city council. The city council may continue its consideration for further investigation. The council may also request further information from the staff and planning commission. Upon conclusion of its consideration, the city council shall consider findings for either approval, denial or approval with modification.

- G. Approval; Denial: This title may be amended by a three-fifths (3/5) simple majority vote of the entire city council. Zoning district changes from residential classification to commercial or industrial classifications may be amended by a four-fifths (4/5) vote of the entire council. All other zoning district changes may be amended by a three-fifths (3/5) vote of the entire city council. Refusal to amend this title shall constitute a finding and determination that the proposed amendment is not consistent with the goals and policies of the comprehensive plan. No application which has been denied wholly or in part shall be reconsidered for a period of six (6) months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions. Decision Period: All applications shall be reviewed consistent with Minnesota Statutes, Section 15.99.

10-2-7 : Concept Review

- A. Purpose: The purpose of the Concept Plan Review is to provide applicants with an early, informal opportunity to receive staff and advisory feedback on proposed applications prior to formal submittal. The Concept Plan Review is intended to:
1. Identify potential issues related to land use, infrastructure, and policy compliance early in the process;
 2. Improve the quality and completeness of future applications;
 3. Promote consistency with the City's Comprehensive Plan, zoning regulations, and adopted policies; and
 4. Facilitate an efficient and predictable review process.
- B. Applicability: A Concept Plan Review is encouraged for, and may be required by the City prior to, the following applications:
1. Rezoning (map amendments);
 2. Comprehensive Plan amendments;
 3. Ordinance text amendments related to land use, zoning, or development standards;
 4. Major developments, as determined by the Community Development Director based on project size, complexity, or potential impacts.
- C. Submittal Requirements: Concept Plan submittals shall include sufficient information to describe the general scope and intent of the proposal. At a minimum:
1. A concept site plan illustrating:
 - a. General layout of buildings and uses;
 - b. Access points and circulation;
 - c. Approximate building footprints;
 - d. Open space and/or landscaping areas.
 2. A written narrative describing:
 - a. Proposed land uses and development programing;
 - b. Existing conditions and surrounding land uses;
 - c. Any anticipated variances, departures, or policy modifications;
 - d. Any additional materials deemed necessary by the Zoning

Administrator.

D. Review Process:

1. Concept Plan Review shall be conducted by City staff and may include input from other City departments or impacted agencies.
2. The Concept Plan shall be presented to the City Council in a workshop format, when determined appropriate by the City, for general feedback and discussion.

E. Nature of Review:

1. The Concept Plan Review is advisory in nature and does not constitute a formal application, approval, or denial.
2. Comments are intended to guide future applications and are not binding.
3. Submission of a Concept Plan does not vest any development rights.

F. Relationship to Formal Applications:

1. Completion of Concept Plan Review does not waive or replace any requirements for formal applications.
2. A formal application shall be submitted following Concept Plan Review.
3. The City may require modifications prior to accepting a formal application.

G. Fees: The City may establish fees for Concept Plan Review by resolution.

10-2-8 : Appeals

- A. At any time within 30 days after the City Planner, Development Review Committee or other City employee or committee makes a decision under the provisions of this title, except in connection with prosecution for violations thereof, the applicant or other person affected thereby may appeal the decision by filing a written notice stating the action appealed from and stating the specific grounds upon which the appeal is made.
- B. The Planning Commission shall conduct a public hearing on the appeal and make a recommendation to the City Council.
- C. The City Council, acting as the Board of Adjustment and Appeals, shall conduct a public hearing and make the final determination.
 - D. Notice of the hearing before the Planning Commission and City Council shall be mailed to all appellants. In all cases involving determination of district boundary lines, or interpretation of the text of this title, 10 days' published notice of hearing in the official newspaper shall be given.

SECTION 5: "CHAPTER 10-4 DEFINITIONS" of the Burnsville Municipal Code is hereby amended as follows:

CHAPTER 10-4~~3~~ DEFINITIONS

10-4~~3~~-1: Purpose, Word Usage

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10-4~~3~~-2: Definitions

The following words and terms are defined as follows:

ACCESSORY DWELLING UNIT (ADU): Means a subordinate habitable dwelling unit, which has

its own basic requirements of shelter, heating, cooking and sanitation, which is attached or detached from a single-family dwelling.

ACCESSORY STRUCTURE: A structure adjunct of and in subordination to another structure.

ACTIVE OUTDOOR RECREATIONAL FACILITIES: Areas and facilities designed for organized or informal outdoor physical activities, including but not limited to athletic fields, sports courts, playgrounds, skate parks, trails, and similar improvements intended for active recreation.

ACTIVE SOLAR ENERGY SYSTEM: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

~~**ADULT DAY CARE:** A non-residential facility that assists with or serves the care, health, nutritional, social and daily needs of adults in a supervised, professionally staffed, group setting. This does not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.~~

ADDRESS SIGN: A sign communicating street address only, whether script or in numerical form.

ADULT RETIREMENT COMMUNITY: An age restricted, planned development for independent living, as defined under the Federal Fair Housing Act provisions for housing for the elderly which may be in any housing form, including detached and attached dwelling units, and that includes social and recreational activities.

AESTHETIC: The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

AGRICULTURAL BUILDING: a structure on agricultural land as defined in Minnesota Statutes 273.13, subd. 23, designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

ALTER: Any major change to a sign, but shall not include routine maintenance or painting.

ANNUAL: A plant, usually a flowering species, which lives only one growing season.

ANIMATED SIGN: Any sign that uses technology of any type to create movement or to depict action or create a special effect or scene, including devices with or without a commercial message, such as spinners and windsocks, but not including barber's poles, time and temperature signs, dynamic display billboards, or changeable copy signs. A changeable copy sign where the message changes more frequently than one time for every eight (8) second interval or a dynamic display billboard where the message changes more frequently than one time for every eight (8) second interval shall be considered an animated sign.

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.

ANTIQUÉ/FLEA MARKET: An occasional or periodic sales activity held within a building, structure or outdoor area where groups of individual sellers offer goods for sale to the public, not including private garage sales. Such sales may involve new and/or used books, magazines, jewelry, clothing and/or a variety of merchandise.

ARCADE: A covered passageway with arches along one (1) or both sides.

ARCH: A curved structural element supported at its sides.

ARCHITECTURAL CONCEPT: The basic aesthetic idea of a building, or group of buildings, including the site and landscape development, that produces its distinctive character.

ARCHITECTURAL CONCRETE: A building construction material consisting of concrete that has a surface design, pattern, and texture that enhances the building, and is available in a variety of colors.

ARCHITECTURAL FEATURE: A prominent or significant part or element of a building or site.

ARCHITECTURAL METAL: A metal exterior building material that has a shape, design, surface texture, and permanent color finish that enhances the building. The metal must be designed and manufactured to be exposed to the outdoors, weather, and elements of the Minnesota climate. Metal shall be installed and used for the purpose that it was intended.

AREA IDENTIFICATION SIGN: A freestanding sign which identifies the name of a residential subdivision consisting of fifty (50) or more lots; a multiple residential complex consisting of twenty (20) or more units or three (3) or more structures; an office, business or industrial structure containing three (3) or more independent businesses or organizations; a single business and/or industrial complex consisting of three (3) or more separate structures existing on individual platted lots or as a planned unit development; a mobile home court; or any integrated combination of the above.

ARTERIAL, MINOR: A road classification for streets that are of regional importance because they relieve, expand, or complement the principal arterial system and designed to connect to principal arterials, other minor arterials and collectors. The minor arterial roads are identified in the Comprehensive Plan.

ARTERIAL, PRINCIPAL: Interstate freeways and State highways that connect the region with other areas in the State and other states. The emphasis of these roads are on mobility as opposed to land access. The principal arterial roads are identified in the Comprehensive Plan.

ASSISTED LIVING FACILITY: ~~A facility for the elderly that provides rooms, meals, personal care, and supervision of self-administered medication; and may provide other services, such as recreational activities, financial services, and transportation, appropriate for the residents.~~ A residential housing

facility that provides dwelling units for older adults or other persons who require assistance with activities of daily living and may include supportive services such as meals, housekeeping, personal care, medication management, and supervision. Medical or nursing services, if provided, are incidental to the residential use.

AUCTION HOUSE: An enclosed place or establishment where items of a personal or business nature, generally found within retail stores located within the underlying zoning district, are offered for sale through competitive bidding. The term "auction house" shall not include on premises estate, foreclosure, real estate or personal property sales. The term "auction house" shall not include antique/flea markets or yard sales.

AUTOMOBILE DEALERSHIP: A commercial use engaged in the sale or lease of consumer vehicles. Such use may include indoor and/or outdoor consumer vehicle display, sales offices, customer service areas, incidental consumer vehicle repair and maintenance, financing services, and consumer vehicle storage (on-site or remote) associated with the automobile dealership. This definition excludes uses engaged in the sale or lease of used consumer vehicles, consumer vehicle rental agencies, auto body repair, consumer vehicle impound facilities, and standalone service centers.

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding of trailers, bodywork, framework and major painting service.

AUTOMOBILE REPAIR, MINOR: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service involving passenger automobiles and trucks not in excess of a three-quarter (3/4) ton rating.

AWNING: A temporary hood or cover that projects from the wall of a building, and which can be retracted, folded or collapsed against the face of the supporting building.

BALLOON: A flexible, nonferrous inflated bag in various shapes and colors.

BANNER: Flexible material affixed to a building, vehicle, poles, or other supporting structures by all corners.

BANNERETTE: Flexible material that resembles a flag, and has minimum dimensions of two feet by two feet (2' x 2') and no larger than three feet by five feet (3' x 5'). A "smaller sized bannerette" is defined as a pennant.

BASEMENT: A portion of a building located partly underground, but having half or less than its floor to ceiling height below the average grade of the adjoining ground.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

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BEEKEEPER: A person who owns or has charge of 1 or more colonies of honey bees.

BEEKEEPING: The maintenance and care of honey bee colonies.

BILLBOARD: See definition of off premises advertising sign.

BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least twenty five feet (25') above the ordinary high water level of the water body;
- C. The grade of the slope from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and
- D. The slope must drain toward the water body.

BLUFF IMPACT ZONE: A bluff and land located within twenty feet (20') from the top of a bluff.

BOARD OF ADJUSTMENT AND APPEALS: The Burnsville City Council.

BODY ART OR BODY ART PROCEDURES: Physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

BODY PIERCING: The penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single use stud and clasp ear piercing system.

BOULEVARD: The area of a street right of way that lies between the property line nearest to any street to which such property abuts and the edge of pavement or back of curb of such street.

BRICK: A masonry building block of clay baked in a kiln until hard.

BUFFER STRIP: An area of nondisturbed ground cover abutting a wetland that may not be mowed, cut, or fertilized, which is left undisturbed to filter sediment, materials, and chemicals.

BUFFER YARD: A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: Any structure having a roof which may provide shelter or enclosure of persons, animals

or chattels, and when said structure is divided by party walls without opening, each portion of such building so separated shall be deemed a separate building.

BUILDING, ACCESSORY: A building adjunct of and in subordination to another building.

BUILDING ACTIVITY AREA: The area on the lot where building activity shall take place, including the entire area affected by building and grading activities related to the approved construction.

BUILDING FACADE: That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

BUILDING HEIGHT: The vertical distance from:

- A. The average elevation of the adjoining ground level; or
- B. The established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

BUILDING INTEGRATED SOLAR ENERGY SYSTEMS: A term for the design and integration of solar energy technology into the building, typically replacing or substituting for conventional building materials. This integration may be in vertical facades, replacing view glass, spandrel glass, or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; solar energy technology that is contained within or substitutes for roofing materials, windows, skylights, awnings, shade devices or other building systems.

BUILDING LINE: A line parallel with the front lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot or lots on which it is located.

BUSINESS: Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited, stored, sold or where services are offered for compensation.

BUSINESS SIGN: Any sign which identifies a business.

CABINET SIGN: A sign that has framing around the entire sign message with a removable face.

CALL CENTER: A centralized office used for receiving or transmitting a large volume of requests by telephone, computer telephony integration or other technology typically operated in an open workspace with multiple agents soliciting charitable or political donations, debt collection, market research or managing customer interactions.

CAMPAIGN SIGN: A temporary sign promoting the candidacy of a person running for a government office, or promoting an issue to be voted on at a governmental election.

CANNABIS CULTIVATOR: A business that cultivates cannabis and packages cannabis for sale to another medical cannabis business to sell as medical cannabis flower or process into medical cannabinoid products.

CANNABIS CULTIVATION BUSINESS: A business licensed to grow cannabis plants within a principal building from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office, pursuant to Minnesota Statutes, Chapter 342. Outdoor commercial cultivation of cannabis is prohibited.

CANNABIS MEZZOBUSINESS: A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis mezzobusiness license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS MICROBUSINESS: A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis microbusiness license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS MANUFACTURER: A business with a cannabis manufacture license that manufactures cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer, pursuant to Minnesota Statutes, Chapter 342.

CANNABIS RETAILER: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form pursuant to Minnesota Statutes, Chapter 342.

CANNABIS TESTING FACILITY: An establishment engaged in obtaining and testing cannabis and hemp, or products derived therefrom, that has a valid, approved license pursuant to Minnesota Statutes, Chapter 342.

CANNABIS WHOLESALER: An entity licensed or authorized to obtain, store, and sell or otherwise transfer cannabis or hemp seeds, plants, flower, or other products for the purpose of resale or other transfer to a cannabis business, but not to consumers, pursuant to Minnesota Statutes, Chapter 342.

CANOPY: The width and/or height of the overall leafy portion of a deciduous tree.

CANOPY SIGN: The area of copy, graphic or identification which is affixed to a projection or extension of a building or structure, including a marquee, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a building. The portion of the canopy, projection, or other architectural feature which contains no copy or graphic identification, shall not be defined as signage, but if illuminated shall be included in the total sign area pursuant to subsection 10-12-3(N) of this chapter.

CAST IN PLACE PANEL: A building wall section of concrete poured into place in a form at the

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building construction site.

CELLAR: That portion of the building having more than 1/2 of the floor to ceiling height below the average grade of the adjoining ground.

CLEAR CUTTING: The removal of an entire stand of trees.

CHANGEABLE COPY SIGN: An on premises sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Signs or portions thereof shall not change in color, illumination or intensity more frequently than one time for every eight (8) second interval. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this chapter.

COLLECTOR: Roadways which are designed to perform the function of collecting traffic from local streets and distributing it to principal and minor arterials. Collector streets are identified in the Comprehensive Plan.

COMMERCIAL ANTENNA: Any antenna regardless of height or size erected for the purpose of providing public entertainment or subleased to other individuals or corporations including partnerships, associations, etc.

COMMERCIAL ATHLETIC FACILITY: Private for profit athletic facilities including, but not limited to, baseball, softball, soccer and football fields, batting cages, and other similar uses.

COMMERCIAL ENTERTAINMENT AND RECREATION INDOOR: includes businesses or facilities providing recreational, social, or amusement activities for public or private patrons. Typical uses include, but are not limited to: bowling alleys, arcades or electronic game rooms, billiard and pool halls, skating rinks, theaters, fitness centers, and similar establishments.

COMMERCIAL ENTERTAINMENT AND RECREATION OUTDOOR: An outdoor facility or space designed, constructed, and operated by private enterprise for recreational purposes and open to the general public including skating, mini-golf, shuffle boards, racquet and athletic courts, playground, swimming, skateboarding, aerobics, yoga, movie, music or live theater performance venue and similar uses.

~~COMMERCIAL ZERO LOT LINE DEVELOPMENT: The location of a building in a business or industrial zoning district in such a manner that portions of the building rest on two (2) or more lots. Said structures are considered to be one building, regardless of party walls.~~

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL SERVICES: Establishments primarily engaged in providing services to individuals or businesses, including personal services, repair services, and customer-oriented commercial

activities, where operations are conducted entirely within an enclosed building and do not involve manufacturing, bulk processing, or outdoor storage.

COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER: The commissioner of the department of natural resources.

COMMON OPEN SPACE: Land, water or a combination of land and water within a planned unit development which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land within a development, except for individual building lots and land accepted for public dedication.

COMMUNITY GARDEN: An area of land that is managed and maintained by a group of individuals to grow and harvest food crops and/or nonfood ornamental crops such as flowers for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMPACTION: Reducing the bulk of soil in a tree's critical root zone (within the drip line) by rolling, tamping and compression.

COMPATIBLE: The exterior architectural appearance, lot layout and design of proposed structures that are in harmonious combination with adjacent buildings and properties. A compatibly designed building integrates some, but not all, materials, colors and design forms of adjacent structures while maintaining some of its own uniqueness. A building is not compatible if it causes:

- A. A likeness to a degree to cause monotony;
- B. A difference to a degree to cause incongruity;
- C. A depreciation of neighborhood values or adjacent property values;
- D. A nuisance, compared to existing or other proposed structures or uses. Types of nuisance characteristics include, but are not limited to: noise, dust, odors, glare, unsightly building exterior, unsightly exterior storage, traffic generation, signs, refuse or lack of landscaping.

COMPREHENSIVE PLAN: The Burnsville Comprehensive Plan and all maps, charts and explanatory materials thereto, as adopted by the Burnsville City Council.

COMPREHENSIVE SIGN PLAN: A sign criteria plan for a single- or a multi-tenant building to be established by the owner or owners' association (as in the case of a condominium) and the City, which shall include the following components: height, location, size, number, type, basic decorative theme, design, decor and material of signs to be placed on the buildings.

CONCRETE: A construction material consisting of sand or stone, water, and cement.

CONDITIONAL USE: A land or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- A. Certain conditions as detailed in the zoning ordinance exist;
- B. The use or development conforms to the Comprehensive Land Use Plan of the City; and
- C. Is compatible with the existing neighborhood.

CONGREGATE RESIDENCES: Residences with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

~~CONSTRUCTION STAGING YARD: A defined area on a lot which contains buildings and/or equipment associated with on or off site development or redevelopment activities.~~

CONSTRUCTION SERVICES: An establishment providing building trade services such as electrical, plumbing, HVAC, carpentry, roofing, concrete, excavation, landscaping, or similar work, which may include an office, workshop, and the storage and dispatch of vehicles, tools, and equipment.

CONSUMER VEHICLE: A new motor vehicle not previously titled or registered and meets the passenger automobile definition under Minnesota Statutes, Section 168.002. Neighborhood electric vehicles, medium-speed electric vehicles, and roadable aircraft, as defined in Minnesota Statutes, Section 169.011, are excluded.

CONTRACTOR YARD: An outdoor storage area containing materials and equipment which are accessory to the principal use ~~(contractor business operations).~~

CONVENIENCE STORE, MOTOR FUEL STATION: A motor fuel station that offers for sale a limited amount of food and household products, which are in addition to those typically supplied at a motor fuel station.

~~CONVENTION HALL: A structure without kitchen facilities designed for hosting a variety of commercial or community events of large groups of people.~~

CROWN COVER: The ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

CURTAIN WALL: A building facade which does not carry any dead load from the building, other than its own load and is designed to resist air and water infiltration.

CUTTING: Felling or removal of a tree or any procedure (including root removal) the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning or trimming.

DATA CENTER: A facility used to house computer systems and associated components, such as telecommunications and storage systems generally including redundant or backup power supplies, data communications connections, environmental controls (e.g., air conditioning, fire suppression) and various security devices.

~~DAYCARE NURSERY: Any facility or home where children under 12 years of age who are not members of the family or the superior or custodian in charge:~~

~~A. Meet or are scheduled to meet regularly for more than one day a week, for all or part of the day; and~~

~~B. Meet either to be watched or cared for while their parent or guardian is otherwise engaged or to afford themselves opportunities for physical, social, emotional or intellectual growth.~~

~~These terms shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting.~~

DAYCARE CENTER (CHILD OR ADULT): Any facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a twenty-four (24) hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four (24) hour period

DECIDUOUS: Plants which lose foliage and become dormant during winter months.

DECK: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet (3') aboveground.

DECORATIVE BLOCK: A masonry building block of cast concrete and aggregate rock that has a split rock, bricklike, burnished, or ribbed texture on the side to be exposed, and is available in a variety of colors. Block that has been scored to give the appearance of additional joints is not a decorative block.

DENSITY, GROSS: The quotient of the total number of dwelling units divided by the gross site area. "Gross site area" means the total acres contained in the boundaries of the site.

DENSITY, NET: The quotient of the total number of dwelling units divided by the net site area. "Net site area" means the total acres contained in the boundaries of the site excluding all public roadway easements and rights-of-way, all private roadways, any part of a site excluded from the lot area calculations of the Shoreland Overlay District in chapter 8 of this title, and delineated wetlands, stormwater ponds and public parks and open space.

DESIGN STORM: The 1.5 inch design storm is based on USDA NRCS methods for a storm having a twenty four (24) hour duration, type II distribution and antecedent moisture conditions 2 (AMC-2).

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT: The construction, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or watercourse or the division of land into 2 or more parcels.

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DEVELOPMENT PERMIT: Any building permit, zoning permit, plat approval, rezoning, certification, conditional permit or variance.

DIMENSIONAL REQUIREMENT: A minimum/maximum setback, yard requirement, or structure height or size established in the zoning ordinance.

DIRECTORY SIGN: An exterior informational sign which identifies the names and/or addresses of businesses or tenants within a multi-tenant building.

DRIP LINE: An imaginary vertical line, which extends from the outermost branches of a tree's canopy to the ground.

DRIVE AISLE: A permanently surfaced (concrete, bituminous or pavers) area providing vehicular access between and adjacent to parking spaces.

DRIVEWAY: A permanently surfaced (concrete, bituminous or pavers) area providing vehicular access between a street and an off street parking or loading area.

DRY BUILDABLE AREA: For the purpose of determining the adequacy of lots on which a subsurface sewage treatment system (SSTS) for a single-family detached dwelling is to be located, the following shall be excluded from the gross area:

- A. Wetlands, as designated in the Burnsville wetland protection and management plan and water resources management plan.
- B. FEMA designated floodplains.
- C. Very steep slopes in excess of 18 percent in gradient.
- D. Portions of the lot below the ordinary high water mark of a public water.

DUPLEX, TRIPLEX AND QUAD: A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

DWELLING: A building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, trailer coaches or lodging rooms.

DWELLING, APARTMENT: An attached dwelling unit that has front access from a common entrance and hallway, and parking in a common garage structure or common area within the building.

DWELLING, ATTACHED: A dwelling which is joined to another dwelling. DWELLING,

DETACHED: A dwelling which is entirely surrounded by open space.

DWELLING, TOWNHOUSE: An attached dwelling unit that has its own front access to the outside, is not located over another unit, is separated from all other units by one or more vertical common fire resistant walls, and has parking in a garage attached to and accessible from the unit.

DWELLING, TWO-FAMILY: A building initially constructed on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced fire resistant wall extending from ground to roof.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DYNAMIC DISPLAY BILLBOARD: An off premises advertising sign used for outdoor advertisement including, but not limited to, cathode ray tubes (CRT), light emitting diode (LED) displays, plasma displays, liquid crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors. Dynamic display billboards may be internally or externally illuminated in compliance to lighting limitations in section 10-12-8 of this chapter. Dynamic display billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing, scintillating lighting or the varying of light intensity. Each message on the sign must be displayed for a minimum of eight (8) seconds.

EASEMENT: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

EFFICIENCY APARTMENT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closet or dining alcove directly off the principal room, provided that such dining alcove does not exceed 125 square feet in area.

END USE PLAN: The exhibits and supporting documentation required in the approval of conditional use permits for land reclamation mining and soil processing operations. This plan includes a description of the proposed process for the restoration of land; the proposed volumes of subsoil and topsoil to be deposited, and the shape and contour to which it will be graded; the proposed elevations throughout the property following its restoration and the relationship between these elevations and surrounding properties, as well as existing and proposed utilities and streets; a landscape plan showing the number, species and sizes of trees and shrubs proposed for the revegetation of the property; and any other information deemed necessary by the City to assess the ultimate impact of the proposed operations on the goals, policies and objectives contained in the City's comprehensive plan.

EQUAL DEGREE OF ENCROACHMENT: A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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EQUIPMENT RENTAL BUSINESS: A business that rents or leases equipment, furniture, or household items for temporary use by the customer including the sale of business owned, previously rented used items.

EROSION: The general process by which soils are removed by flowing surface or subsurface wind or water.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings.

EVENT CENTER (Includes convention, exhibit hall, banquet halls): An establishment which is rented by individuals or groups to host private social gatherings including, but not limited to, banquets, meetings, weddings, and other similar celebrations.

EVERGREEN TREES: Large evergreens which reach mature heights of fifty feet (50') or more.

EVERGREENS: A plant which retains its green color year round and does not drop its fronds or needles in the winter.

EXCESS PARKING: Parking spaces that exceed the minimum off-street parking requirements established by this Title, or are currently underutilized by the principal use, and that are available, functional, and legally permitted for shared or secondary uses.

EXTERIOR STORAGE: Outdoor storage of fuel, raw materials, products, equipment and motor vehicles.

EXTRACTIVE USE: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota statutes, sections 93.44 to 93.51.

FAMILY: An individual or 2 or more persons related by blood, marriage, guardianship or adoption living together as a single housekeeping unit; or a group of not more than 4 persons not so related, maintaining a common household and using common cooking and kitchen facilities; or a residential program (group home) for 6 or fewer persons as defined and licensed by the State of Minnesota.

FARM: An area of land devoted primarily to the practice of producing and managing food such as produce and grain but not including commercial animal farms, fur farms, kennels and poultry farms.

FARMERS' MARKET: Outdoor sales of fruits, vegetables, honey, flowers, plants, homemade bakery goods, cheeses, and soaps.

FINANCIAL SERVICES: A use involving the management, investment, transfer, or lending of money and financial assets, including institutions and offices that provide banking, credit, insurance,

or investment-related services. This use is typically characterized by office-oriented activities with customer visits occurring on an appointment or walk-in basis.

FIXED WIRELESS SIGNAL: Any commercial nonbroadcast communication signals transmitted via wireless technology to and/or from a fixed customer location, which may include the following: audio, video and data communications. This definition does not include broadcast communication signals such as: AM radio, FM radio, amateur ("ham") radio, citizens band (CB) radio, and digital audio radio service (DARS) signals.

FLAG: A piece of cloth or bunting with no commercial message that may vary in color and design, and that may include a symbol, standard, emblem or insignia identifying a governmental agency or any civic, charitable, religious, institutional, patriotic, corporate, fraternal or similar organization. A flag shall not be considered to be a "banner", "bannerette", pennant, ribbon, or streamer, as defined in section 10-30-2 of this title.

FLOOD: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE: That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study, Dakota County, Minnesota, and incorporated areas.

FLOODPLAIN: The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

FLOODPROOFING: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA: For the purpose of calculating the number of off street parking spaces, shall be the net usable floor area of the various floors, exclusive of hallways, utility space, restrooms, window showcases, and ornamental space not used for assembly.

FREESTANDING SIGN: A self-supported sign placed on or in the ground and not affixed to any part of any structure.

FRONTAGE: The portion of a building directly adjacent to a vehicular right-of-way.

GAMBREL ROOF: A symmetrical two-sided roof with two (2) slopes on each side. The upper slope is positioned at a shallow angle while the lower slope is steeper.

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GARAGE: An accessory building or accessory portion of the principal building which is used to store automotive vehicles or major recreational equipment by a user of the property.

GAZEBO: A freestanding, roofed building with completely open or screened sides used as an outdoor living area.

GENERAL FLOOR PLANS: A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

GOVERNMENTAL SIGN: A sign which is erected by a public school district, governmental unit or transit authority with the permission of the City, for information, identification or traffic.

GOVERNMENT USE: means a building or facility operated and maintained by a local, district, county, regional, state or federal government entity.

GREEN AREA: Land shown on a development plan where vegetation is planted or required to meet landscape standards of this title.

GREEN ROOFTOPS: Veneers of living vegetation installed atop of buildings which act to manage stormwater by mimicking a variety of hydrologic processes normally associated with open space.

GROUND COVER: Plants which are used for accents and/or soil stabilization and are typically twenty four inches (24") or less in height.

GROUND SIGN: A freestanding sign under eight feet (8') in height erected on one or more freestanding shafts, posts, or piers which are solidly affixed to the ground and not attached to a building. A ground sign shall be considered one sign though it may have two (2) faces.

GROSS SOIL LOSS: The average annual total amount of soil carried from one acre of land by erosion.

GROUND LEVEL VIEW: The view of the building from the farthest point of the width of the right-of-way from the property line(s) that abuts a right-of-way and adjoining lot lines.

GROUND MOUNTED SOLAR ENERGY SYSTEM: A ground mounted system mounted directly above existing grade and where the base of the solar collector is no more than thirty inches (30") above natural grade.

HEALTH CLUB: ~~A business that provides recreational services and facilities, usually for the benefit of its membership or the general public, involving aerobic exercises, strength and cardiovascular equipment, indoor or outdoor game courts, swimming pools, running tracks, massage, tanning, hair and other personal services, saunas, steam rooms, showers and lockers and the like that may be used at any time that the operation is open for business.~~ A commercial establishment providing facilities for physical fitness, exercise, and recreational activities, available to members or the general public, including but not limited to aerobic exercise areas, strength and cardiovascular training equipment, fitness studios, gymnasiums, indoor or outdoor courts, swimming pools, saunas, steam rooms, and

running or walking tracks, and may include locker rooms, showers, and other similar facilities customarily associated with fitness and exercise uses. Accessory uses, including massage therapy, tanning services, or other personal services, may be permitted if they are clearly incidental to the primary health club use.

HEAT ISLAND REDUCTION: Use of vegetative cover to minimize heat islands on hard cover areas and to reduce impact on microclimate and human and wildlife habitat.

HEIGHT OF SOLAR ENERGY CONVERSION SYSTEM: The height of a solar energy conversion system measured from natural grade to the highest point of the system.

HIVE: The receptacle inhabited by a colony.

HOME OCCUPATION: The use of a residential dwelling for business, trade or professional purposes.

HORIZONTAL PATTERNS: An artistic or decorative horizontal design embedded into a decorative concrete block or acceptable concrete panel wall through the use of brick, stone, block or other material which is incorporated into the overall design through horizontal forms.

HOTEL: Every structure or any part thereof containing 4 or more guestrooms, kept, used as, maintained as, advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public for periods as short as 1 week.

ILLUMINATED SIGN: Any sign which is lighted by an artificial light source either external (light source not within sign) or internal (light source within sign), or by means of reflective materials. Illuminated architectural features or portions thereof which contain no copy or graphics shall not be defined as an illuminated sign, but shall be included in the total sign area pursuant to Section 10-12-3(N) of this chapter.

IMPERVIOUS SURFACE: The portion of the buildable parcel which has a covering which does not permit water to percolate into the natural soil. Impervious surface shall include, but not be limited to, buildings, all driveways and parking areas (whether paved or not), sidewalks, patios, swimming pools, tennis and basketball courts, covered decks, porches, retaining walls, solar energy systems and other structures. Open, uncovered decks are not considered impervious for the purposes of this chapter. The use of patio blocks, paver bricks or class 5 gravel material are considered impervious surfaces as a majority of water runs off the surface rather than being absorbed into natural soils underneath.

INCIDENTAL USE: Use of a premise which is ancillary and subordinate to the principal use.

INCIDENTAL ACCESSORY USE: Temporary indoor use of a structure not related to the principal use. This excludes special promotional or sales events related to the business on site or special events with advertising as permitted in Title 3, Chapter 14 of this Code.

INCIDENTAL ACCESSORY USE PERMIT: A permit from the City for the temporary indoor use of a structure not related to the principal use.

INDUSTRIAL FOOD PRODUCTION: Growing or raising of food products such as vegetables,

fruit, herbs, or fish, but not including insects, poultry and other livestock, completely contained within a building and intended for sale to consumers, restaurants and independent stores.

~~INSTRUCTION/LEARNING CENTER: A business that provides instruction in specific areas of knowledge or activities such as math, science, reading, dance and martial arts, but not a public/private elementary or secondary school.~~

INFLATABLE DEVICES: Any three-dimensional object supported or filled by forced air, helium or other gas.

INFORMATION SIGN: Any permanent sign, including on premises directional signs, and public information service signs, giving information to employees, customers, visitors or delivery vehicles, but containing no advertising or identification.

INTEGRAL SIGN: A sign carrying the name of a building, its date of erection, incidental information about its construction, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.

INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

INTERIM USE: A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

INTERIM USE PERMIT (IUP): A permit issued by the City Council in accordance with procedures specified in this title.

INTERMEDIATE CARE FACILITY: A residential facility which undertakes through its ownership or management to provide on a 24 hour per day basis, personal care services and health related care and services, for each of its residents. "Personal care services" means, in addition to housing and a minimum of 2 meals per day, assistance with activities of daily living, including bathing, dressing, eating, mobility and continence. "Health related care and services" means limited medical supervision by licensed or qualified persons, to persons who require such assistance, but who do not require the degree of care and treatment that a nursing home or hospital provides.

INTERNAL PARKING AREA: That area of the parking lot or parking area where parking stalls and the drive aisles that directly access said parking stalls are located. The area of landscaped medians internal to the parking area, rainwater gardens, fountains, infiltration basins and landscaped parking islands may be counted for the purpose of calculating internal parking area green space. The exterior perimeter of the site may not be included as part of the internal parking area green space.

KENNEL, COMMERCIAL: Any place where 6 or more dogs over 4 months of age, or more than 10 cats over 4 months of age, or more than 10 ferrets over 4 months of age, or any combination thereof, not including offspring under 7 months of age, are commercially kept, boarded, trained or offered for sale except when located in a pet shop or veterinary clinic/hospital. A kennel may include secured

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outdoor runs and/or play areas.

LAKESCAPING: A buffer zone of unmowed native vegetation that extends both lakeward and landward from the water's edge. It is a natural approach to erosion control that slows runoff and enhances wildlife habitat.

LARGE SHRUBS: Deciduous shrubs with mature natural growth over six feet (6') in height.

LARGEST WORK SHIFT: The maximum number of employees present at the facility at any one time regardless of the time period. The largest work shift may occur on a particular day of the week.

LAWN: Ground cover (as around a house or building) that is covered with turf grasses and kept, or required to be kept, "regularly cut" as defined in section 7-1-9-1 of this code.

LIMITED PRODUCTION AND PROCESSING: Small-scale assembly, disassembly, fabrication, manufacturing, cleaning, servicing, packaging.

LIVING AREA: A structure or portion thereof that is used exclusively for human habitation and living facilities on a permanent, nonseasonal basis.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space.

LOGO SIGNS: Any brand name, trademark, logo, distinctive symbol, or other similar device or thing used to identify a particular business, institution, or activity.

LONG TERM CARE FACILITY: A facility that provides healthcare under medical supervision for 24 or more consecutive hours to 2 or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

LOT: A parcel of land of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines measured within the lot boundaries.

LOT, CORNER: A lot situated at the junction of, and abutting on 2 or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT, DOUBLE FRONTED: See definition of Lot, Through; Double Fronted Lot.

LOT FRONTAGE: The horizontal distance between the side property lines, measured at the front property line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line for applying this title.

LOT LINE, FRONT: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, the lot line with the shortest dimension on a public street, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

LOT LINE, REAR: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD: Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

LOT, THROUGH; DOUBLE FRONTED LOT: A lot which has a pair of opposite lot lines abutting 2 substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines.

LOT WIDTH: The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

~~LOUNGE: An establishment used for the purposes of meeting, recreational or social interaction and that may or may not sell or provide alcoholic beverages.~~

~~LOW AND MODERATE INCOME HOUSING: Low and moderate income households vary with family size. For the purpose of administering this title, the current low and moderate income levels identified by the metropolitan council for both housing cost and rental shall apply.~~

LOWER-POTENCY HEMP EDIBLE MANUFACTURE: A business that manufacturers and packages lower-potency hemp edibles for consumer sale, and/or sells hemp concentrate and lower-potency hemp edibles to other cannabis businesses and hemp businesses, pursuant to Minnesota Statutes, Chapter 342.

LOWER-POTENCY HEMP EDIBLE RETAILER: A business that sells lower-potency hemp edibles to customers, pursuant to Minnesota Statutes, Chapter 342.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

MAJOR RECREATIONAL EQUIPMENT: Includes boats and boat trailers, travel trailers, converted buses, motorized dwellings, racecars, dune buggies, cars licensed as pioneer or classic vehicles, pickup campers or coaches (designed to be mounted on automotive vehicles) and the like.

~~MAJOR RENOVATIONS: All construction which repairs, remodels or alters a building 10 percent or more of the existing building size.~~

MAJOR ROADWAYS: All roadways that are classified as a principal or minor arterial in the comprehensive plan.

MANUFACTURING, LIGHT: The assembly, fabrication, processing, or packaging of materials or products from previously processed components, conducted within an enclosed building and not producing off-site impacts, including noise, vibration, odor, fumes, dust, glare, or illumination.

MAKERSPACE/ARTISAN MANUFACTURING: An establishment where hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include but are not limited to electronic goods; food and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metalwork; furniture; glass or ceramic production; paper manufacturing. Commercial kitchens, coolers and warehouse uses are not considered artisan manufacturing.

MANUFACTURING, HEAVY: Industrial uses involving the processing or production of materials that customarily generate substantial off-site impacts, including noise, vibration, odor, fumes, dust, or truck traffic, and therefore require separation from sensitive land uses. Excluding slaughterhouses and rendering plants.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the

standards established under Minnesota Statutes, Chapter 327.

MANUFACTURED HOME PARK: Any site, lot, field or tract of land upon which 2 or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

MANUFACTURED HOME SITE: An area within a manufactured home park, designed, leased or used for the accommodation of one manufactured home.

MARINA: A place located on or immediately adjacent to a body of water where boats and other watercraft are kept, moored or stored for a consideration, and may include facilities for servicing, repairing, renting or selling watercraft and watercraft equipment or accessories.

MASONRY: A building wall construction method whereby individual bricks, stones, or concrete blocks are joined together with a mixture of cement, sand, and water.

MAXIMUM HEIGHT: The vertical distance measured from the highest adjacent grade, within one foot (1') of the base of the sign, to the top of a sign.

MECHANICAL EQUIPMENT: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers energy from the solar energy system to the intended on site structure.

MEDICAL CANNABIS COMBINATION BUSINESS: Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business.

MEDICAL CANNABIS PROCESSOR: Purchase, make, manufacture, package, and label medical cannabis.

MEDICAL CANNABIS RETAILER: Purchase and sell medical cannabis to authorized persons.

MEDICAL MARIJUANA: Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins and is delivered in the form of (1) liquid, but not limited to oil; (2) pill; (3) vaporized delivery method with use of liquid or oil, but which does not require the use of dried leaves or plant form that has been approved by the commissioner of the Minnesota department of health under Minnesota Statutes, Section 152.25.

MEDICAL MARIJUANA DISTRIBUTION FACILITY: An establishment engaged in the sale of medical marijuana that is validly registered and approved by the State of Minnesota.

MEDICAL SERVICE OR CLINIC: A facility for the practice of medicine, mental health, chiropractic services or dentistry for humans, including ancillary diagnostic laboratories and medical counseling services, but not including inpatient or overnight care, or operating rooms for major surgery.

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MEDICAL WASTE TRANSFER FACILITY: A place of business engaged in the collection, containerization, and shipment of medical waste, including, but not limited to, sharp, hazardous, and infectious substances and materials from hospitals, nursing homes, funeral homes, and medical, dental and veterinary clinics/hospitals. Such facility shall not include the incineration, decontamination or reduction of such waste as a permitted, accessory, conditional or interim use, except that such facility may include as a conditional use the decontamination of such waste through a continuous feed, dry heat autoclave system as permitted by the Minnesota pollution control agency.

MEDIUM SHRUBS: Deciduous shrubs with mature natural growth between four feet (4') to six feet (6') in height.

MINIMUM HEIGHT: The vertical distance measured from the highest adjacent grade, within one foot (1') of the base of the sign, to the bottom of such sign.

MINISTORAGE: A building which contains separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

MINOR RENOVATIONS: Improvements made to an existing building that do not alter the size, height, or exterior wall elevations or change exterior building materials. Repairs and renovations which utilize the existing exterior materials.

~~**MODEST-COST HOUSING:** Housing which is built at a cost below the average housing in the community.~~

MONUMENT SIGN: A freestanding sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is attached to the ground by means of a freestanding support structure, is solid from grade to the top of the structure, has materials that are constructed of the same primary building materials of the principal structure, is placed directly on the ground or on an interior planter base which is incorporated into a design arrangement. A monument sign shall be considered as one sign though it may have two (2) faces.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is transferred and/or stored for movement in intrastate or interstate shipment by motor truck.

MOTOR FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, vehicle fuels, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

~~**MOTOR FUEL STATION (CLASS I):** A motor fuel station consisting of 4 motor fuel dispensers or less. There shall be no more than 400 square feet of retail sales unrelated to automobile service nor more than 2 service bays.~~

~~**MOTOR FUEL STATION (CLASS II):** A motor fuel station including one or more of the following: more than 4 motor fuel dispensers, more than four hundred (400) square feet of retail~~

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~~sales unrelated to automobile service, a car wash, or more than 2 service bays.~~

~~MOTOR HOTEL OR MOTEL: A building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.~~

MOUNTING DEVICE: Racking, frames or other devices and hardware that allow the mounting of a solar collector onto a roof or wall surface, pole or the ground.

MULTIFACED SIGN: Any sign with a sign face oriented to more than two (2) directions.

MUNICIPAL ANTENNA SITE: A location in the City of Burnsville on which is located one or more radio or television antennas available for connection and use by any person, firm or corporation in accordance with the provisions of this title.

MUNICIPALITY OR CITY: The City of Burnsville.

~~NIGHTCLUB: An establishment providing live entertainment and/or a permanent area for dancing and which may serve food and/or alcoholic beverages.~~

NAMEPLATE SIGN: Any sign in a Residential District which states the name and/or address of a business or occupant of the lot where the sign is placed.

NATIVE SPECIES: Plants that are indigenous to a particular region. In Minnesota, plants are considered native if they were present at the time of the public land survey (1847-1907), which was conducted prior to and during the early stages of European settlement.

NONCOMMERCIAL SPEECH: Messages concerning political, religious, social, ideological, public service, holiday, and informational topics.

NONCONFORMING USE: Use of land, buildings or structures existing at the time of adoption of this title which does not comply with all the regulations of this title or any amendments hereto governing the zoning district in which such use is located.

NONDECORATIVE CONCRETE BLOCK: A masonry building block of cast concrete either plain or scored to give the appearance of additional joints, that has no additional surface texturing.

NOXIOUS MATTER OR MATERIALS: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

NOXIOUS WEEDS: Those plants so designated by the state of Minnesota and section 7-1-9-1 of this code.

NURSERY: An enterprise which conducts the retail or wholesale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

~~NURSING HOME: A state licensed facility used to provide care for aged or infirm persons who require nursing and personal care and related services in accordance with state regulations. A nursing home may be a residential healthcare facility, an intermediate care facility, or a long term care facility.~~

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

OCCUPANCY LOAD: The maximum number of persons which may be accommodated by the use as determined by its design, the building code and fire code adopted in Titles 4 and 5 of this Code, whichever is greatest.

OFF GRID SOLAR ENERGY SYSTEM: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits served by an electric utility company.

OFF PREMISES ADVERTISING SIGN: A billboard, poster panel, painted bulletin board, dynamic display billboard or other communicative device which is used to advertise products, goods, services, ideas or noncommercial speech which are not exclusively related to the premises or owner of the property on which the sign is located.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations but where goods are not produced, sold, repaired or warehoused.

ON GRID SOLAR ENERGY SYSTEM: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

ON PREMISES DIRECTIONAL SIGN: A sign erected on private property which contains no advertising, and is specifically intended to facilitate the safe movement of pedestrians and vehicles into, out of and circulating upon the site on which such signs are located.

OPAQUE: Impervious to the passage of light.

OPEN SALES LOT: Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

~~OUTDOOR SPORTS, RECREATION, OR ENTERTAINMENT FACILITY: An outdoor facility or space designed, constructed, and operated by private enterprise for recreational purposes and open to the general public including skating, mini-golf, shuffle boards, racquet and athletic courts, playground, swimming, skateboarding, aerobics, yoga, movie, music or live theater performance venue and similar uses.~~

ORDINARY HIGH WATER LEVEL (OHWL): Boundary of public waters and wetlands at an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

ORIGINAL ART MURAL: A hand-painted image on or affixed to the exterior wall of a building that is coordinated with a commissioned artist and is noncommercial in nature. Any building surface may have a mural.

ORNAMENTAL TREES: Often defined as understory trees. Used for color accents or where a large tree is not practical. A deciduous tree with a mature height under thirty feet (30').

OVERSTORY TREES: Large deciduous shade producing trees with a mature height over thirty feet (30').

PANELIZED SYSTEM: Prefabricated, or factory manufactured panels that form a structural envelope, providing insulation capacity, and significantly simplify on site framing.

PARAPET: The portion of a vertical wall plane located along the edge of the roof that extends above the roof level (deck) of the building.

PARKING LOT ISLANDS: A physically separated area from the permanently surfaced parking or driving areas which provides landscape features and helps define parking spaces.

PARKING SPACE: A permanently surfaced (concrete, bituminous or pavers) space for one vehicle.

PASSIVE RECREATION AND OPEN SPACE: Uses of land primarily intended for the preservation of open space and natural resources and for low-intensity recreational activities that do not require substantial structures or facilities. Such uses may include walking and nature trails, picnicking, gardens, natural areas, wildlife observation, and similar activities, and shall not include organized athletic events, commercial recreation, or activities that materially alter the natural character of the site.

PASSIVE SOLAR ENERGY SYSTEM: A system (such as a glass window or door), that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PATTERNS: An artistic or decorative design embedded into a concrete block or concrete panel wall or the layout or placement of brick, stone or other material, into a uniform design.

PAWNSHOP: A business that loans money on deposit or pledge of personal property or other valuable thing, or that deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price; or that loans money secured by chattel mortgage or on personal property, taking possession of the property or any part thereof so mortgaged. Any bank,

savings and loan association or credit union shall not be deemed a pawnshop.

PENNANTS: Flexible material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually triangular shaped and in a series, designed to move in the wind.

PERENNIAL: A plant, usually a flowering species, having a life span more than two (2) years. Appears or blooms every year.

PERFORMANCE STANDARD: Any criterion established by this title or deemed necessary by the city council to achieve the goals and objectives in the comprehensive plan.

PERSON: Includes individuals, firms, corporations, associations, trusts, partnerships and any other similar entities.

PERMANENT SIGN: A sign that is not temporary and is affixed or attached to a building, ground or a structure whose intended use and duration appears to be definite.

PERSONAL SERVICES: Uses including consumer convenience services that are offered for compensation including hair salons, beauty and barber shop, body art, facial care, pedicures, therapeutic massage business pursuant to Title 3, Chapter 15 of this Code, manicures, laundry and dry cleaning pick up stations including incidental pressing and repair, and custom clothing alterations.

PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services.

PERVIOUS PAVEMENT: A paving system that allows water to infiltrate through the pavement in order to accurately reflect the predevelopment hydrologic cycle and includes, but is not limited to, porous concrete, porous asphalt, porous pavers, open jointed paving blocks, and open cell paving blocks.

PET GROOMING: A business where clipping, bathing, and related services are provided for dogs, cats, and other domestic pets but not including veterinary care, adoption activities, outdoor runs or play areas and/or overnight boarding.

~~PET SHOP: A place kept or maintained for the exhibition for sale, or sale or purchase, or adoption of domestic animals including live dogs, cats, rabbits or other small animals, birds, reptiles or fish. Pet shops may include incidental animal grooming and adoption activities, but not outdoor runs or play areas, veterinary clinics/hospitals, or places selling live bait for fishing.~~

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

PLAIN CONCRETE BLOCK: A masonry building block of cast concrete, either plain or scored to give the appearance of additional joints, that has no additional surface texturing.

PLANNED UNIT DEVELOPMENT: A zoning district, which may include single or mixed uses, one or more lots or parcels, intended to create a more flexible, creative and efficient approach to the use of land and subject to the procedures, standards and regulations contained in this title.

PLANNING COMMISSION: The Burnsville Planning Commission.

PLANTING SCHEDULE: A listing of all plants to be installed, identifying their common name, botanical name, plant size, root type, and quantity to be installed.

PLAT: The drawing or map of a subdivision proposed for filing of record pursuant to Minnesota Statutes, Chapter 505 and containing all elements and requirements set forth in the City Subdivision Ordinance.

POLE MOUNTED SOLAR SYSTEM: A pole structure mounted to the ground, where the base of the solar collector is more than thirty inches (30") above natural grade and its supports are designed and constructed primarily for the purpose of supporting one or more solar systems. This includes self-supporting monopole towers and utility poles.

POORLY DRAINED SOILS: Soils located where the water table is permanently or seasonably three feet (3') or less from the ground surface.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operations of the business.

PRACTICAL DIFFICULTIES: The same as that term is defined in Minnesota statutes, chapter 462, and subsection 10-2-3 of this title.

PRECAST PANEL: A building wall section of concrete poured into a form at the manufacturer's facility and shipped to the construction site for installation.

PRESTRESSED CONCRETE PANELS: A building wall section of concrete poured into a form at the manufacturer's facility and shipped to the construction site for installation.

PRIMARY STREET: The street designated for a particular site that receives priority over other abutting streets in terms of setting front lot lines and locating building entrances. For each site, staff shall determine the primary street.

PRINCIPAL BUILDING: A building or buildings in which is conducted the principal use of the lot, not including storage buildings, garages, and buildings for other clearly accessory uses.

PRINCIPAL STRUCTURE: Any building or appurtenance, including decks, which is used to conduct the principal land use of the lot on which it is located except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

PRIVATE ANTENNA: Antenna erected for noncommercial use.

PRODUCE: Farm products that are planted, maintained, and harvested by a producer or vendor.

PRODUCER: A person(s) (vendor) who owns or rents land, and plants, maintains and harvests produce.

PROJECTING SIGN: A sign other than a wall sign which is perpendicular to and projects from a building, is supported by a wall of a building or structure, where the leading edge extends more than twelve inches (12") beyond the surface of such wall.

PROTECTED RESIDENTIAL PROPERTY: Any property within the city that meets all of the following requirements:

- A. The property is zoned RR-1, R-1, R-2, R-3, or R-4;
- B. The property is designated on the comprehensive plan as residential, including manufactured housing park; and
- C. The property is used or subdivided for use as residential.

PUBLIC INFORMATION SERVICE SIGN: A sign designating the current time and/or temperature and/or stock market data on the exterior of a building or pylon so as to be viewed by the passing public from a public right-of-way.

PUBLIC UTILITY: Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this chapter, personal wireless services shall not be considered public utility uses, and are defined separately

PUBLIC VIEW: The view of any building elevation by the public from a public or private street which abuts the property.

PUBLIC WATERS: Any waters as defined in Minnesota statutes, section 103G, subdivisions 14 and 15.

PUBLIC WATERS WETLANDS: All types 3, 4, and 5 wetlands, as defined in United States fish and wildlife service circular no. 39 (1971 edition), not included within the definition of public waters, as defined in Minnesota statutes section 103G.005, subdivision 15, that are two and one-half (2 1/2) or more acres in size.

PYLON SIGN: A freestanding sign erected on one or more freestanding shafts, posts, or piers which are solidly affixed to the ground and not attached to a building. A pylon sign shall be considered as one sign though it may have two (2) faces.

RAIL UNLOADING FACILITY: Any business at which railroad cars are unloaded.

RAIN GARDENS/BIORETENTION SYSTEMS: Shallow landscaped depressions commonly located in parking lot islands or adjacent to land cover areas that receive stormwater and filter the runoff or allow it to infiltrate in the soil bed.

RAIN SCREEN: An exterior weather facing surface of an exterior wall detail that stands off from the moisture resistant surface of the structural backup wall.

REACH: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL MOTOR VEHICLE: Any self-propelled vehicle, power assisted vehicle, and any vehicle propelled or drawn by a self-propelled vehicle, powered by a combustion engine or electric motor, including, but not limited to, trail bikes, mini-bikes, go-carts, all-terrain vehicles, snowmobiles, hovercraft, or other vehicles not licensed under the provisions of Minnesota Statutes, Chapter 168, excluding motor vehicles used in the performance of lawn/yard maintenance or snow removal, or designed for construction, commercial, medical, industrial, or agricultural use. This does not apply to licensed mopeds, motorized bicycles, personal assistive mobility devices (also known as "segways"), or electric assisted bicycle, as defined in Minnesota Statutes, Section 169.011 and regulated within Minnesota Statutes, Chapter 169 or any ADA approved mobility device.

RECREATIONAL VEHICLE: A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this title, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

RECYCLING FACILITY: Any land or structure used for salvaging operations including, but not limited to, the storage and sale of wastepaper, rags, scrap metal and discarded materials and the collection, dismantlement, storage and salvage of 2 or more unlicensed, inoperative vehicles.

REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

REGIONAL SHOPPING CENTER: A commercial development over 500,000 square feet consisting of multiple individual retail, service, dining, or entertainment establishments under one roof, with internal corridors or concourses providing access to each tenant.

REGULARLY CUT: Mowing or otherwise cutting weeds or grass so that it does not exceed 8 inches in length.

RELIGIOUS INSTITUTION: A building, together with its accessory buildings and uses where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

REMOVE OR REMOVAL: The actual physical removal, or the effective removal through damaging, poisoning or other direct or indirect action resulting in, or likely to result in, the death of the tree.

RESEARCH AND DEVELOPMENT FACILITY: A building or portion thereof used for conducting scientific, medical, technological, or industrial research, including experimentation, testing, and development of new or improved products or processes. Such facilities may include offices, laboratories, and small-scale pilot production, provided that such activities are accessory to the principal research use and do not involve mass production.

RESIDENTIAL HEALTHCARE FACILITY: A facility for the frail elderly that provides on a 24 hour per day basis, rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse; and may provide other services, such as recreational, social, and cultural activities, financial services, and transportation.

RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption:

- A. Within the restaurant building;
- B. Within a motor vehicle parked on the premises;
- C. Off the premises as carryout orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in paper, plastic or other disposable containers.

RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- B. A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

RETAIL FOOD ESTABLISHMENT: Any fixed facility in which food or drink is offered or prepared primarily for retail sale.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETENTION FACILITY: A facility which provides storage of stormwater runoff and controlled release of the runoff during and after a flood or storm.

RETIREMENT HOUSING: Any age restricted residential development, other than a nursing home, that consists of attached or detached dwelling units, offering one level living areas, common activity or recreational facilities, and independent or congregate living. Retirement housing may be an adult retirement community, a congregate residence, or an assisted living facility.

RIBBONS OR STREAMERS: Long or varied lengths of flexible material used to decorate.

ROOF MOUNTED SOLAR SYSTEM: A solar energy conversion system located on the roof of a building, back side of a parapet wall, stage loft, water tower, or a roof structure for the housing of an

elevator, stairway, tank, ventilating fan, or similar equipment required to operate and maintain the building.

ROOF PITCH: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3:12, 9:12, 12:12.

ROOF SIGN: Any sign which is erected, constructed or attached wholly or in part upon any roof or over the roofline of a building. For buildings with multiple rooflines or roof decks, a roof sign is considered in relation to the adjacent roofline or deck of the sign and not the highest roofline of the building.

ROOFLINE: The top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

SANDWICH BOARD SIGN: Two (2) sided self-supporting temporary signs which may be no more than three feet (3') in width and four feet (4') in height. Sandwich board signs are allowed only during business hours and must be removed on a daily basis.

SCHOOL: ~~Unless otherwise specifically described in the ordinances of the City or other applicable laws or regulations, the term "school" shall mean any building where a principal use is educational instruction.~~ A public or private institution for learning with a pre-school, kindergarten, elementary or secondary curriculum with buildings, equipment, courses of study, class schedules, enrollment of pupils and staff meeting the standards established by the state.

SCREENING: A method of obstructing 100 percent of the view of one abutting or nearby structure or use from another by solid fencing, walls, berms, buildings, grade change or densely planted evergreen vegetation.

SECURITY SIGN: A sign identifying the presence of a security system.

SEDIMENT: Suspended matter carried by water, sewage or other liquids.

SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SERVICE ENTRANCE: Secondary passage or opening to a structure which is intended for delivery and removal of merchandise or goods, and which is not intended as a public entrance.

SETBACK: The minimum required distance between a sign, parking lot or the vertical wall of a building and a lot line as regulated by this title, or the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage

treatment system, top of a bluff, road, highway, property line, or other facility..

SEVERE SLOPES: Slopes of over 40 percent as measured over horizontal distances of 50 feet or more that are not bluffs.

SEWER SYSTEM: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHALLOW SOILS: Soils located over bedrock which lies three feet (3') to five feet (5') below the ground surface.

SHED ROOF: A roof having only one (1) sloping plane and no hips, ridges or valleys.

SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the required structure setback.

SHORELAND: Land located within the following distances from public waters: one thousand feet (1,000') from the ordinary high water level of a lake, pond, or flowage; and three hundred feet (300') from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

SIGN: Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person or persons when the same is displayed or placed out of doors in view of the general public, or inside of a building within 3 feet of a transparent window. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations except as herein provided.

SIGN AREA: That area that includes the smallest rectangle around each line of copy for individually mounted letter signs and the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure for all other signs. The maximum sign area is the maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a cumulative gross sign area in excess of such requirements as may be applicable.

SIGN SETBACK: The distance from the property line and curb to the nearest part of the sign, measured perpendicularly to the property line or curb.

SIGN STRUCTURE: The supports, uprights, bracing and framework for a sign.

SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the national register of historic places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota statutes, section 307.08. A historic site meets these criteria if it is presently listed on either

register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SKILLED NURSING FACILITY: A health care facility that provides 24-hour nursing care and medical supervision for persons who require ongoing skilled nursing or rehabilitative services. Nursing homes typically provide treatment, therapy, and medical services on a continuous basis and are licensed by the State of Minnesota. This use is considered institutional in character.

SLOPE: The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

SMALL SHRUBS: Deciduous shrubs with mature natural growth less than four feet (4') in height.

SOLAR ACCESS: Unobstructed access to the solar resource on a lot or building for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR ARRAY: Any number of solar collectors or photovoltaic modules.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports, and mounting hardware.

SOLAR DAYLIGHTING: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY DEVICE: A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization.

SOLAR ENERGY SYSTEM (SES): A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating and the power generated is used primarily for on site consumption.

SOLAR GLARE: The effect produced by light reflecting from a solar panel with an intensity

sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

SOLAR HOT AIR SYSTEM (Also Referred To As SOLAR AIR HEAT Or SOLAR FURNACE): An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south facing wall.

SOLAR HOT WATER SYSTEM (Also Referred To As SOLAR THERMAL): A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR RESOURCE: A view of the sun from a specific point on a lot or building that is not obscured by vegetation, building, or object for a minimum of four (4) hours between the hours of nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. standard time on any day of the year.

SOIL: The upper layer of earth which may be dug or plowed; the loose surface material of the earth in which vegetation normally grows.

SOILS WITH HIGH FROST ACTION POTENTIAL: Soils which are susceptible to changes in volume during period of frost.

SOILS WITH HIGH SHRINK-SWELL POTENTIAL: Soils which are susceptible to changes in physical volume when moistened.

SOILS WITH LOW PERMEABILITY: Soils which have a permeability rate greater than sixty (60) minutes per inch.

SOILS WITH RAPID PERMEABILITY: Soils having a permeability rate between five (5) minutes per inch and one-half (1/2) minute per inch.

SOILS WITH VERY RAPID PERMEABILITY: Soils having a permeability rate greater than 1/2 minute per inch.

SPECIAL SALES EVENT: Sales events such as crafts, samples, and art sales and boutiques selling handmade items, clothes, and gifts.

SPORTS ARENA: A structure where athletic sporting events are held and where accommodations for spectator viewing areas, team play, refreshments and athletic courts and/or fields are provided.

SPORTS PERFORMANCE TRAINING CENTER: A private establishment, not open to the general public, offering advanced appointment only individual or group athletic training programs for specific sports and athletic activities often associated with athletic organizations, sport associations, and schools, supervised by specialized coaches present for all training sessions and where tournaments and competitions may be held.

SPREADING AND GLOBE EVERGREENS: An evergreen shrub which maintains a natural global or spreading shape.

STABLE, COMMERCIAL: A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.

STABLE, PRIVATE: Any building accessory to an existing residential, principal use that shelters horses for the exclusive use of the occupants of the premises.

STATE LICENSE: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis business.

STEEP SLOPES:

- A. Lands having average slopes over 12 percent and up to 18 percent, as measured over horizontal distances of 50 feet or more that are not bluffs as defined in section 10-8-2 of this Title. Steep slopes include all soils grouped in Dakota County soil survey slope Class C.
- B. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty feet (50') or more, that are not bluffs.

STREET FRONTAGE: The side of a lot abutting one or more streets. An interior lot has one street frontage and a corner lot has two (2) or more frontages.

STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures or any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

STUDIO, ARTIST or INSTRUCTIONAL SERVICE: Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language, or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios, and photography studios.

SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Within any consecutive three hundred sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty

percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions

SUBSURFACE SEWAGE TREATMENT SYSTEM: A septic tank and soil absorption system or other individual sewage treatment system as described and regulated in Section 10-8-1 of this chapter and Title 7, Chapter 11 of this code.

SURFACE MOUNTED SOLAR ENERGY SYSTEM: A wall or roof mounted system mounted directly abutting a wall or roof.

SURFACE WATER ORIENTED COMMERCIAL USE: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TAVERN: ~~An establishment used primarily for drinking alcohol and designed for social interaction and/or entertainment. Also includes a bar, wine bar, pub, saloon, or microbrewery.~~ A business establishment where the primary activity is the on-site sale and consumption of alcoholic beverages, and where food service, if provided, is incidental. A tavern may include a bar, pub, microbrewery, saloon, taproom, or similar establishment.

TEMPORARY BANNER SIGN: A sign that is designed to be installed for a limited duration, subject to the standards outlined in 10-12-4(B) of this title that is attached to a building wall or fence that could be used to identify commercial or non-commercial speech.

TEMPORARY DECAL INSTALLATION: A sign installation upon an exterior wall or facade of a structure which is designed to be displayed for a limited duration subject to the standards outlined in 10-12-9 and could be used to identify commercial or non-commercial speech. Also known as building wrap.

TEMPORARY FREESTANDING SIGN: A self-supported sign which is placed in or on the ground and not affixed to any part of any structure and that is designed to be installed for a limited duration subject to the standards outlined in 10-12-4(C) of this title and could be used to identify commercial or non-commercial speech.

TEMPORARY OFF PREMISES DIRECTIONAL SIGN: A sign that is installed for a limited duration, which gives direction for a temporary event.

TEMPORARY SIGN: Any sign which is designed to be erected or displayed for a limited duration subject to the standards outlined in 10-12-4 of this title, and is not of a permanent nature. Any sign in which the duration of installation is in accordance with a special event is subject to the requirements of Title 3, Chapter 32 of this Code.

TEMPORARY/SEASONAL OUTDOOR SALES USES: The display or sale of the following items: Christmas trees; nursery stock, plants and related materials; garden produce; lawn, garden, patio furniture and furniture accessories; antique/flea market not to include vehicles; and farmer's markets. Transient roadside vending is specifically not allowed.

TEXTURES: A grainy, fibrous, woven or dimensional quality to an exterior building material surface as opposed to flat or smooth surfaces.

THRIFT STORE: A business that sells used items and includes any of the following operational characteristics, except those businesses defined in this Code as an "equipment rental business" or "pawnshop":

- A. Receipt of used items directly from the public at the business location.
- B. Processing, conditioning, cleaning, or repair of used items for resale.
- C. Storage of used items on site for processing, resale, or disposal.
- D. Receipt of goods through purchase, consignment, or donation.

TOE OF THE BLUFF: The lower point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

TOP OF THE BLUFF: The higher point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

TOWER: Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER, MULTIUSER: A tower which is designed to accommodate the antennas of more than one personal wireless service provider or governmental entity.

TRADE OR BUSINESS SCHOOL: A specialized instructional establishment which provides on site training of business, commercial, and/or trade skills such as accounting, cosmetology, data processing and computer repair. Incidental instructional services in conjunction with another use allowed in the zoning district shall not be considered a business or trade school.

TRANSIENT MERCHANT SIGN: A sign that is accessory to any person, firm, or corporation who obtained a transient merchant license per Title 3, Chapter 20 of this Code to engage temporarily in the business of selling and delivery of goods, wares, or merchandise within the City, and who in furtherance of such purpose, hires, leases, uses, or occupies any vacant lot, parking lot, motor vehicle, or trailer.

~~**TREE:** Any woody plant that has at least 1 trunk whose diameter 4 feet above the ground is 2 1/2 inches or greater.~~Any perennial woody plant having a main trunk and a distinct crown, with a trunk diameter of at least 2.5 inches measured at 4 feet above grade.

TREE PRESERVATION AREAS: Areas identified on a site plan where no construction or vegetation removal activity can occur, except undesirable trees and vegetation approved by the city forester.

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TRUCK FARM/GARDEN: An area of land typically less than 5 acres in size used for the small scale production of vegetables, fruits, sod, grains and flowers that are grown primarily for cash sales to consumers, restaurants and independent stores.

TURF GRASSES: Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, and rye grass blends, and nonwoody vegetation interspersed with them.

UNADORNED/PLAIN: An exterior building material designed with little or no adornment, color impregnation, decoration, or texture.

UNDERSTORY TREES: Often defined as ornamental trees. Also could mean the small trees under the canopy of a wooded area.

UNDEVELOPED PROPERTY: Any property within the city on which no "development" (as defined in section 10-3 of this title) has occurred.

UNUSUAL AGGRESSIVE BEHAVIOR: Any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

UPRIGHT EVERGREENS: An evergreen shrub which maintains a natural columnar or upright shape.

USE, PERMITTED: A public or private use which of itself conforms with the purposes and objectives of a particular district and conforms with all requirements, regulations and performance standards of such district.

USE, PRINCIPAL: The main use of land or buildings as distinguished from accessory uses. A "principal use" may be either permitted or conditional.

USE, TEMPORARY: One established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

VARIANCE: Permission to depart from the requirements of this title as defined in Minnesota Statutes, Chapter 462.

VEGETATION: All plant growth, including, without limitation, trees, shrubs, mosses and grasses.

VEGETATION, NATIVE: The presettlement group of plant species native to the North American continent which were not introduced as a result of European settlement.

VERTICAL PATTERNS: An artistic or decorative vertical design embedded into a decorative concrete block or acceptable concrete panel wall or the use of brick, stone, block or other material which is incorporated into the overall design through vertical forms.

VERY SHALLOW SOILS: Soils located over bedrock which lies 0 to 3 feet below the ground surface.

VERY STEEP SLOPES: Slopes between 18 percent and up to 40 percent as measured over horizontal distances of 50 feet or more, that are not bluffs. Very steep slopes include all soils grouped in Dakota County soil survey slope Classes D, E, F.

VETERINARY CLINIC/HOSPITAL: A clinic/hospital operated by a licensed veterinarian exclusively for the diagnosis, treatment, correction, relief, or prevention of animal disease, deformity, defect, injury, or other physical or mental conditions; the performance of obstetrical procedures for animals, including determination of pregnancy and correction of sterility or infertility; and the rendering of advice or recommendations with regard to any of the above.

VISUAL RELIEF: The incorporation of design features of a building that would include horizontal and vertical patterns, contrasting materials, colors and/or varying wall depths to prevent a continual flat expanse of wall.

WALL GRAPHICS: A sign which is painted directly on an exterior wall surface.

WALL MOUNTED SOLAR SYSTEM: A solar energy system located on the wall of a building.

WALL SIGN: A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve inches (12") from the surface to which it is attached, nor extend beyond the top of the parapet wall. Temporary banners do not qualify as a permanent wall sign.

WAREHOUSING: The storage of materials, goods, or equipment within an enclosed building.

WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WEEDS: As defined in section 7-1-9-1 of this Code.

WETLAND: ~~A low area permanently or seasonably covered with shallow water including marsh, swamp, bog, wet meadow, slough or intermittent lake.~~ Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, excluding public waters wetlands. For purposes of this definition, wetlands must have the following three (3) attributes:

- A. Have a predominance of hydric soils;
- B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- C. Under normal circumstances support a prevalence of such vegetation.

WHOLESALE: The selling of goods, materials, or equipment may be made in bulk to other

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business. No sales shall be made on the premises to the general public or individual members of a purchasing club.

WIND ENERGY CONVERSION SYSTEM: An electrical generating system or structure comprised of one or more wind turbines and accessory facilities that operate by converting the kinetic energy of the wind into electrical energy to be used on site or distributed into the electrical grid.

WINDOW SIGN: A temporary sign affixed to the outside or inside of a window or inside the building within three feet (3') of a window in view of the general public. This does not include merchandise on display.

WOODLAND: ~~A group of trees at least one-half (1/2) acre in area and with a crown cover of 50 percent or greater.~~ A group of trees or stand of trees and associated vegetation, including understory trees, shrubs, grasses, and leaf litter, covering at least one-half (1/2) acre in area and having a crown cover of 50 percent or greater.

XERISCAPING: A landscaping method which uses plants that have low water requirements, allowing them to withstand extended periods of drought without irrigation.

YARD: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this title. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

YARD, REAR: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE: A yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which such lot is located.

ZERO LOT LINE DEVELOPMENT: The location of a building in a business or industrial zoning district in such a manner that portions of the building rest on two (2) or more lots. Said structures are considered to be one building, regardless of party walls.

SECTION 6: “CHAPTER 10-6 ZONING; DISTRICTS AND MAPS” of the Burnsville Municipal Code is hereby amended as follows:

CHAPTER 10-64 ZONING; DISTRICTS AND MAPS

10-64-1: Establishment Of Districts

The following zoning classifications are hereby established within the city:

A. Residential Districts:

R-1 One-family residential district R-1A One-family rural residential district R-2 Two-family residential district R-3A Medium density residential district R-3B4 High density residential district R-3D5 Manufactured housing district (~~Ord. 1277, 9-18-2012~~)

B. Business Districts:

B-1 Office business district B-2 Neighborhood business district B-3 General business district B-4 Highway commercial district CRD Commercial recreation district (Ord. 1316, 4-8-2014)

C. TOD Districts:

Transit Oriented Development district

D. MIX Districts: Mixed

use district

E. Industrial Districts:

I-1 Industrial park district I-2 General industry district I-3 Office and industrial park district GIM Gateway industrial medium district GIHM Gateway industrial heavy district

F. Special Districts:

Environmental overlay districts Floodplain overlay districts P Park district ~~GW Gateway district~~ PUD Planned unit development ~~district~~ CD Conservancy district (~~Ord. 1316, 4-8-2014~~)

10-64-2: Map

~~A. The location and boundaries of the districts established by this text are hereby set forth on the zoning map entitled "zoning map of Burnsville". The map shall be on file with the City Clerk, and hereinafter referred to as the "zoning map". The zoning map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are thereby made a part of this title by reference.~~

~~B. The zoning map dated March 4, 1996, and any amendments thereto, is incorporated as a part of this title and is hereby adopted as the official zoning map for the city.~~

~~C. Official maps shall be reviewed by the Planning Commission and meet requirements of Title 7, Chapter 7 of this Code. (Ord. 1316, 4-8-2014)~~

The location and boundaries of the districts established by this section are set forth on the zoning map which is hereby incorporated as part of this Chapter. A copy of the official zoning map is kept in the zoning administrator's office. Any amendments to the zoning map will be recorded on such map within 30 days after the adoption by the City Council.

10-6-3: Annexed Territory

~~Annexed territory shall be in the R-1 district unless special action is taken to place it in another district. (Ord. 244, 11-15-1982)~~

10-6-4-3: Interpretation Of District Boundaries

The following rules shall be used to determine the precise location of any zone boundary shown on the official zoning map:

A. Boundaries ~~shown as following or indicated as~~ approximately following ~~the limits of any municipal corporation shall be~~ city boundary lines are construed as following such limits boundaries.

B. Boundaries shown as following or approximately following streets shall be construed to

follow the centerlines of such streets.

- C. Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the city parcel maps shall be construed as following such lines.
- D. Boundaries shown as following or approximately following section lines, half section lines, or quarter section lines shall be construed as following such lines.
- E. Boundaries shown as following or approximately following railroad lines ~~shall be~~ are construed to ~~lie be~~ midway between the main tracks ~~of such railroad lines~~.
- F. Boundaries shown as following or approximately following ~~shorelines~~ the shoreline of a stream, lake, or other body of water ~~of any lakes shall be~~ are construed to follow the ~~mean high water lines of such lakes~~ ordinary high water level (OHWL), and, in the event of change in the ~~ordinary high water line, shall be construed as moving with the actual mean high water line~~ shoreline will be constructed as moving with the OHWL.
- G. Boundaries shown as following or approximately following the centerlines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers or other watercourses, the zone boundary shall be construed as moving with the channel centerline.
- H. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in subsections (A) through (G) of this section shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
- I. Appeals concerning the exact location of zoning district boundary lines shall be heard and decided in accordance with section 10-~~52~~-8 of this title. (~~Ord. 244, 11-15-1982~~)

SECTION 7: “CHAPTER 10-12 R-1 ONE-FAMILY RESIDENTIAL DISTRICT”, “CHAPTER 10-13 R-1A ONE-FAMILY RURAL RESIDENTIAL DISTRICT”, “CHAPTER 10-14 R-2 TWO-FAMILY RESIDENTIAL DISTRICT”, “CHAPTER 10-15 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS SPECIAL MINIMUM REQUIREMENTS”, “CHAPTER 10-16 R-3A MEDIUM DENSITY RESIDENTIAL DISTRICT”, “CHAPTER 10-17 R-3B HIGH DENSITY RESIDENTIAL DISTRICT”, and “CHAPTER 10-18 R-3D MANUFACTURED HOUSING DISTRICT” of the Burnsville Municipal Code are hereby repealed in their entirety.

SECTION 8: “CHAPTER 10-5 RESIDENTIAL DISTRICTS” of the Burnsville Municipal Code is hereby amended to add the following:

CHAPTER 10-5 RESIDENTIAL DISTRICTS

10-5-1 : R-1 One Family Residential

- A. Purpose and Intent: The purpose of the One-Family Residential District (R 1) is to provide for low density, detached single family dwellings and directly related complementary uses in established neighborhoods. This district is intended to preserve and enhance existing neighborhood character while accommodating reinvestment, housing quality improvements, and compatible infill development in a fully developed community.
- B. Permitted Uses. The following are permitted uses:
 - 1. Essential services.
 - 2. One-family detached dwellings.

3. Public parks and directly related buildings and structures.
 4. Residential care facility serving six or fewer persons.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory dwelling units pursuant to Section 10-10-2 of this title.
 2. Accessory solar energy systems pursuant to section Section 10-10-10 of this title.
 3. Daycare, home-based and licensed, serving 12 or fewer persons.
 4. Gardening and horticultural uses and incidental sale of plants. The infrequent, temporary display and sale of plants or products is permitted by the occupant(s) of the premises.
 5. Home occupations as regulated by City Code Section 10-10-6.
 6. Keeping of animals as regulated by City Code Section 10-10-4 and Chapter 6-2.
 7. Signs as regulated in Chapter 10-12 of this title.
 8. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
 9. Temporary/seasonal outdoor sales uses that are exempt under Section 10-10-11 of this title. Towers supporting amateur radio antennas as regulated in Section 10-10-12 of this title.
- D. Conditional Uses: The following are conditional uses:
1. Cemeteries.
 2. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.
 3. Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district and accessory structure shall be a minimum of 50 feet from any lot line.
 4. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material shall not be allowed.
 5. Places of worship and religious institutions including those related structures located on the same site which are an integral part of the institution provided, no building shall be located within 50 feet of any lot line.
 6. Single satellite earth station antenna greater than 1 meter in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services greater than 1 meter in diameter, as regulated in Section 10-10-12 of this Title.
 7. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.
 8. Telecommunication tower, as regulated by City Code Section 10-12-12.
- E. Interim Use: Temporary classroom type structure for use by public or private institutions.
- F. Development Standards: The following minimum requirements shall be observed, subject

to the additional requirements, exceptions and modifications as set forth in this Title:

Lot Area (Interior)	10,000 square feet
Lot Area (Corner)	12,000 square feet
Lot Width (Interior)	80 feet
Lot Width (Corner)	90 feet
Setback - Principal Structure	
Front Yard	30 feet
Side Yard	10 feet
Side Yard - Street	20 feet
Rear Yard	30 feet
Setback - Accessory Structure	
Front Yard	30 feet
Side Yard	5 feet
Side Yard - Street	10 feet
Rear Yard	8 feet
Setback - Parking	-
Front Yard	Driveway only
Side Yard	5 feet; 2 feet for recreational vehicle storage
Side Yard - Street	10 feet
Rear Yard	5 feet

1. Front Yard: The front yard setback for a principal structure in an R-1 District shall be thirty feet (30'). The setback may be reduced down to a minimum of twenty feet (20') if the following conditions are met:
 - a. The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of two hundred forty (240) square feet of above grade finished livable space.
 - b. The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
 - c. Plans are approved by the Development Review Committee.
 - d. The structure does not adversely affect drainage on the lot or neighboring properties.
2. Side Yard: The side yard setback in an R-1 District shall be ten feet (10'). The setback may be reduced to five feet (5') if the following conditions are met:

- a. The setback reduction is for the garage structure, and
 - b. There is a minimum of fifteen feet (15') between neighboring structures.
3. Rear Yard: The rear yard setback for a principal structure in an R-1 District shall be thirty feet (30'). The setback may be reduced to twenty feet (20') if the following conditions are met:
 - a. The setback reduction is for an addition to the principal structure to provide attached above grade living space which does not exceed a total of three hundred (300) square feet of footprint area. Garage space does not qualify for this provision.
 - b. There is a minimum of forty feet (40') measured at the closest point, between the attached living area and the neighboring principal structure and any attached living area to the rear.
 - c. The structure does not adversely affect drainage on the lot or neighboring properties.
 - d. For corner lots, the setback reduction may be for an attached garage addition not exceeding two hundred twenty (220) square feet.
4. Through Or Double Frontage Lot: In the case of a through or double frontage lot, the front yard setback for an accessory structure can be reduced by twenty feet (20') in the front yard abutting the rear of the primary structure.

G. Supplemental Standards:

1. All dwellings shall have a minimum of one thousand one hundred (1,100) square feet of usable floor space above grade. In addition, with the exception of two-story buildings, dwellings may not be less than thirty feet (30') in length nor less than twenty four feet (24') in width over that entire minimum length. Width measurements shall not include overhangs and other projections beyond the principal walls. The minimum square feet may be reduced by conditional use permit or as part of a planned unit development.
2. All dwellings shall be served by public sanitary sewer and water, or be approved for the use of an individual sewage treatment system pursuant to Title 7, Chapter 11 of this Code.
3. No structure or building shall exceed thirty feet (30') in height except as provided in Sections 10-9-11 and 10-10-12 of this title.
4. A private two (2) car garage with a minimum floor area of four hundred forty (440) square feet shall be required to be built concurrent with the principal structure. The maximum footprint of the garage shall not exceed the footprint of the living area of the principal structure.
5. All driveways and required off street parking spaces shall be surfaced with concrete, bituminous, or approved equivalent. A corner lot shall not have more than three (3) driveway openings and an interior lot shall not have more than two (2) driveway openings. Driveways in excess of fifteen percent (15%) grade shall require a variance.
6. All private waste material, debris, refuse, garbage or materials not currently in use for construction shall be kept in covered trash containers and stored pursuant to Section 10-9-21 of this title.
7. Exterior building materials shall be installed in accordance with the Building Code

adopted in Section 4-1-1 of this Code and the manufacturer's specifications. With the exception of planned unit developments, conditional use permits, variances and/or interim use permits, the design and color of exterior materials shall not be regulated.

8. All outside main floor entryways (including garages) must be at least eighteen inches (18") above the center of the street in front of the entry, unless other measures to assure proper drainage are provided and approved. The plat plan submitted for a building permit shall indicate the elevation of all main floor entryways (including garages) in relation to the street directly in front. For entryways less than eighteen inches (18") above the street, additional information must be provided to clearly indicate proposed drainage on the lot or parcel, its effect on adjacent properties, and the final disposal of stormwater. The City Engineer shall review all plans wherein an entryway is proposed less than eighteen inches (18") above the centerline of the street. No building permits for such structures shall be issued until the report of the City Engineer has been received.
9. Essential service structures, including, but not limited to, buildings such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations and electrical power substations; provided, no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located.

10-5-2 : R-1A One Family Rural Residential

- A. Purpose and Intent: The R-1A One-Family Rural Residential District is intended to provide for low-density, single-family residential development in rural areas of the city. The district supports large-lot homes and limited rural infill that is compatible with existing development patterns and may have reliance on private wells and septic systems. Development intensity is limited to maintain rural character and avoid the extension of urban services.
- B. Permitted Uses: The following are permitted uses:
 1. Agriculture uses and related buildings.
 2. Essential services.
 3. Single-family detached dwellings.
 4. Public parks, trails, playgrounds, and directly related buildings and structures.
 5. Residential care facility serving six or fewer persons.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory buildings and structures as regulated by City Code Section 10-9-2.
 2. Accessory dwelling units pursuant to Section 10-10-2 of this title.
 3. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 4. Daycare, home-based and licensed, serving 12 or fewer persons.
 5. Gardening and horticultural uses and incidental sale of plants. The infrequent, temporary display and sale of plants or products is permitted by the occupant(s) of the premises.
 6. Home occupations as regulated by this title.
 7. Keeping of animals as regulated by City Code Sections 10-9-14, 10-10-4 and Chapter 6-2.
 8. Signs as regulated by City Code Chapter 10-12.

9. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.

10. Temporary/seasonal outdoor sales use that are exempt under Section 10-10-11 of this title.

D. Conditional Uses. Conditional uses are as follows:

1. Cemeteries.
2. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.
3. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material shall not be allowed.
4. Places of worship and religious institutions.
5. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.
6. Telecommunication tower, as regulated by City Code Section 10-10-12.

E. Interim Uses: Land reclamation, mining and soil processing subject to the requirements of Sections 10-10-7, 10-8-1 and 10-8-2 of this title.

F. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

	Lots with City Sewer	Lots with Septic System
Lot Area (Interior)	1 acre	2 acres
Lot Area (Corner)	1 acre	2 acres
Lot Width (Interior)	120 feet	200 feet
Lot Width (Corner)	130 feet	200 feet
Setback - Principal Structure		
Front Yard	50 feet	
Side Yard	10 feet	
Side Yard - Street	40 feet	
Rear Yard	30 feet	
Setback - Accessory Structure		
Front Yard	50 feet	
Side Yard	5 feet	

Side Yard - Street	20 feet	
Rear Yard	8 feet	
Setback - Parking		
Side Yard	5 feet	
Side Yard - Street	10 feet	
Rear Yard	5 feet	

1. The City may consider the approval of a planned unit development in which the average net lot area, exclusive of any required right-of-way dedication, is a minimum of 1 acre. Any such approval shall include findings that the development is sensitive to the unique and valuable natural characteristics of the site.
2. Lots with private septic systems shall meet all requirements for subsurface sewage treatment systems and contain a minimum lot area of 2 acres of dry, buildable area as defined in Title 7, Chapter 11, "Subsurface Sewage Treatment Systems (SSTS)", of this Code.
3. Lots with private wells shall meet all requirements of Title 7, Chapter 2 of this Code related to private water systems.
4. Through Or Double Frontage Lot: In the case of a through or double frontage lot, the front yard setback for an accessory structure can be reduced by twenty feet (20') in the front yard abutting the rear of the primary structure.

G. Supplemental Standards:

1. All dwellings shall have a minimum of one thousand one hundred (1,100) square feet of usable floor space above grade. In addition, with the exception of two-story buildings, dwellings may not be less than thirty feet (30') in length nor less than twenty four feet (24') in width over that entire minimum length. Width measurements shall not include overhangs and other projections beyond the principal walls. The minimum square feet may be reduced by conditional use permit or as part of a planned unit development.
2. All dwellings shall be served by public sanitary sewer and water, or be approved for the use of an individual sewage treatment system pursuant to Title 7, Chapter 11 of this Code.
3. No structure or building shall exceed thirty feet (30') in height except as provided in Sections 10-9-11 and 10-10-12 of this title.
4. A private two (2) car garage with a minimum floor area of four hundred forty (440) square feet shall be required to be built concurrent with the principal structure. The maximum footprint of the garage shall not exceed the footprint of the living area of the principal structure.
5. All driveways and required off street parking spaces shall be surfaced with concrete, bituminous, or approved equivalent. A corner lot shall not have more than three (3) driveway openings and an interior lot shall not have more than two (2) driveway openings. Driveways in excess of fifteen percent (15%) grade shall require a variance.

6. All private waste material, debris, refuse, garbage or materials not currently in use for construction shall be kept in covered trash containers and stored pursuant to Section 10-9-21 of this title.
7. Exterior building materials shall be installed in accordance with the Building Code adopted in Section 4-1-1 of this Code and the manufacturer's specifications. With the exception of planned unit developments, conditional use permits, variances and/or interim use permits, the design and color of exterior materials shall not be regulated.
8. All outside main floor entryways (including garages) must be at least eighteen inches (18") above the center of the street in front of the entry, unless other measures to assure proper drainage are provided and approved. The plat plan submitted for a building permit shall indicate the elevation of all main floor entryways (including garages) in relation to the street directly in front. For entryways less than eighteen inches (18") above the street, additional information must be provided to clearly indicate proposed drainage on the lot or parcel, its effect on adjacent properties, and the final disposal of stormwater. The City Engineer shall review all plans wherein an entryway is proposed less than eighteen inches (18") above the centerline of the street. No building permits for such structures shall be issued until the report of the City Engineer has been received.
9. Essential service structures, including, but not limited to, buildings such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations and electrical power substations; provided, no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located.

10-5-3 : R-2 Two Family Residential

- A. Purpose and Intent: The purpose of the Two-Family Residential District (R-2) is to allow homes with two dwelling units and related residential uses. This district provides a small increase in housing density while keeping the size and character of existing neighborhoods. The R-2 District supports stable, built-out neighborhoods by allowing home improvements, reinvestment, and new development that fits with nearby homes.
- B. Permitted Uses: The following are permitted uses:
 1. Essential services.
 2. Single-family detached dwellings.
 3. Public parks, trails, playgrounds, and directly related buildings and structures.
 4. Residential care facility serving six or fewer persons.
 5. Two-family dwellings.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory buildings and structures as regulated by City Code Section 10-9-2, excluding accessory dwelling units.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Daycare, home-based and licensed, serving 12 or fewer persons.
 4. Gardening and horticultural uses and incidental sale of plants. The infrequent, temporary display and sale of plants or products is permitted by the occupant(s) of

the premises).

5. Home occupations as regulated by City Code Section 10-10-6.
6. Keeping of animals as regulated by City Code Section 10-10-4 and Chapter 6-2.
7. Private swimming pools, tennis courts, recreation buildings, and playgrounds intended for use by occupants of the property on which they are located and privately maintained by a homeowners association or similar entity.
8. Signs as regulated by City Code Chapter 10-12.
9. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
10. Towers supporting amateur radio antennas as regulated in Section 10-10-12 of this title.
11. Temporary/seasonal outdoor sales uses that are exempt under Section 10-10-12 of this title.

D. Conditional Uses: The following are conditional uses:

1. Cemeteries
2. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.
3. Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district and accessory structure shall be a minimum of 50 feet from any lot line.
4. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material shall not be allowed.
5. Places of worship and religious institutions.
6. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.
7. Telecommunication tower, as regulated by City Code Section 10-10-12.

E. E. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot Area (Interior)	15,000 square feet
Lot Width	100 feet
Lot Area (Interior)	7,500 square feet ¹
Lot Width	50 feet
Setback - Principal Structure	

Front Yard	30 feet
Side Yard	10 feet
Side Yard - Street	20 feet
Rear Yard	30 feet
Setback - Accessory Structure	-
Front Yard	30 feet
Side Yard	5 feet
Side Yard - Street	20 feet
Rear Yard	8 feet
Setback - Parking	-
Front Yard	Driveway only
Side Yard	5 feet
Side Yard - Street	10 feet
Rear Yard	5 feet

¹Zero lot line may be approved with each half of the lot containing 7,500 square foot lot area, 50 foot width, separate utilities, and meeting Building Codes adopted by the City. (Ord. 1196, 4-6-2010)

F. Supplemental Standards:

1. Two-family dwellings shall have at least 1,500 square feet of usable floor space above grade.
2. All two-family dwellings shall be served by public sanitary sewer and water.
3. No structure shall exceed 30 feet in height except as provided in Sections 10-10-29 and 10-9-11 of this Title.
4. Four (4) enclosed garage spaces with a minimum of 220 square feet per space.
5. All driveways and required off street parking spaces shall be surfaced with concrete, bituminous or approved equivalent.
6. All private waste material, debris, refuse, garbage or materials not currently in use for construction shall be kept in covered trash containers and stored pursuant to Section 10-9-21 of this Title.
7. All two-family dwellings shall meet all the requirements of the Building Code adopted in Section 4-1-1 of this Code.
8. All dwellings shall be constructed in accordance with the Building Code adopted in Section 4-1-1 of this Code or the applicable Manufactured Housing Code.

10-5-4 : R-3 Medium Density Residential

- A. Purpose and Intent: The R-3 Medium Density Residential District is intended to provide for a mix of single-family, two-family, and small-scale multi-family residential development at moderate densities. This category provides for a broader range of medium density housing

opportunities. The district is designed to accommodate neighborhoods that balance efficient land use with neighborhood character, providing housing options that support a diverse community.

B. Permitted Uses: The following are permitted uses:

1. Essential services.
2. Nursing homes, rest homes, and retirement homes; provided, the site shall contain not less than eight hundred (800) square feet of lot area for each person to be accommodated, and are fifty feet (50') or more from a lot line of an abutting lot in an R district.
3. Public parks, trails, playgrounds, and directly related buildings and structures.
4. Single family detached dwellings.
5. Two-family dwellings.
6. Townhouses or rowhomes with one to nine (9) family dwelling structures.
7. Permitted Accessory Uses: The following are permitted accessory uses: Accessory buildings and structures as regulated by City Code Section 10-9-2, excluding accessory dwelling units.
8. Accessory solar energy systems pursuant to section 10-10-10 of this title.
9. Gardening and horticultural uses and incidental sale of plants. The infrequent, temporary display and sale of plants or products is permitted by the occupant(s) of the premises).
10. Home occupations as regulated by City Code Section 10-10-6.
11. Keeping of animals as regulated by City Code Section 10-10-4 and Chapter 6-2.
12. Private swimming pools, tennis courts, recreation buildings, and playgrounds intended for use by occupants of the property on which they are located and privately maintained by a homeowners association or similar entity.
13. Signs as regulated by City Code 10-12
14. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
15. Temporary/seasonal outdoor sales uses that are exempt under Section 10-10-11 of this title.
16. Exceptions:
 - a. Daycare centers as home occupations with more than three (3) children in a structure with more than two (2) dwelling units is prohibited.
 - b. Farmers' markets.
 - c. Towers supporting amateur radio antennas.

C. Conditional Uses: The following are conditional uses:

1. Cemeteries.
2. Daycare nursery, provided that not less than fifty (50) square feet of outside fenced play space per pupil is provided.
3. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.
4. Golf courses, country clubs, tennis clubs, public swimming pools serving more

than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R district and accessory structure shall be a minimum of 50 feet from any lot line.

5. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material shall not be allowed.
 6. Places of worship and religious institutions. State licensed residential facility serving seven (7) to sixteen (16) persons or a licensed day care facility serving thirteen (13) to sixteen (16) persons.
 7. Telecommunication tower, as regulated by City Code Section 10-10-12.
- D. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot Area	Maximum residential density shall not exceed 18 dwelling units per net acre
Lot Width	100 feet
Max Building Height	35 feet
Setback - Principal Structure	
Front Yard	30 feet or behind principle structure
Side Yard	30 feet
Side Yard - Street	30 feet
Rear Yard	30 feet
Setback - Accessory Structure	-
Front Yard	30 feet
Side Yard	5 feet
Side Yard - Street	30 feet
Rear Yard	5 feet
Setback - Parking	-
Front Yard	20 or 30 feet when adjacent to lower density residential districts
Side Yard	5 or 15 feet when adjacent to lower density residential districts
Side Yard - Street	20 or 30 feet when adjacent to lower density residential districts

Rear Yard	5 or 15 feet when adjacent to lower density residential districts
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E. Supplemental Standards:

1. When structures within the R-3A district abut streets of higher carrying capacities than standard residential streets, the basic minimum setback for the principal structure from the street shall be increased to the following:

Setback	Street Functional Classification
45 feet	Major collector, thoroughfare, minor arterial
50 feet	Intermediate and principal arterial

2. The maximum horizontal length of the above grade portion of any building within the R-3A district shall be one hundred fifty feet (150'), as measured at the widest point between any two (2) edges on the structure.

10-5-5 : R-4 High Density Residential

- A. Purpose and Intent: The purpose of the R-4 District is to provide for high-density, apartment-style, rental and condominium housing and directly related complementary uses. A full range of public services and facilities shall be available to R-4 areas.
- B. Permitted Uses: The following are permitted uses:
1. Essential services
 2. Multi-family dwellings including apartments and condominiums.
 3. Assisted living, and retirement homes; provided, the site shall contain not less than eight hundred (800) square feet of lot area for each person to be accommodated, and are fifty feet (50') or more from a lot line of an abutting lot in an R district.
 4. Public parks, trails, playgrounds, and directly related buildings and structures.
 5. Single family detached dwellings
 6. Townhouses or rowhouses with 2 to 9 units per building
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory buildings and structures as regulated by City Code Section 10-9-2.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Home occupations as regulated by City Code Section 10-10-6.
 4. Keeping of animals as regulated by City Code Section 10-10-4 and Chapter 6-2.
 5. Private swimming pools, tennis courts, recreation buildings, and playgrounds intended for use by occupants of the property on which they are located and privately maintained by a homeowners association or similar entity.
 6. Signs as regulated by City Code Chapter 10-12.
 7. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.

D. Conditional Uses: The following are conditional use:

1. Daycare center, provided that not less than fifty (50) square feet of outside fenced play space per pupil is provided.
2. Educational facilities including but not limited to, public and private elementary, middle, junior high, and senior high schools, provided that no building shall be located within fifty feet (50') of any lot line abutting an R district.
3. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material shall not be allowed.
4. Multiple-family attached units.
5. Places of worship and religious institutions.
6. Telecommunication tower, as regulated by City Code Section 10-10-12.

E. Interim Uses: The following are interim uses:

1. Farmers market
2. Land reclamation, mining and soil processing subject to Sections 10-8-1, 10-10-7 and 10-8-2 of this title.

F. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot Area (Interior)	18,000 square feet plus 1,500-2,000 square feet for every dwelling unit over 6 units
Lot Area (Corner)	20,000 square feet plus 1,500-2,000 square feet for every dwelling unit over 6 units
Lot Width	100 feet
Building Height	55 feet
Setback - Principal Structure	
Front Yard	40 feet
Side Yard	30 feet or 1.5 times the average structure height, as measured from nearest property line when adjacent to lower density residential zoning districts
Side Yard - Street	40 feet
Rear Yard	30 feet or 1.5 times the average structure height, as measured from nearest property line when adjacent to lower density residential zoning districts
Setback - Accessory Structure	

Front Yard	40 feet or 50 feet when adjacent to lower density residential zoning districts
Side Yard	5 feet or 10 feet when adjacent to lower density residential zoning districts
Side Yard - Street	30 feet
Rear Yard	5 feet or 10 feet when adjacent to lower density residential zoning districts
Setback - Parking	
Front Yard	20 or 40 feet when adjacent to lower density residential zoning districts
Side Yard	5 or 10 feet when adjacent to lower density residential zoning districts
Side Yard - Street	20 or 40 feet when adjacent to lower density residential zoning districts
Rear Yard	5 or 15 feet when adjacent to lower density residential zoning districts

When structures within the R-4 district abut streets of higher carrying capacities than standard residential streets, the basic minimum setback for the principal structure from that street shall be increased to the following:

Minimum Setback (Yard)	Street Functional Classification
50 feet	Collector, minor arterial
80 feet	Principal arterial

G. Supplemental Standards:

1. Parking: The design and maintenance of off-street parking areas and the required number of parking spaces shall be in accordance with Section 10-9-10 of this title.
2. All new high-density residential developments, as well as additions to existing developments, shall comply with the standards set forth in Section 10-9-11.
3. The maximum horizontal length of the above grade portion of any building in the R-4 district shall be two hundred feet (200') as measured at the widest point between any two (2) edges on the structure.

10-5-6 : R-5 Manufactured Housing District

- A. Purpose and Intent: The Manufactured Housing District is designed to preserve and enhance manufactured housing neighborhoods by ensuring safe, well-served housing that integrates with surrounding development.
- B. Permitted Uses: The following are permitted uses:
 1. Essential services.
 2. Manufactured homes.
 3. Public parks, trails, playgrounds, and directly related buildings and structures.
- C. Permitted Accessory Uses: The following are permitted accessory uses.

1. Accessory structures as regulated by this title.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Home occupations as regulated by Section 10-10-6.
 4. Keeping of animals as regulated by City Code Section 10-10-4 and Chapter 6-2.
 5. Private swimming pools, tennis courts, recreation buildings, and playgrounds intended for use by occupants of the property on which they are located and privately maintained by a homeowners association or similar entity.
 6. Signs as regulated by City Code Section 10-12.
 7. Single satellite earth station antenna one meter (1 m) or less in diameter and single antenna designed to receive direct broadcast satellite services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
- D. Conditional Uses: The following are conditional uses:
1. Manufactured home park.
 2. Manufactured home sales.
 3. Single satellite earth station antenna in excess of one meter (1 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.
 4. Towers as regulated in 10-10-12 of this title.
- E. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Home Site Area (Interior)	3,600 square feet
Home Site Area (Corner)	4,4500 square feet
Home Site Width (Interior)	40 feet
Home Site Width (Corner)	50 feet
Setback - Principal Structure	
Front Yard	10 feet
Side Yard	10 feet
Side Yard - Street	15 feet
Rear Yard	10 feet
Buffer Yard	30 feet
Setback - Parking	
Front Yard	0 feet
Side Yard	5 feet
Side Yard - Street	10 feet

Rear Yard	5 feet
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F. Performance Standards:

1. Accessory structures: Each manufactured home site may have one accessory structures in addition to the manufactured home subject to the following standards:
 - a. All accessory structures shall be constructed of permanent materials and methods in accordance with the Building Code adopted in Section 4-1-1 of this Code. No temporary materials such as canvas or plastic shall be permitted.
 - b. A shed shall not exceed two hundred (200) square feet in area.
 - c. The shed shall not exceed the height of the manufactured home.
 - d. The shed shall not be located closer to the internal home park private street than the front of the manufactured home.
 - e. The shed shall not be located within the thirty foot (30') buffer yard described in subsection (F) of this section.
2. Carport: Each manufactured home site may have one carport subject to the following standards:
 - a. The carport shall be constructed of permanent materials and methods in accordance with the Building Code adopted in section 4-1-1 of this Code. No temporary material such as canvas or plastic shall be permitted.
 - b. The carports shall not exceed four hundred forty (440) square feet in area and shall have four (4) open sides.
 - c. The carport shall not exceed the height of the manufactured home.
 - d. The carports may have a zero foot (0') setback from the edge of the internal home park private street or a sidewalk along the street. No part of the carport shall extend into or over the street or sidewalk.
 - e. A building permit from the City may be required.
 - f. The carport shall not be located within the thirty foot (30') buffer yard described in subsection (F) of this section.
3. Garages: Garages are permitted in the R-5 Zoning District subject to the following standards:
 - a. The garage shall be constructed of permanent materials and methods in accordance with the Building Code adopted in section 4-1-1 of this Code.
 - b. The garage shall not exceed four hundred forty (440) square feet in area. The maximum footprint of the garage shall not exceed the footprint of the principal structure.
 - c. The garage height shall not exceed the height of the manufactured home.
 - d. A garage shall not be located closer to the internal home park private street than the front of the manufactured home.
 - e. A building permit from the City is required for a garage that is two hundred (200) square feet or larger.
 - f. The garage shall not be located within the thirty foot (30') buffer yard described in subsection 6 of this section.
4. Decks, Covered Decks, Walkways And Stairways: Decks, covered decks, walkways and stairways shall be constructed of permanent materials and methods in accordance with the Building Code adopted in Section 4-1-1 of this

Code, unless specifically exempted.

5. Streets: The minimum street width within R-5 Districts shall be twenty four feet (24'). Streets shall be surfaced with bituminous, poured in place concrete or an alternative surface approved by the City.
6. Buffer Yard: A buffer yard surrounding the perimeter of the manufactured home park property and having a depth of not less than thirty feet (30') in width shall be landscaped with appropriate grass, shrubbery and trees around the entire perimeter of the manufactured home park. This buffer yard shall be maintained by the owner of the manufactured home park.
7. Screening And Outdoor Storage: With the exception of the buffer yard, no additional screening requirements of this title shall apply within the R-5 Zoning District.
8. Deterioration: All exterior structures shall be maintained to prevent deterioration.
9. Garbage, Refuse And Construction Materials: All private waste material, debris, refuse and garbage shall be stored in containers as to not create a health nuisance as defined in Section 7-1-10 of this Code. Construction materials shall not impair the movement of emergency vehicles or public safety personnel at any time.
10. Central Community Building: All manufactured home parks shall have a central community building with laundry areas and washing machines.
11. Parking:
 - a. Each manufactured home site shall have off street parking space surfaced with concrete, bituminous or City approved equivalent for two (2) automobiles.
 - b. Each manufactured home park shall maintain a hard surfaced off street parking lot for guests of occupants of at least one space for each five (5) manufactured home sites.
 - c. Access drives from roads to all parking spaces and manufactured home sites shall be surfaced with concrete, bituminous or City approved equivalent.
12. Utilities:
 - a. All manufactured homes shall be served by a public water and sanitary sewer system.
 - b. All utilities shall be underground. There shall be no overhead wires or supporting poles except for those essential for street or other lighting purposes.
 - c. Access shall be provided to allow the inspection of plumbing, electrical facilities and related manufactured home equipment.
13. Recreation Areas: All manufactured home parks shall have at least ten percent (10%) of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator's expense.
14. Common Storage Areas: Each manufactured home park may construct common storage area(s) for use by park residents provided said storage area is one hundred percent (100%) obstructed from view from the perimeter property lines of the park. Said common storage area(s) shall be secured by a fence and be surfaced with

concrete, bituminous or City approved equivalent.

15. Exterior Alterations, Attachments And Additions: Only those exterior alterations, attachments and additions to manufactured homes allowed by Minnesota Rules chapter 1350 shall be permitted.

10-5-7 : Multiple Family Residential Districts Minimum Requirements

Special Minimum Requirements in R-3, R-4 and MIX (with Residential) Districts

- A. Floor Area: Four hundred (400) square foot minimum floor area for efficiency apartment units. Minimum five hundred (500) square feet for a one bedroom dwelling unit plus one hundred (100) square feet for each additional bedroom. Garages, breezeways and enclosed porch floor spaces shall not be credited in determining the required floor area of units.
- B. Utilities: All multiple-family dwellings shall be served by public sanitary sewer and water. The private utility systems within the development shall be subject to the review and approval of the City Engineer.
- C. Parking: The design and maintenance of off street parking areas and the required number of parking spaces shall be in accordance with Section 10-9-10 of this title.
 1. Private driveways for garages in townhouse developments shall be a minimum of twenty feet (20') in length to allow vehicle parking on the driveway.
 2. A land area requirement of three hundred (300) square feet toward the satisfaction of lot area requirements shall be given for each garage space under the principal building, i.e., in R-4 requirement is one thousand seven hundred (1,700) square feet per unit versus two thousand (2,000) square feet per unit.
- D. Size Of Development: All developments which contain two (2) or more structures and/or a structure containing ten (10) or more dwelling units shall be by conditional use permit. No townhouse building shall have more than eight (8) dwelling units.
- E. Trash Handling And Recycling: All trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be screened pursuant to Section 10-9-21 of this title.
- F. On Site Screening: All private mechanical equipment, utility meters, storage and service areas and similar features shall be screened from the eye level view from adjacent properties and public streets pursuant to Section 10-9-21 of this title, or designed to be compatible with the architectural treatment of the principal structure.
- G. Building Design And Materials: All buildings shall be designed to accomplish the goals and policies of the comprehensive plan. Building materials shall be attractive in appearance, durable, and of a quality which is both compatible with adjacent structures and consistent with the City's standards for the district in which it is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.
 1. Major exterior surfaces on all walls shall be face brick (glazed or unglazed), clay faced tile, stone masonry (granite, limestone, marble, slate, sandstone, or quartzite), finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (not including sheet metal of any kind), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either

be filled, covered with accent material or some other method to make seam lines invisible.

2. All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the City for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the architect shall submit to the City product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.
3. If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the City a plan showing the distribution of the styles, materials, and colors throughout the development.

H. Parking Lot Screening:

1. The light from automobile headlights and other similar sources shall be one hundred percent (100%) screened pursuant to Section 10-9-21 of this title, whenever it may be directed onto residential windows.
2. When required parking areas abut any Residential District, the edge nearest the lot line shall be one hundred percent (100%) screened to a height of at least three and one-half feet (3 1/2') above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth berms and/or landscape materials as approved.
3. When the design of the site is such that parking occurs in the front yard, a minimum of ten feet (10') landscaped area shall be provided between parking and building, in addition to the required setbacks.

I. Setbacks In Townhouse Developments: Buildings in townhouse developments shall be located at least twenty feet (20') apart and twenty feet (20') from the back of the curb of private roadways. The applicable setbacks required in the underlying zoning district shall be met along the perimeter lot lines of the development and along all public roadways.

J. Recreational Facilities: On site recreational facilities, such as swimming pools, tennis courts, play equipment, walking trails, gardens, and basketball courts, that are suitable for the projected population of the development shall be provided when the nearest public park is more than one-half (1/2) mile or across a collector or arterial roadway from the development.

K. Roadway And Driveway Design: All private roadways in multi-family developments shall have a design speed of twenty five (25) miles per hour, and shall have a maximum grade of seven percent (7%). All private driveways for garages in townhouse developments shall have a maximum grade of eleven percent (11%).

SECTION 9: “CHAPTER 10-19 SPECIAL REQUIREMENTS FOR ALL BUSINESS, CRD AND MIX DISTRICTS”, “CHAPTER 10-20 B-1 OFFICE BUSINESS DISTRICT”, “CHAPTER 10-21 B-2 NEIGHBORHOOD BUSINESS DISTRICT”, “CHAPTER 10-22 B-3 GENERAL BUSINESS DISTRICT”, “CHAPTER 10-22A B-4 HIGHWAY COMMERCIAL DISTRICT”, “CHAPTER 10-22A1 CRD COMMERCIAL RECREATION DISTRICT”, “CHAPTER 10-22C MIX MIXED USE DISTRICT”, and “CHAPTER 10-22D TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT” of the Burnsville Municipal Code are hereby repealed in their entirety.

SECTION 10: “CHAPTER 10-6 BUSINESS DISTRICTS” of the Burnsville Municipal Code is hereby amended to add the following:

CHAPTER 10-6 BUSINESS DISTRICTS

10-6-1 : B-1 Office Business District

- A. Purpose and Intent: The purpose of the B-1 Office Business District is to provide areas for commercial office and nonretail uses that are compatible with commercial offices.
- B. Permitted Uses: The following are permitted uses:
 - 1. Daycare Center.
 - 2. Essential service.
 - 3. Government office use.
 - 4. Health club.
 - 5. Medical services or clinic.
 - 6. Office.
 - 7. Research centers and development including laboratories (i.e. medical, software, communications, scientific, etc.).
 - 8. Schools.
 - 9. Studio, artist, or instructional service.
 - 10. Therapeutic massage businesses pursuant to Title 3, Chapter 3 of this Code.
- C. Permitted Accessory Uses: The following are permitted uses:
 - 1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 - 2. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
 - 3. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
 - 4. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises. .
 - 5. Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to Section 10-6-8-(A)(11)of this title.
 - 6. Off street parking and loading spaces as regulated in this title.
 - 7. Public trash and recycling containers pursuant to this title.
 - 8. Supporting retail and service use up to ten percent of the building's gross floor space.
 - 9. Signs as regulated in chapter Section 10-12 of this title.
 - 10. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
- D. Conditional Uses: The following are conditional uses:
 - 1. Antennas mounted on an existing structure, exceeding 15 feet above the highest point of the structure, as regulated by Section 10-10-12 of this Title.
 - 2. Studio, artist, or instructional service.
 - 3. Museums, art institutions, galleries and theaters.
 - 4. Nursing home, intermediate care facility, long term care facility, and residential

healthcare facility, provided the site shall contain not less than 600 square feet of lot area for each person to be accommodated and that no building be located less than 50 feet from any lot line; hospitals for human care, provided that all buildings are not located less than 60 feet from the lot line of an abutting R.

5. District. For the purposes of this paragraph, the 50 foot setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.
 6. Places of worship and religious institution provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a Residential Zoning District. This paragraph shall apply even if the religious use does not occupy the entire structure. For the purposes of this paragraph, the fifty foot (50') setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.
 7. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) or less in diameter, as regulated in 10-10-12 of this title.
 8. Towers as regulated in Section 10-10-12 of this Title.
- E. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title and in Section 10-6-8:

Lot Area	20,000 square feet
Lot Width	100 feet
Setback - Principal Structure	
Front Yard	30 feet
Side Yard	10 or 30 feet when adjacent to Residential Districts
Side Yard - Street	30 feet
Rear Yard	20 or 30 feet when adjacent to Residential Districts
Setback - Accessory Structure	
Front Yard	30 feet
Side Yard	5 or 30 feet when adjacent to Residential Districts
Side Yard - Street	30 feet
Rear Yard	8 or 30 feet when adjacent to Residential Districts
Setback - Parking¹	

Front Yard	30 feet
Side Yard	5 or 30 feet when adjacent to Residential Districts
Side Yard - Street	30 feet
Rear Yard	8 or 30 feet when adjacent to Residential Districts

¹A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8(D) of this title.

F. F. Supplemental Standards: The following are supplemental standards for the district:

1. Commercial zero lot line development, pursuant to Section 10-9-3 of this title.
2. Required structures need not be accessory structures and need not comply with the special requirements of Section 10-6-8 of this title. The landscaping requirements of Section 10-9-13(I)(1) of this title may be waived where appropriate.

10-6-2 : B-2 Neighborhood Business District

A. Purpose and Intent: The purpose of the B-2 Neighborhood Business District is to provide for the establishment of highly limited scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods.

B. Permitted Uses: The following are permitted uses:

1. Bank or financial services.
2. Essential service Government office use Health club.
3. Instructional/learning center.
4. Library.
5. Liquor store subject to the requirements of Section 10-6-8(C)(3) of this title and Title 3 of this Code.
6. Medical services or clinic.
7. Multiple tenant retail sales and service facilities subject to Section 10-6-8-(C)(4) of this title.
8. Office.
9. Personal services.
10. Retail Sales.
11. Schools.
12. Therapeutic massage businesses pursuant to title 3, chapter 3 of this Code.
13. Thrift stores having a gross floor area less than five thousand (5,000) square feet provided all merchandise collection, transfer, processing and storage occurs within the principal building. No accessory outdoor drop off/collection area or outdoor storage is allowed on site.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
2. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by 10-10-12 of this title.
3. Buildings temporarily located for purposes of construction on the premises for a

period not to exceed time necessary to complete construction.

4. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises
5. Incidental repair, processing or storage necessary to conduct a permitted principal use subject to Section 10-6-8-(A)(11) of this title.
6. Supporting retail and service use up to ten percent of the building's gross floor space.
7. Signs as regulated by Title 10-12.
8. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Chapter 10-10-12 of this title.

D. Conditional Uses: The following are conditional uses:

1. Antennas mounted on an existing structure, exceeding 15 feet above the highest point of the structure, as regulated by Section 10-10-12 of this title.
2. Car Wash subject to Section 10-10-1 of this title.
3. Funeral homes and mortuaries.
4. Museums, art institutions, galleries and theaters.
5. Nursing home, intermediate care facility, long term care facility, and residential healthcare facility, provided the site shall contain not less than 600 square feet of lot area for each person to be accommodated and that no building be located less than 50 feet from any lot line; hospitals for human care, provided that all buildings are not located less than 60 feet from the lot line of an abutting R District. For the purposes of this paragraph, the 50 foot setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.
6. Gas stations subject to the requirements of Section 10-6-8(C)(1) of this title.
7. Places of worship and religious institution provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a Residential Zoning District. This paragraph shall apply even if the religious use does not occupy the entire structure. For the purposes of this paragraph, the fifty-foot (50') setback shall not apply.
8. Restaurants Standard or fast food subject to Section 10-6-8(C)(2)- of this title.
9. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) or less in diameter, as regulated in 10-10-12 of this title.
10. Tavern.
11. Theaters.
12. Thrift stores having five thousand (5,000) square feet or more of gross floor area as regulated by Section 10-6-8(F)-of this title, with or without a drive-through service lane. Towers as regulated in Section 10-10-12 of this title.

E. Development Standards The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth in this Title and in Section 10-6-8:

Lot Area	20,000 square feet
Lot Width	100 feet
Setback - Principal Structure	
Front Yard	30 feet
Side Yard	10 feet or 30 feet when adjacent to residential districts
Side Yard - Street	30 feet
Rear Yard	30 feet
Setback - Accessory Structure	
Front Yard	30 feet or 1 ½ times the building height, whichever is greater
Side Yard	10 feet or 30 feet when adjacent to residential districts
Side Yard - Street	20 feet or 30 feet when adjacent to residential districts
Rear Yard	8 feet or 30 feet when adjacent to residential districts
Setback - Parking	
Front Yard	10 feet or 30 feet when adjacent to residential districts
Side Yard	5 feet or 30 feet when adjacent to residential districts
Side Yard - Street	10 feet or 30 feet when adjacent to residential districts
Rear Yard	5 feet or 30 feet when adjacent to residential districts
Building Height	
Maximum Structure Height	30 feet

F. Supplemental Standards: The following are supplemental standards for the district.

Commercial zero lot line development, pursuant to Section 10-9-3 of this title.

1. Commercial zero lot line development, pursuant to Section 10-9-3 of this title. 2. A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8 of this title.

3. Maximum Building Size: Maximum building size shall be fifteen thousand

(15,000) gross square feet (total floor area above grade). More than one building may be built on a site. Maximum building size of up to thirty thousand (30,000) gross square feet (total floor area above grade) may be allowed by conditional use permit.

4. Roof Types: Roofs shall be pitched, mansard, or other roof types commonly found in the adjacent residential area

10-6-3 : B-3 General Business District

A. Purpose and Intent: The purpose of the B-3 General Business District is to provide an area of service facilities to the motoring public. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well buffered areas adjacent to major streets. This district is also intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

B. Permitted Uses: The following are permitted uses.

1. Automotive repair minor and major.
2. Automobile, boat, and other vehicle sales, when conducted entirely within a building.
3. Bank or financial service.
4. Commercial greenhouse provided it is conducted entirely within a building.
5. Daycare center.
6. Essential service.
7. Health club.
8. Hotels.
9. Office.
10. Pawnshop, licensed under title 3, chapter 4 of this Code; provided, that any such use shall not be located closer than one mile to any other such use, measured at the property lines, and that such use shall not be open to the public between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M.
11. Research and development centers including laboratories (i.e. medical, software, communications, scientific, etc.).
12. Restaurants subject to Section 10-6-8(C)(2) of this title.
13. Retail sales "Sexually oriented business" as defined in Section 3-8 of this Code.
14. Studio, artist, or instructional service.
15. Therapeutic massage businesses pursuant to title 3, chapter 3 of this Code. Thrift stores having a gross floor area less than five thousand (5,000) square feet provided all merchandise collection, transfer, processing and storage occurs within the principal building. No accessory outdoor drop off/collection area or outdoor storage is allowed on site.
16. Veterinary clinic/hospital, not including outdoor animal runs.
17. Warehouse subject to the requirements of Section 10-10-13 of this title.
18. Wholesale showroom subject to Section 10-10-13 of this title and limited to twenty

percent (20%) of the floor area of the space occupied by a particular business, not to exceed eight hundred fifty (850) square feet.

C. Permitted Accessory Uses: the following are permitted accessory uses:

1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
2. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by 10-10-12 of this title.
3. Auto dealership remote storage subject to Section 10-10-6 of this title.
4. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
5. Incidental accessory uses to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
6. Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to Section 10-6-8(A)(11) of this title.
7. Off street parking and loading spaces as regulated in this title.
8. Trash and recycling containers storage as regulated in this title.
9. Signs as regulated by this title.
10. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in 10-10-12 of this title.
11. Temporary/seasonal outdoor sales uses subject to Section 10-10-11 of this title.

D. Conditional Uses. The following are conditional uses:

1. Event center subject to title 3 of this Code.
2. Antennas mounted on an existing structure, exceeding 15 feet above the highest point of the structure, as regulated by 10-10-12 of this Title.
3. Car Wash subject to Section 10-10-1 of this title.
4. Commercial entertainment/recreation indoor Drive-through service lane accessory to a thrift store less than five thousand (5,000) square feet in gross floor area subject to Section 10-6-8(F)-of this title.
5. Funeral homes and mortuaries.
6. Gas stations subject to the requirements of Section 10-6-8 (C)(1) of this title.
7. Kennel, commercial with or without outdoor animal runs.
8. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within fifty feet (50') of any lot line of an abutting lot in an R use district. Storage of maintenance equipment and trucks over one and one-half (1 1/2) tons, stockpiling of aggregate and open storage of material shall not be allowed.
9. Nursing home, intermediate care facility, long term care facility, and residential healthcare facility, provided the site shall contain not less than 600 square feet of lot area for each person to be accommodated and that no building be located less than 50 feet from any lot line; hospitals for human care, provided that all buildings are not located less than 60 feet from the lot line of an abutting R District. For the purposes of this paragraph, the 50 foot setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.
10. Tavern subject to Section 10-6-8(C)(3) of this title and title 3 of this Code.
11. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.

12. Open storage lot subject to the requirements of Section 10-9-8 of this title.
 13. Places of worship and religious institution provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a Residential Zoning District. This paragraph shall apply even if the religious use does not occupy the entire structure. For the purposes of this paragraph, the fifty-foot (50') setback shall not apply.
 14. Restaurant fast food subject to Section 10-6-8 of this title.
 15. Sports arenas and stadiums.
 16. Studio, artist, or instructional service.
 17. Thrift stores having five thousand (5,000) square feet or more of gross floor area as regulated by Section 10-6-8(F)-of this title.
- E. Interim Uses: The following are interim uses:
1. Land reclamation, mining and soil processing subject to Sections 10-8-1, 10-8-2 and 10-10-7.
 2. Recycling and reclamation of nonhazardous materials, when conducted entirely within a building.
- F. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this title and in Section 10-6-8:

Lot Area	20,000 square feet
Lot Width	100 Feet
Setback - Principal Structure	
Front Yard	30 feet
Side Yard	10 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	30 feet
Rear Yard	30 feet
Setback - Accessory Structure	
Front Yard	30 feet
Side Yard	10 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	30 feet
Rear Yard	30 feet
Setback - Parking¹	
Front Yard	10 or 30 feet when adjacent to lower density residential zoning districts

Side Yard	5 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	10 or 30 feet when adjacent to lower density residential zoning districts
Rear Yard	5 or 30 feet when adjacent to lower density residential zoning districts

¹ A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8 of this title.

Commercial zero lot line development, pursuant to Section 10-9-3 of this title.

10-6-4 : B-4 Highway Commercial District

A. Purpose And Intent: The purpose of the B-4 Highway Commercial District is to provide for a mixture of commercial, office, and light industrial land uses, made mutually compatible through the enforcement of performance standards, to encourage and accommodate high quality, large scale development opportunities along intermediate arterial roadways within the City.

B. Permitted Uses. The following are permitted uses:

1. Auto repair major and minor.
2. Auto sales and rental conducted entirely within the building.
3. Bank or financial services.
4. Boat sales.
5. Bus terminal.
6. Car wash as a principal use.
7. Daycare Center.
8. Funeral home or mortuary.
9. Greenhouse (commercial) with no outdoor storage or display.
10. Health club.
11. Hospital.
12. Commercial Entertainment / Recreation indoor, provided the structure in which the use is located is at least one hundred feet (100') from any Residential Zoning District.
13. Instructional/learning center.
14. Kennel, commercial with or without outdoor animal runs.
15. Library.
16. Liquor store subject to the requirements of Title 3 of this Code.
17. Medical service or clinic.
18. Ministorage.
19. Hotel.
20. Museum.
21. Office.
22. Personal services.
23. Retail Sales.
24. Research center and development including laboratories.

25. Restaurants –with a minimum five thousand (5,000) square feet and subject to Section 10-6-8(C)(2) of this title.
26. Tavern.
27. Thrift stores having a gross floor area less than five thousand (5,000) square feet provided all merchandise collection, transfer, processing and storage occurs within the principal building. No accessory outdoor drop off/collection area or outdoor storage is allowed on site.
28. Veterinary clinic/hospital with or without outdoor animal runs.
29. Warehouse subject to the requirements of Section 10-10-13 of this title.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory car wash subject to Section 10-10-1 of this title.
2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
3. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
4. Auto dealership remote storage subject to Section 10-10-6 of this title.
5. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
6. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
7. Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to Section 10-6-8(A)(11)- of this title.
8. Off street parking and loading spaces as regulated in this title.
9. Trash and recycling containers as regulated by this title.
10. Signs as regulated by this title.
11. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in 10-10-12 of this title.
12. Temporary/seasonal outdoor sales uses, subject to the provisions of Section 10-10-11 of this title.

D. Conditional Uses: The following are conditional uses:

1. Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by 10-10-12 of this title.
2. Event center subject to Title 3 of this Code.
3. Construction services.
4. Commercial Entertainment/Recreation outdoor Drive-through service lane accessory to a thrift store less than five thousand (5,000) square feet in gross floor area subject to Section 10-6-8(F)- of this title.
5. Event center subject to title 3 of this Code
6. Outdoor storage and outdoor operations of a permitted use, as well as outdoor displays and open sales or rental lots, when accessory to a permitted use, are allowed only in accordance with applicable requirements shall comply with the following requirements:
 - a. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.

- b. Open storage lot subject to the requirements of Section 10-9-8 of this title.
 - 7. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in 10-10-12 of this title.
 - 8. Towers as regulated in 10-10-12 of this title.
 - 9. Thrift stores having five thousand (5,000) square feet or more of gross floor area as regulated by Section 10-6-8(F) of this title.
- E. E. Interim Uses. The following are interim uses:
- 1. Driving ranges.
 - 2. Land reclamation, mining and soil processing subject to 10-8-1, 10-8-2 and 10-10-7.
 - 3. Outdoor theaters, including drive-ins.
 - 4. Recycling and reclamation of nonhazardous materials, when conducted entirely within a building.
 - 5. Required structures need not be accessory structures and need not comply with the special requirements of Section 10-6-8(A)(1)(b) of this title.
- F. F. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title and in 10-6-8:

Lot Area	40,000 square feet
Lot Width	150 feet
Setback - Principal Structure	
Front Yard	40 feet
Side Yard	20 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	40 feet
Rear Yard	40 feet
Setback - Accessory Structure	
Front Yard	40 feet
Side Yard	15 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	40 feet
Rear Yard	40 feet
Setback - Parking¹	
Front Yard	20 or 30 feet when adjacent to lower density residential zoning districts

Side Yard	15 or 30 feet when adjacent to lower density residential zoning districts
Side Yard - Street	20 or 30 feet when adjacent to lower density residential zoning districts
Rear Yard	15 or 30 feet when adjacent to lower density residential zoning districts

¹ A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8 of this title.

G. Gateway Design Standards: Within any gateway district as delineated on the official zoning map, all provisions of this Code shall be met. In addition, all structures and uses shall comply with Burnsville north gateway guidelines as set forth in Ordinance 1022, which is incorporated herein by reference. To the extent this title conflicts with Ordinance 1022, Ordinance 1022 shall control.

H. Supplemental Standards: Commercial zero lot line development, pursuant to Section 10-9-3 of this title

10-6-5 : MIX Mixed Use District

A. Purpose And Intent: The purpose of the MIX mixed use district is to promote unique planned developments within the district where residential land uses can be combined into neighborhoods with retail, office, entertainment, and recreational facilities in close proximity to transit. The intent of the MIX district is to promote integrated development patterns that accomplish the following objectives:

1. Establish a mixed use land use pattern and neighborhood design that is consistent with the vision, goals, and policies of the Burnsville comprehensive plan.
2. Accommodate a mixture of residential, retail, service, office, recreational, and entertainment land uses in an integrated neighborhood design.
3. Establish ground level, pedestrian friendly retail and service storefronts complemented by office and residential uses above the ground floor development.
4. Promote a development pattern that is a pedestrian friendly, rollable environment that encourages walking, biking and use of mass transit.
5. Create attractive neighborhoods that promote pedestrian activity, human interaction, safety, and livability.
6. Provide a range of housing options that respond to the needs of residents in each stage of their life.
7. Promote a creative and efficient use of land which at the same time protects and promotes health, safety, comfort, aesthetics, economic viability, and general welfare of the city.

B. Permitted Uses: The following are permitted uses:

1. Auto repair minor when conducted entirely within a building.
2. Bank or financial services.
3. Bicycle sales and repair.
4. Bookstore.

5. Camera and photographic supply and processing store.
 6. Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop, but not of the drive-in type.
 7. Clothing store.
 8. Coffeehouse, coffee shop, wine bar, tavern three thousand (3,000) square feet or less in floor area.
 9. Commercial zero lot line development pursuant to Section 10-9-3 of this title.
 10. Commercial entertainment/recreation indoor.
 11. Daycare center.
 12. Government buildings where the use conducted is customarily considered to be an office use.
 13. Health clubs.
 14. Hotels, Library.
 15. Liquor store subject to the requirements of Section 10-6-8(C)(3) of this title and Title 3 of this Code.
 16. Medical marijuana distribution facility.
 17. Medical service or clinic.
 18. Office.
 19. Personal services.
 20. Post Office.
 21. Research and development centers including laboratories (i.e. medical, software, communications, scientific, etc.).
 22. Restaurant Standard subject to Section 10-6-8(C)(2) of this title.
 23. Retail Sales.
 24. Schools.
 25. Studio, artist, or instructional service.
 26. Thrift stores having a gross floor area less than five thousand (5,000) square feet provided all merchandise collection, transfer, processing and storage occurs within the principal building. No accessory outdoor drop off/collection area or outdoor storage is allowed on site.
 27. Veterinary clinic/hospital, not including outdoor animal runs.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 2. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
 3. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
 4. Daycare centers as home based and licensed. Daycares with more than three (3) children in a structure with more than two (2) dwelling units are prohibited.
 5. Drive-through service lane accessory to a principal use subject to Section 10-6-5(G)(6) of this chapter.
 6. Home occupation as regulated by this title.
 7. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the

premises.

8. Incidental outdoor seating for food service businesses as permitted by Section 10-6-8 of this title.
9. Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to Section 10-6-8(A)(11) of this title.
10. Keeping of animals as regulated by Sections 10-9-14, 10-10-4 and Chapter 6-3.
11. Off street parking and loading spaces as regulated in this title.
12. Private swimming pools, tennis courts, recreation buildings, and playgrounds intended for use by occupants of the property on which they are located and privately maintained by a homeowners association or similar entity.
13. Trash and recycling containers storage as regulated by this title.
14. Restaurant within a building having a principal use other than a restaurant subject to Section 10-6-8(C)(2)- of this title.
15. Signs as regulated by this title.
16. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
17. Temporary/seasonal outdoor sales uses, subject to the provisions of Section 10-10-11 of this title.

D. Conditional Uses: The following are conditional:

1. Accessory car wash as regulated by section 10-10-1 of this title.
2. Accessory structures or uses other than those listed as permitted.
3. Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
4. Car wash as a principal use.
5. Commercial entertainment/recreation outdoor.
6. Event center subject to Title 3 of this Code.
7. Funeral homes and mortuaries.
8. Mixed use/residential and commercial use buildings subject to Section 10-6-5(G)(9) of this chapter.
9. Motor fuel stations subject to the requirements of Section 10-6-8(C)(1) of this title.
10. Multiple-family residential (freestanding) including apartments, cooperatives, and condominiums. as regulated by section 10-6-5(G)(10) of this chapter and provided the density of the project site complies with Section 10-9-19 of this title.
11. Multiple principal structures on the same lot as regulated by Section 10-6-8 (C)(4) of this title.
12. Museums, art institutions, and galleries.
13. Taverns subject to Section 10-6-8(C)(3) of this title and Title 3 of this Code.
14. Nursing home, intermediate care facility, long term care facility, and residential healthcare facility, provided the site shall contain not less than six hundred (600) square feet of lot area for each person to be accommodated and that no building be located less than fifty feet (50') from the lot line; hospitals for human care, provided that all buildings are not located less than sixty feet (60') from the lot line of an abutting R District.

15. Place of worship and religious institution, provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a residential zoning district. This paragraph shall apply even if the religious use does not occupy the entire structure. For the purposes of this paragraph, the fifty foot (50') setback shall not apply to any property line adjacent to an arterial roadway, including an interstate freeway.
 16. Restaurants fast food as regulated by Section 10-6-8(C)(2) of this title.
 17. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) or less in diameter, are regulated in Section 10-10-12 of this title.
 18. Towers as regulated in Section 10-10-12 of this title.
 19. Townhomes as regulated in Section 10-6-5(G)(10) of this chapter and provided the density of the project site complies with Section 10-9-19 of this title.
- E. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this title and in Section 10-6-8:

Lot Area	20,000 square feet
Lot Area Per Unit: Multiple-family/Multiple Story Apartment Dwelling	2,000 square feet per unit
Lot Area Per Unit: Townhomes	5,000 square feet per unit
Lot Width	100 feet
Residential Lot Coverage	50 percent impervious coverage
Commercial/Mixed Use Lot Coverage	75 percent impervious coverage
Building Height	There is no maximum height limit. Exception where Environmental Overlay Districts and floodplain regulations may apply.
Setback - Principal Structure	
Front Yard	30 feet
Side Yard	10 feet
Side Yard - Street	30 feet
Rear Yard	20 feet
Setback - Accessory Structure	
Front Yard	30 feet

Side Yard	5 feet
Side Yard - Street	30 feet
Rear Yard	8 feet
Setback - Parking	
Front Yard	10 feet
Side Yard	10 feet
Side Yard - Street	10 feet
Rear Yard	10 feet

1. A zero setback between buildings may be allowed for shopping centers or townhome developments.
2. A zero setbacks may be permitted on interior lot lines to facilitate shared parking between lots.
3. A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8(D) of this title.
4. In structures where residential units abut streets of higher carrying capacities than standard residential streets, the minimum setback for the principal structure from that street shall be increased to the following:

Minimum Setback - Yard	Street Classification
50 feet	Collector, minor arterial
80 feet	Principal arterial

- F. Supplemental Standards: The following are supplemental standards for the district:
1. Master Plan: Within any MIX District, a master concept plan or ghost plan shall be required for all development/redevelopment that shows how the development site is integrated with adjoining lots, streets, internal parking and circulation systems, pedestrian circulation, and landscaping. No subdivision of a property shall be allowed without a master concept plan for the larger parcel that illustrates how the purpose and intent objectives of Section 10-6-5(A) of this chapter are accommodated.
 2. Building Design And Materials:
 - a. Commercial and mixed-use buildings shall comply with the building design and material requirements of Section 10-6-8(A)(1) of this title.
 - b. Residential buildings (freestanding) shall comply with the building design and material requirements of Section 10-6-5(H) of this title.
 3. Mechanical Equipment: Mechanical equipment (ground mounted and rooftop) shall meet the following requirements:
 - a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten feet (10') for a single-story building, or fifteen feet (15') for a multiple story building.

- b. All private ground mounted equipment shall be one hundred percent (100%) screened pursuant to Section 10-9-21 of this title and by enclosures constructed of durable and permanent materials with architectural elements (type, quality, and appearance) similar and compatible to the principal structure.
 - c. All rooftop equipment shall be one hundred percent (100%) screened from view from across adjacent streets fifteen feet (15') behind the curb or adjacent properties at the property line.
 - d. Rooftop equipment shall be one hundred percent (100%) screened by the building parapet, or the equipment shall be grouped behind an enclosure and set back a distance of one and one-half (1 1/2) times its height from any primary facade fronting a public street.
 - e. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
 - f. Exterior mechanical equipment, such as ductwork, shall not be located on primary building facades.
- 4. Trash And Recyclables: Trash and recyclable handling equipment shall meet the requirements of Section 10-6-8(A)(2) of this title.
- 5. Parking, Loading, And Pedestrian ways:
 - a. Parking: Parking within the MIX district shall meet the following requirements:
 - (1) Design And Maintenance: Design and maintenance of all off street parking areas shall be in accordance with Section 10-9-10 of this title.
 - (2) Off Street Parking Lots: Off street parking lots shall be landscaped and screened in accordance with Sections 10-9-13 (H)(2) and 10-9-13(I)(6) of this title.
 - (3) Reduction In Required Parking: Within the MIX mixed use district, the amount of parking required by Section 10-9-10 of this title may be reduced provided one of the following conditions are met:
 - (A) Provision of joint parking facilities per Section 10-9-10(I) of this title.
 - (B) Conditional use permit to reduce the required parking by twenty percent (20%) through the provision of onsite transit interface including:
 - (a) Site abuts a designated bus route.
 - (b) Dedication of land and construction of bus stop facilities including bus pullout lanes, shelters, benches, lights, and signage.
 - (c) Pedestrian connections between the bus stop and the principal buildings on the site.
 - (d) Transit interface location and improvements shall be approved by the city and regional transit provider.
 - b. External Loading Areas: External loading areas shall meet the requirements of Section 10-6-8(A)(8) of this title.
 - c. Pedestrian/Bicycles: Within the MIX mixed use district, the following

pedestrian and bicycle facilities shall be required:

- (1) Pedestrian Walkways: Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities.
- (2) Crosswalks: Crosswalks at private street intersections or within parking lots shall be distinguished from driving surfaces to enhance pedestrian safety by using either different pavement materials, pavement color or pavement textures in conjunction with signage.
- (3) Bicycle Racks: Bicycle racks shall be provided on site at a ratio of one space for every twenty (20) automobile parking spaces or any fraction of that amount.
- (4) Pedestrian Furniture: Mixed use developments shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every ten thousand (10,000) square feet of gross floor area.
- (5) Central Areas Or Features: Mixed use developments forty thousand (40,000) square feet in total gross floor area or greater shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project. The size of the outdoor public space shall be five hundred (500) square feet per ten thousand (10,000) square feet of total floor area of the mixed-use building.
- (6) Aesthetic Design: Sites shall be designed to include three (3) of the following: public art, fountains, plazas, perennial beds, entrance landscaping, or other amenities reviewed and approved by the Development Review Committee.

6. Accessory Drive-Through Facilities: Accessory drive-through facilities shall be allowed subject to the following conditions:

- a. Not less than one hundred twenty feet (120') of segregated automobile stacking shall be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to eighty feet (80') per lane.
- b. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with onsite traffic circulation or access to the required parking space.
- c. No part of the public street or boulevard may be used for stacking of automobiles.
- d. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize

- maneuverability of vehicles on the site.
- e. The drive-through window and its stacking lanes shall be screened pursuant to Section 10-9-21 of this title.
- f. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with Section 10-9-7 of this title.
- 7. Outdoor Lighting: Within any MIX mixed use district, all exterior building and parking lot lighting shall comply with Section 10-9-7 of this title.
- 8. Landscaping: Within any MIX mixed use district, the following landscaping standards shall be applied:
 - a. Multiple-family/townhome freestanding development in the MIX district shall comply with the landscaping regulations of Sections 10-9-13(G)(2) and 10-9-13(H) of this title.
 - b. Commercial development in the MIX district shall comply with the landscaping regulations of Sections 10-9-13 (H) and 10-9-13(I)6 of this title.
- 9. Mixed Use Buildings: Combined residential and nonresidential buildings shall be allowed by conditional use permit subject to the following conditions:
 - a. Building Facade: Where residential and nonresidential uses share the same first floor building facade, the building design must demonstrate that the location, access, and appearance of the mixed land uses promote continuity of use and architectural appearance along the same building facade.
 - b. Above Ground Floor Uses: Above ground floor uses shall be limited to nonretail business uses and residential uses.
 - c. Entrances: Residential uses shall be provided separate entrances and separately identified parking stalls.
 - d. Density: The residential component of the mixed use building shall maintain a net density consistent with Section 10-9-19 of this title for multiple-family apartment dwellings or five thousand (5,000) square feet of lot area per unit for townhome units, unless the development qualifies for a density bonus as regulated by Section 10-6-8 (F).
- G. Multiple-Family Residential Buildings/Townhomes (Freestanding): Freestanding residential buildings containing only multiple residential dwelling units shall be allowed by conditional use permit subject to the following conditions:
 - 1. Floor Area: Four hundred (400) square foot minimum floor area for efficiency apartment units. Minimum five hundred (500) square feet for a one bedroom dwelling unit plus one hundred (100) square feet for each additional bedroom. Garages, breezeways and enclosed porch floor spaces shall not be credited in determining the required floor area of units.
 - 2. Utilities: All multiple-family dwellings shall be served by public sanitary sewer and water. The private utility systems within the development shall be subject to the review and approval of the City Engineer.
 - 3. Parking: The design and maintenance of off street parking areas and the required number of parking spaces shall be in accordance with Section 10-9-10 of this title.
 - a. Private driveways for garages in townhouse developments shall be a

minimum of twenty feet (20') in length to allow vehicle parking on the driveway.

- b. A land area requirement of three hundred (300) square feet toward the satisfaction of lot area requirements shall be given for each garage space under the principal building, i.e., in R-4 District requirement is one thousand seven hundred (1,700) square feet per unit versus two thousand (2,000) square feet per unit.
4. Size Of Development: All developments which contain two (2) or more structures and/or a structure containing ten (10) or more dwelling units shall be by conditional use permit. No townhouse building shall have more than eight (8) dwelling units.
5. Trash Handling And Recycling: All trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be screened pursuant to section 10-9-21 of this title.
6. On Site Screening: All private mechanical equipment, utility meters, storage and service areas and similar features shall be screened from the eye level view from adjacent properties and public streets pursuant to section 10-9-21 of this title, or designed to be compatible with the architectural treatment of the principal structure.
7. Building Design And Materials: All buildings shall be designed to accomplish the goals and policies of the comprehensive plan. Building materials shall be attractive in appearance, durable, and of a quality which is both compatible with adjacent structures and consistent with the City's standards for the district in which it is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.
 - a. Major exterior surfaces on all walls shall be face brick (glazed or unglazed), clay faced tile, stone masonry (granite, limestone, marble, slate, sandstone, or quartzite), finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (not including sheet metal of any kind), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either be filled, covered with accent material or some other method to make seam lines invisible.
 - b. All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the City for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the architect shall submit to the City product samples, color building elevations, and associated drawings which illustrate the construction techniques

to be used in the installation of such materials.

- c. If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the City a plan showing the distribution of the styles, materials, and colors throughout the development.

8. Parking Lot Screening:

- a. The light from automobile headlights and other similar sources shall be one hundred percent (100%) screened pursuant to section 10-9-21 of this title, whenever it may be directed onto residential windows.
- b. When required parking areas abut any Residential District, the edge nearest the lot line shall be one hundred percent (100%) screened to a height of at least three and one-half feet (3 1/2') above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth berms and/or landscape materials as approved.
- c. When the design of the site is such that parking occurs in the front yard, a minimum of ten feet (10') landscaped area shall be provided between parking and building, in addition to the required setbacks.

9. Setbacks In Townhouse Developments: Buildings in townhouse developments shall be located at least twenty feet (20') apart and twenty feet (20') from the back of the curb of private roadways. The applicable setbacks required in the underlying zoning district shall be met along the perimeter lot lines of the development and along all public roadways.

10. Recreational Facilities: On site recreational facilities, such as swimming pools, tennis courts, play equipment, walking trails, gardens, and basketball courts, that are suitable for the projected population of the development shall be provided when the nearest public park is more than one-half (1/2) mile or across a collector or arterial roadway from the development.

11. Roadway And Driveway Design: All private roadways in multi-family developments shall have a design speed of twenty five (25) miles per hour, and shall have a maximum grade of seven percent (7%). All private driveways for garages in townhouse developments shall have a maximum grade of eleven percent (11%).

10-6-6 : TOD Transit Oriented Development District

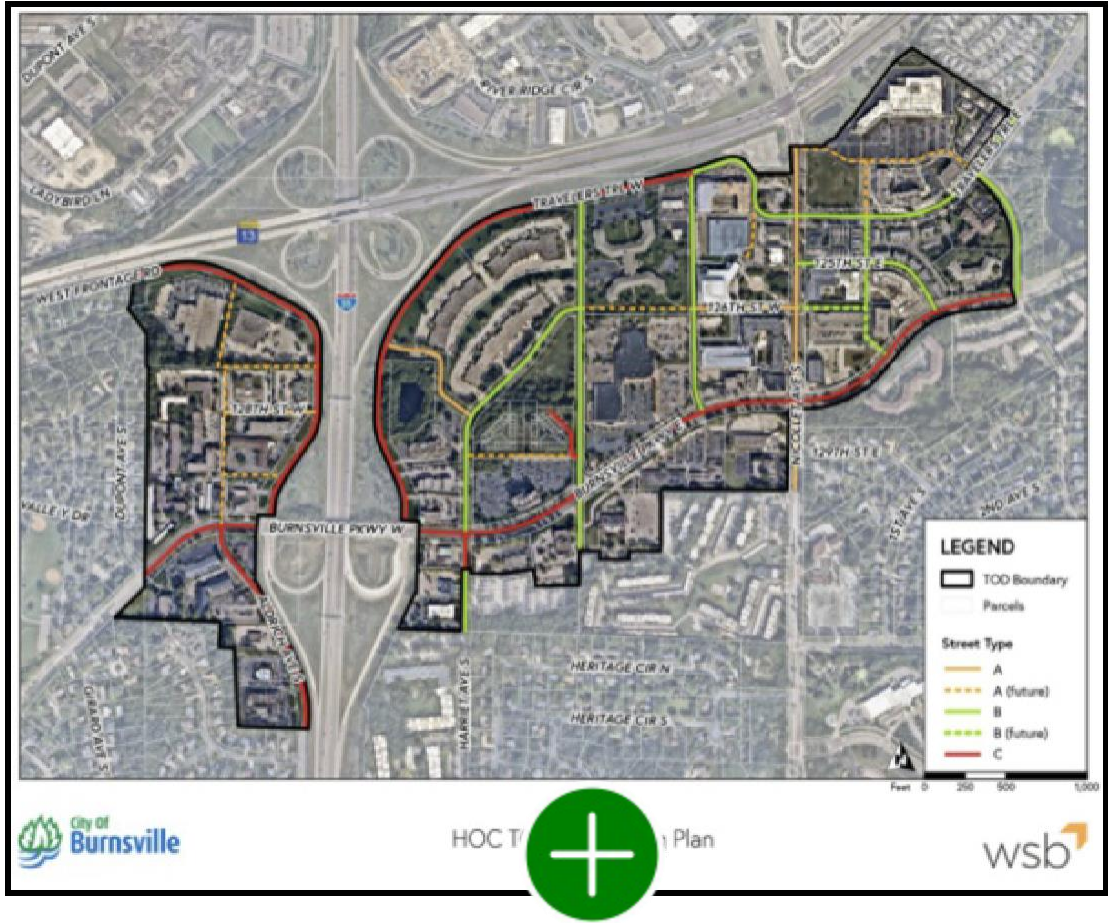
A. Purpose And Intent:

1. The purpose of the Transit Oriented Development (TOD) District is to enable development that is:
 - a. Compact;
 - b. Pedestrian-oriented;
 - c. Includes a mix of uses;
 - d. Compatible with its surroundings;
 - e. Allows density and activity that supports transit.
2. TOD Districts are form-based and located near rapid transit station areas. A

mixture of land uses and sufficient density within the district is essential to establishing a minimum level of activity needed to support rapid transit.

3. Proper design is critical to creating a safe, attractive and cohesive place in the TOD District. Form-based standards are based on a palette of street types and set parameters for how buildings and other site elements relate to those streets. The placement of building edges and treatment of building, parking, landscaping, and pedestrian spaces contribute to an environment that is friendly to those traveling by foot, bike, transit, car or other means. The standards in this chapter are intended to create context-sensitive density and intensity through specific standards related to: site planning, parking, signage, architecture, building materials, and landscaping. The TOD District provides a streamlined review process for projects that meet this intent and the standards described in this chapter.
- B. Administration: Development applications under this chapter will follow one of two (2) paths for review, depending upon the request's compliance with the provisions of this chapter. A streamlined review process is available for applications that meet the purpose and intent and specific regulations of this chapter.
1. Administrative Review: Development applications which meet or do not exceed the thresholds in Sections 10-6-6(C) or 10-6-6(D) will be administratively reviewed by the Development Review Committee. The Development Review Committee will review and take action on applications that meet the following criteria:
 - a. The proposed uses are either permitted or accessory according to Sections 10-6-6(D)(4)(d) and 10-6-6(D)(4)(e).
 - b. The proposed use is going into an existing building, with no proposed modifications to the building footprint.
 - c. The proposed building type is consistent with Table 10-6-6-4 1 - Regulations by Street Type and the specific building type standards in Section 10-6-6-4(B).
 - d. All lot standards in Table 10-6-6-4 2 are met.
 - e. The application meets all general regulations for the TOD District in Section 10-6-6-4.
 2. Referral To Planning Commission: Development applications which exceed the thresholds in Section 10-6-6-2 will be reviewed by the Planning Commission and City Council per the procedures in Chapter 2: Administration and Compliance.
- C. TOD Regulating Plan: The TOD Regulating Plan (replacing the Heart of the City Design Framework) is a set of standards that applies to all areas within the TOD District and is based on street types. The streets are related to each other in a somewhat hierarchical manner and are illustrated on the Regulating Plan. The chapter regulates individual parcels of land based on which type of street they front. In the case of a site with multiple street frontages, the Development Review Committee will determine the primary street frontage that dictates the building types and placement regulations for that building. The physical location of streets and street types are identified in the Regulating Plan. The Regulating Plan works hand-in-hand with the street type standards which include building placement, building type, uses, and parking locations. The Regulating Plan identifies both existing and possible locations for future streets. The hierarchy of streets and the Regulating Plan will serve to act as an informal phasing plan to guide the categorization of future streets. Once the street type is determined

from the Regulating Plan, information on allowable building types can be found in Table 10-6-6-D 1.



	Building Type				
Street Type	A: Mixed Use	B. Multi-Family	C: Townhomes	D: Cottage	E: Commercial/ Office
A	X	X	X	X	
B	X	X	X	X	X
C	X	X			X

Table 10-6-6-D 1: Regulations By Street Type

1. Lot Requirements: Minimum lot requirements in the TOD District are shown in Table 10-6-6-D 2 and illustrated in Figure 10-6-6-D 1.

Lot Requirements	Min. area (square feet)	6,000
	Min. width (feet)	25 (residential townhomes); 50 (other uses)
	Min. depth (feet)	120

Table 10-6-6-D 2 Lot Requirement

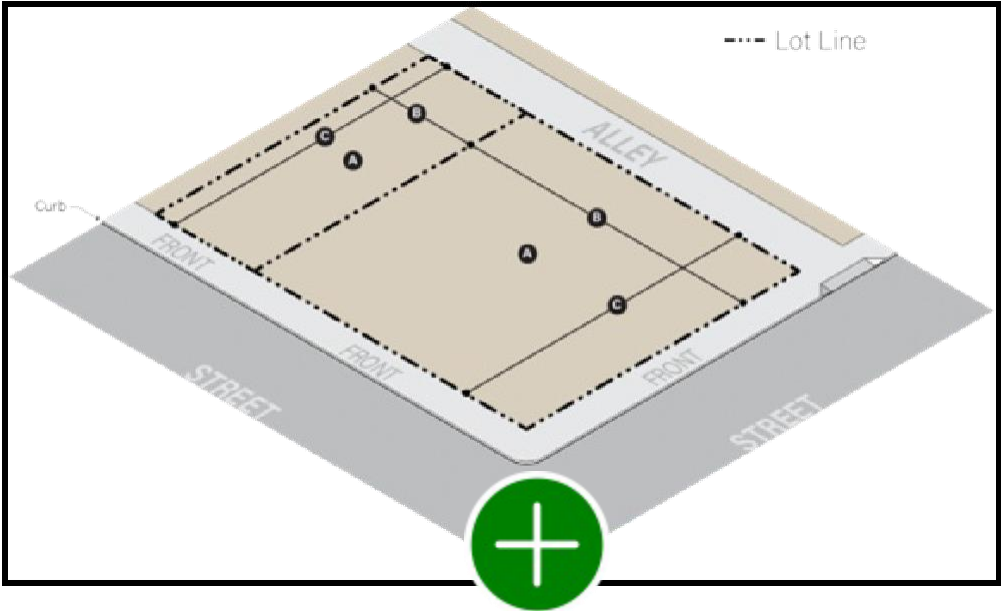
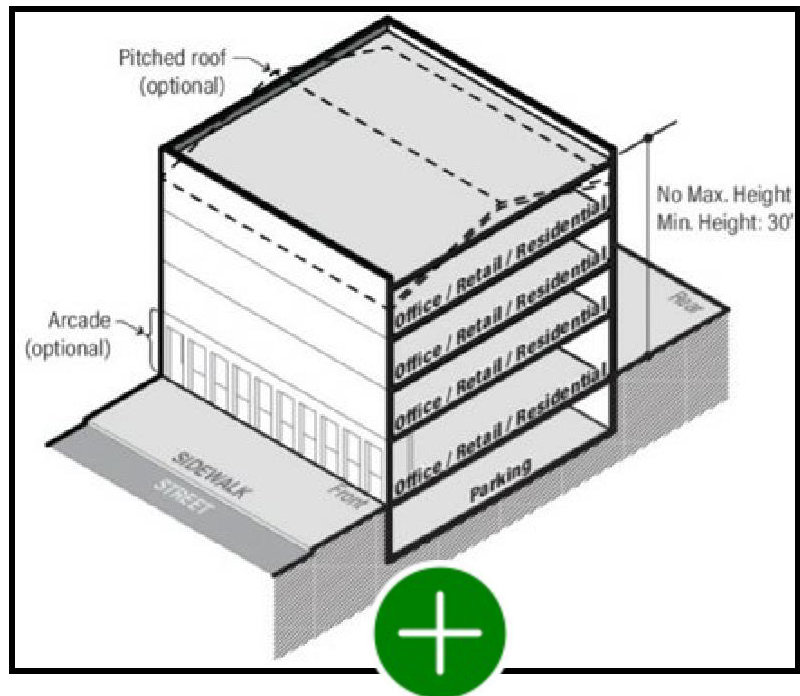
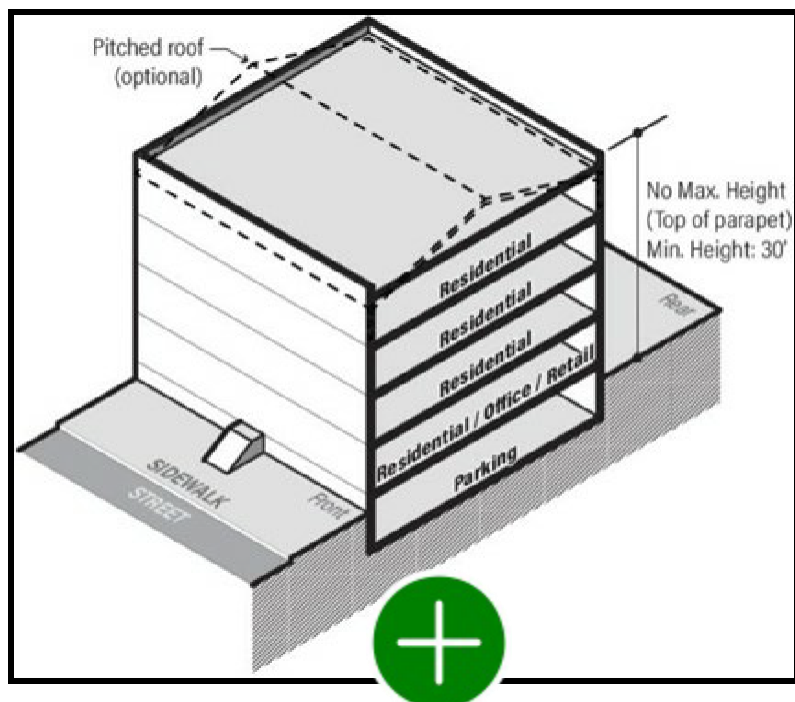


Figure 10-6-6-D 3: Lot requirements illustrated.

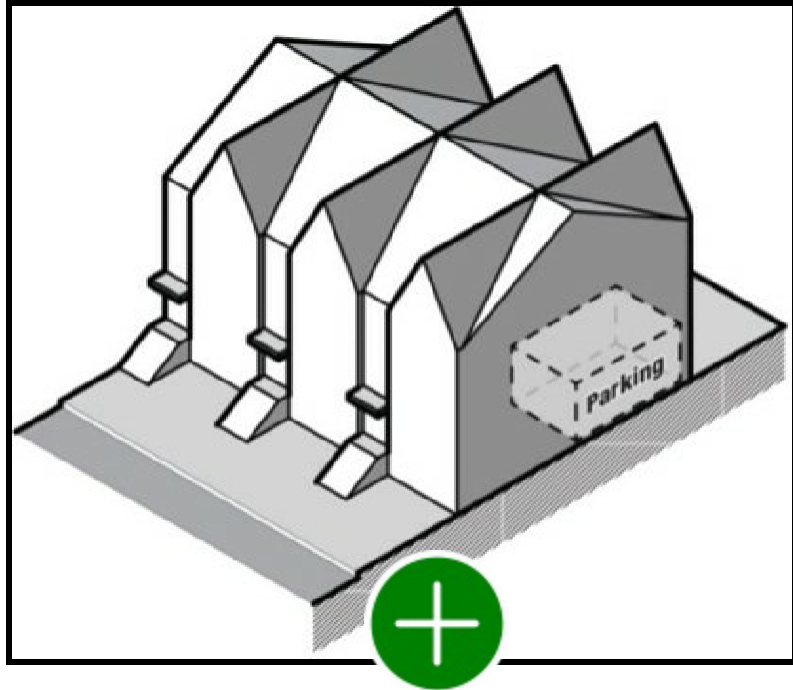
2. Building Types: On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions.
- a. Building Height Limit: In the TOD District the minimum building height shall be governed by the building types described below. There is no maximum height limit in the TOD District, except where Environmental Overlay Districts and floodplain regulations may apply.
 - (1) Building Type A: Mixed Use: Type A buildings may include retail, office, and/or residential uses on the first floor and on upper floors. Parking may be included belowground. Type A buildings may have a flat or pitched roof. Height shall be at minimum thirty feet (30') and no maximum.



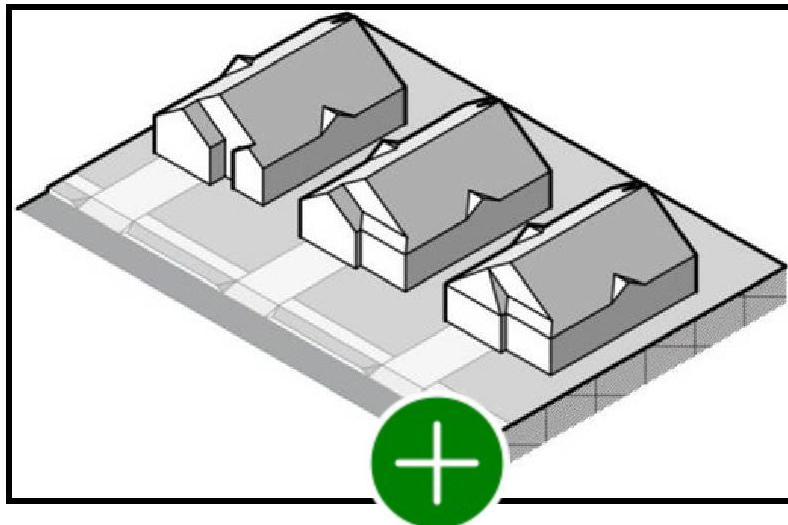
- (2) Building Type B: Multi-family: Type B buildings shall include residential, office, or retail uses on the first floor, and residential apartments or condominiums on upper floors. Parking may be included below ground.



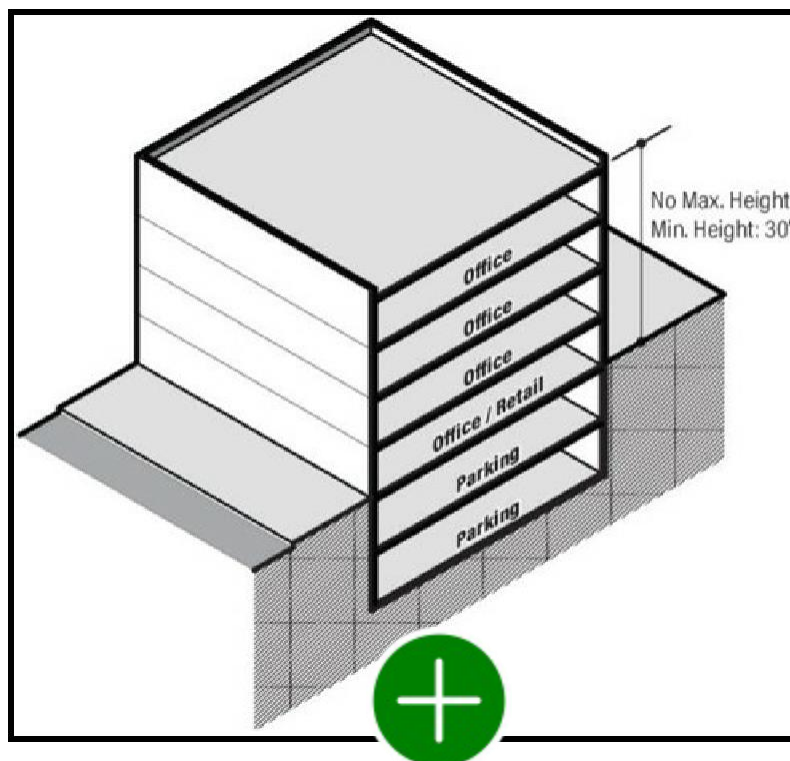
- (3) Building Type C: Townhome: Type C buildings shall be residential townhomes on all floors, except that a portion of the first floor not fronting a street or public open space may include parking. Type C buildings shall have a pitched roof. Minimum width of lots shall be twenty-five feet (25').



- (4) Building Type D: Cottage: Type D cottages are small, single-family dwellings on small lot similar in scale to townhomes but detached. Type D buildings shall have a minimum lot width of twenty-five (35') and shall have a pitched roof.



- (5) Building Type E: Office/Retail: Type E building shall include office or retail uses on the first floor, and office uses on upper floors. Parking may be included belowground. Type E buildings may have a flat or pitched roof. Height shall be at minimum thirty feet (30') and no maximum.



3. Placement Requirements:

- a. Build-To Line: A build-to line is established which provides a minimum and maximum front setback for buildings and other structures, from the right of way or property line. For parking, the minimum setback applies, but not the maximum. There are three (3) build-to line conditions based on street type.

The location of these build-to line conditions on various streets within the TOD District is illustrated on the regulating plan. All principal and accessory structures shall comply with build-to-line requirements as provided in Tables 10-6-6-D 3 and 10-6-6-D 4 and illustrated in Figure 10-6-6-D 2, respectively.

- (1) On lots with more than one (1) street frontage, the build-to line shall apply on each side fronting a street.
- (2) The build-to line may be met with either an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.
- (3) At least the first and second floors of a building must meet the build-to line.
- (4) The first fifty feet (50') of the lot frontage on both sides of a street interSection must be occupied by buildings meeting the build-to line.

		Street Type		
		A	B	C
Structure Placement	Building - to line setback (feet)	10	15	20
	Max. front setback (feet)	15	20	25
	Min. rear setback – Principal Structure (feet)	20	20	20
	Min. rear setback- Accessory Structure (feet)	5	5	5

Table 10-6-6-D 3 Placement Requirements

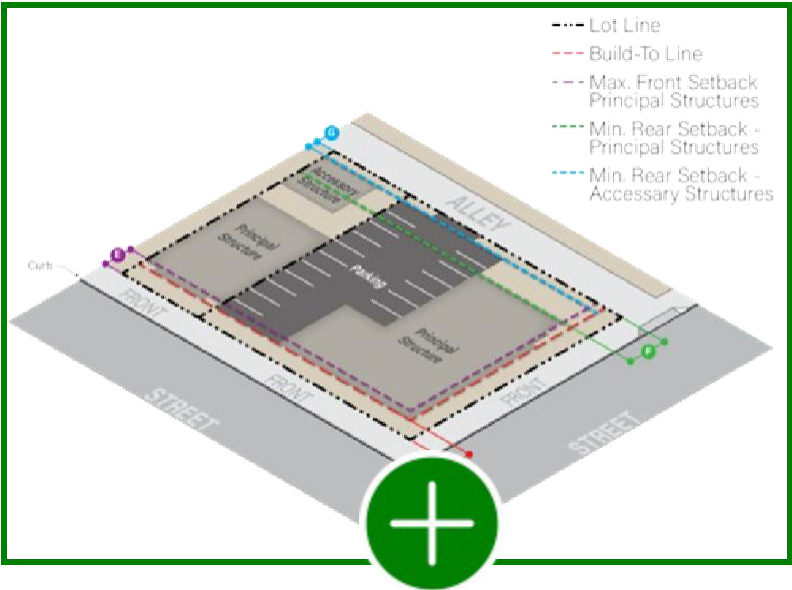


Figure 10-6-6-D 2 Placement Requirements Illustrated

b. Accessory Structure Setbacks:

Setback	
Front Yard	Prohibited
Side Yard	0 foot minimum
Side Yard - Street	Same as front yard
Rear Yard	5 foot minimum

Table 10-6-6-D 4 : Accessory structure placement requirement

- c. Frontage: At least sixty-five percent (65%) of the primary street frontage of any lot shall be occupied by building facades meeting the build-to-line. Other portions of a building beyond the sixty-five percent (65%) may be set back farther than required by the build-to line up to the maximum setback. On lots with more than one (1) frontage, the build-to line shall apply on each side fronting a street. Frontage requirements are provided in Table 10-6-6-D 5 and shown in Figure 10-6-6-D 3.

	Max. building frontage	100%
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Frontage	Min. building frontage	65% For corner lots, the first fifty feet (50') of frontage on either side of a street intersection must be occupied by buildings meeting the build-to line
	Parking	Parking lot fronting along a public street has maximum width of sixty-five feet (65') measured at the lot frontage. Must be screened with a decorative wall, decorative fence, landscaping, hedge, or a combination to a minimum height of three feet (3') and a maximum height of four and one-half feet (4.5') above the level of the parking lot, at the build-to line.

Table 10-6-6-D 5: Frontage requirements

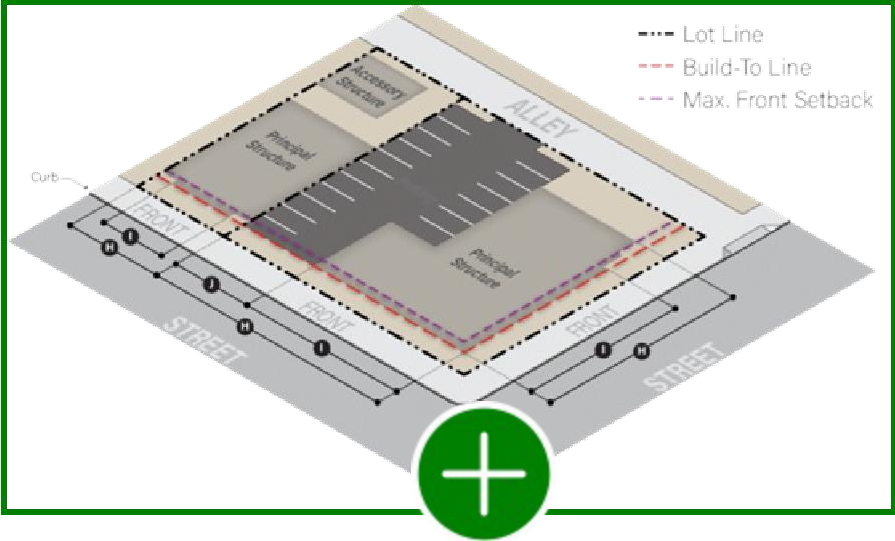


Figure 10-6-6-D 3 : Frontage requirements illustrated

- d. Length Of Facade: The length of the building facade shall be measured as the maximum width of the building projected onto the front lot line on lines perpendicular to the front lot line
4. Parking Placement And Screening:

Parking Setback	
Front Yard	Build-to line

Side Yard	0 foot minimum
Side Yard - Street	Same as front yard
Rear Yard	5 foot minimum

Table 10-6-6-D 6: Parking Placement Requirements

- a. Screening Of Parking Areas: Wherever a surface parking area faces a street frontage, such frontage shall be one hundred percent (100%) screened with a decorative wall, railing, hedge, or a combination of these elements, to a minimum height of three feet (3') and a maximum height of four feet (4') above the level of the parking lot, at the build-to line. Screening shall preserve the minimum sight triangle as required in Section 10-9-20
- b. Parking Structures: Parking structures shall maintain a setback/build-to line as required in this Section for all other principal structures. Where a parking structure is adjacent to surface parking in a side or rear yard condition, the parking structure may have a zero (0) setback.
- c. Uses:
 - (1) Use Groups: To allow flexibility in use within the TOD district, the following use groups are established and defined. The Development Review Committee determines which use group a specifically proposed use fits into based upon these definitions.
 - (2) Shopping: Retail and commercial establishments that offer goods for sale to the general public. May include resale shops and food stores, but not restaurants.
 - (3) Dining: Eating establishments, which may include (but are not limited to) coffee shops, cafes, dine-in or carry-out restaurants, taverns, bars and wine bars.
 - (4) Services: Offices and businesses that offer services to the general public and which may include retail sales associated with the service. Examples include: personal services (hair, spa), art or photography studios, animal care facilities and services, and small appliance repair.
 - (5) Activities: Public or private places for small gatherings, which include:
 - (A) Daycare;
 - (B) Community center;
 - (C) Health club;
 - (D) Funeral home.
 - (6) Employment: A mix of moderate- to high-density office, light industrial and institutional development in stacked office and mixed-use buildings as well as multistory flex buildings that can accommodate a range of employment opportunities at higher densities. Employment uses should generally be located further from transit stations than other more active use groups, while still promoting transit-supportive densities and pedestrian-oriented urban design. Employment uses may include:

- (A) Professional offices which generally do not include retail sales;
- (B) Medical office;
- (C) Banks, consultants, and similar uses;
- (D) Limited production and processing, industrial, institutional uses in compliance with performance standards in Section 10-6-6(D);
- (E) Self-storage if included in a mixed use building or integrated in a mixed use development;
- (F) Makerspaces/artisan manufacturing;
- (G) Small brewer, micro-distillery or taprooms;
- (H) Research and design;
- (I) Incidental packaging and processing.

- (7) Residential: In the TOD District, multi-family attached units, apartments, condominiums, and townhomes. May also include combined working and living space, home occupations and residential program (group home) for six (6) or fewer persons as defined and licensed by the State of Minnesota.
- (8) Institution: Public or quasi-public uses including: government buildings, schools of any type, libraries or museums.
- (9) Lodging: Premises available for short-term, transient occupation by guests. Examples include (but are not limited to): hotels, motels, and bed and breakfast establishments.
- (10) Open Space: Outdoor spaces designed for passive or active recreational uses; may be public or private.
- (11) Recreation, Entertainment And Events: Indoor recreational space (public or private) and event centers. Examples include movie theaters, bowling alleys, indoor sports, live music or live theater performance venues.
- (12) Sexually oriented businesses as defined in Section 3-8 and regulated in Section 10-10-9.

d. Permitted Uses:

- (1) The following use groups are permitted by right in the TOD District, within the building types regulated by Table 10-6-6-D 1:
 - (A) Shopping;
 - (B) Dining;
 - (C) Services;
 - (D) Employment, subject to the performance standards in Sections 10-9-17-7 through 10-9-17-9, 10-9-8, 10-9-23, 10-9-5, 10-9-10-2, 10-9-10-3
 - (E) Residential;
 - (F) Institution;
 - (G) Lodging;
 - (H) Activities within Building Types A and E only.
- (2) Exceptions: First-floor residential use is not permitted on building types that have their primary frontage on Nicollet

Avenue north of Burnsville Parkway.

e. Accessory Uses: The following uses are considered accessory to the above permitted uses:

- (1) Accessory solar energy systems pursuant to Section 10-10-10 of this title.
- (2) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time necessary to complete the construction.
- (3) Outdoor seating on private property.
- (4) Private garages, off street parking and loading spaces as regulated by this article.
- (5) Public trash and recycling containers pursuant to Section 10-9-21 of this title.
- (6) Signs as regulated by this title.
- (7) Repair, processing or storage incidental to a permitted use subject to Section 10-6-8(A)(11) of this title.
- (8) Single satellite earth station antennas two meters (2 m) or less in diameter and single antennas designed to receive direct broadcast services or multichannel, multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
- (9) Temporary/seasonal outdoor sales subject to the provisions of Section 10-10-11 of this title.
- (10) Mobile food vendors subject to the provisions of Title 3, Chapter 30.
- (11) Essential service structures, such as lift stations, utility meters, power substations and small cell wireless facilities subject to the provisions of Section 10-9-6.
- (12) Incidental accessory uses as permitted by Section 10-9-12.
- (13) Warehouse and distribution, as an accessory to another permitted use and shall not exceed fifteen percent (15%) of the gross floor area of a structure.
- (14) Projecting signs over the public right-of-way or public open space for a permitted or conditional use, provided that:
 - (A) The sign is approved by the City Council on the recommendation of the City staff, and on finding that the sign placement will not compromise public health, safety, or welfare.
 - (B) The sign shall meet all other provisions for signs under this Section.
- (15) Outdoor seating within the public right-of-way or public open space for a permitted or conditional use, provided that:
 - (A) A sidewalk area at least six feet (6') wide is maintained free of seating in the area.
 - (B) An outdoor seating plan is prepared and approved by the

City Council on the recommendation of the Planning Commission, Community Development Director, Fire Marshal, and Public Works Director, and on finding that the plan will not compromise public health, safety, or welfare. The plan may also include seasonal temporary landscaping and features such as planter boxes, hanging baskets, low partitions, roped off areas, and other approved elements.

f. Conditional Uses: Within the TOD District, no structure or land may be used for the following uses or use groups except by conditional use permit:

- (1) Sexually oriented businesses.
- (2) Antennas mounted on an existing structure, if integrated architecturally into the design of a building exceeding five feet (5') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
- (3) Drive-throughs on street type C:
 - (A) Drive-through lanes are not permitted in the front yard or within the build-to line/setback area.
 - (B) Adequate stacking distance shall be provided, as determined by the City Engineer, which does not interfere with other driving areas, parking spaces or sidewalks.
 - (C) Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.
 - (D) The view of automobile headlights in the drive-through lane to windows and doors of adjacent uses shall be screened to the maximum extent feasible. The screening shall be a minimum of three feet (3') in height and meet the requirements of Section 10-9-21 of this title.
 - (E) A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.
 - (F) Within TOD there shall be no more than one (1) drive-through lane serving a given use.
- (4) Exterior light poles, light fixtures, or other light sources over sixteen feet (16') above the ground, provided that such light source shall be effectively contained within the development and shall not cause glare or light spillover to any adjacent residential unit.
- (5) Nightclub subject to Section 10-6-8(C)(3) of this title and title 3 of this Code.
- (6) Places of assembly, such as lodges, assembly halls, convention centers and religious institutions, provided that the principal structure and any accessory structures used for assembly shall be located at least fifty feet (50') from any lot line adjacent to a residential building. This Section shall apply even if the assembly use does not occupy the entire structure. For the purposes of this

Section, the fifty foot (50') setback shall not apply to any property line adjacent to an arterial roadway or interstate.

- (7) Residential program (group home) for seven (7) to sixteen (16) persons as defined and licensed by the State of Minnesota Department of Human Services. Conditions of the conditional use permit shall be imposed only to assure the proper maintenance and operation of the program and shall not be more restrictive than those imposed on other conditional uses of multi-family residential property unless such additional conditions are necessary to protect the health and safety of the program participants.

- g. Prohibited Uses: Whenever a use is neither specifically allowed nor specifically prohibited, the use shall be considered prohibited unless the City Council determines that the proposed use is very similar to an allowed use in which case the proposed use shall be deemed allowed.

D. General Standards:

1. Density: In order to create activity levels that support and take advantage of bus-rapid-transit in the area, this Section sets out minimum and maximum residential density standards. These standards apply to the residential component of any residential or mixed use project proposed in the district. For mixed use projects, the required residential density will be calculated based on the acreage of the site devoted to residential uses.
 - a. Minimum density: Twenty (20) units per acre.
 - b. Maximum density: Eighty (80) units per acre.
2. Minimum Floor Area Ratio: In order to create activity levels that support and take advantage of bus-rapid-transit in the area, this Section sets out minimum floor area ratio (FAR) standards. FAR is averaged based on all uses including residential. The intention is to allow a diversity of uses within the TOD district. Net FAR does not include areas dedicated for streets or other public spaces.
 - a. Minimum FAR: 1.5.
3. Nonconformities: Certain modifications to non-conforming uses may be allowed consistent with the provisions of Section 10-9-16. This includes alterations, changes to building footprints, and green spaces.
4. Parking: Parking requirements within the TOD district are reduced in order to account for reduced daily vehicle trips generated by the use given its proximity to transit stations. Other than the exceptions below, parking requirements from Section 10-9-10 shall apply.
 - a. All minimum off-street parking requirements in Section 10-9-10 are automatically reduced by twenty-five percent (25%) within the TOD district.
 - (1) Calculating method:
 - (A) The automatic reduction shall be calculated by taking the total parking required in Section 10-9-10 and reducing it by twenty-five percent (25%).
 - (B) When calculating parking for mixed use developments, individual uses within the building will be calculated separately and added together to arrive at the total

required parking spaces. Exceptions for the following uses:

(C) Shopping requirement: Minimum three (3) spaces per one thousand (1,000) square feet in floor area.

(D) Apartment dwelling units:

(a) Minimum one (1) enclosed garage space per unit.

(b) Additional parking reductions found in this

Section shall not apply to apartment dwellings.

b. Maximum off-street parking within the TOD district shall be one hundred twenty-five percent (125%). Structured parking spaces are exempt from this limitation.

c. Additional parking reductions: Within the TOD district, the amount of parking required by this Section may be reduced by twenty percent (20%) provided one of the following conditions are met:

(1) Inclusion of car-share spaces at a rate of two (2) spaces reduced per one (1) car share space .

(2) Inclusion of an on-site transit interface including at least one (1) of the following:

(A) Site is within five hundred feet (500') of a designated transit station.

(B) Dedication of land and construction of bus stop facilities including bus pullout lanes, shelters, benches, lights, and signage.

(C) Pedestrian connections between the bus stop and the principal buildings on the site.

5. Bicycle Parking: Bicycle parking shall be provided for all uses within the TOD district. The following bicycle facilities shall be required:

a. Each land use shall provide the number of bicycle parking spaces required by Table 10-6-6(E) 1. A minimum of two (2) short-term bicycle parking spaces and one (1) long-term parking space shall be provided for new non-residential development. When the bicycle parking required for a nonresidential use is based on square footage, at least twenty-five percent (25%) of the bicycle parking spaces shall be provided in long-term parking facilities and at least fifty percent (50%) shall be provided in short-term bicycle parking facilities. When part or all of the bicycle parking spaces required for non-residential land use is based on the number of employees, that portion shall be provided in long-term bicycle parking facilities.

Principal Use	# of Bicycle Spaces Required
Shopping	1 space per 5,000 sq. ft.
Dining	1 space per 4,000 sq. ft.
Services	1 space per 5,000 sq. ft.
Employment	1 space per 5,000 sq. ft.

Residential	1 space per 4 dwelling units
Institution	1 space per 5,000 sq. ft.
Lodging	1 space per 10 guest rooms
Recreation/Events	1 space per 5,000 sq. ft.

Table 10-6-6(E) 1: Bicycle Parking Requirements

- b. For changes in use or tenant, bicycle parking will be analyzed along with automobile parking requirements per Section 10-9-10.
- c. Types of bicycle parking. There are two (2) types of bicycle parking.
 - (1) Short-term Bicycle Parking: Short-term bicycle parking is typically in the form of bicycle racks. Bicycle racks must meet the following criteria:
 - (A) Supports the bicycle upright by its frame in two (2) places;
 - (B) Prevents the wheel of the bicycle from tipping over;
 - (C) Enables the bicycle frame and at least one (1) wheel to be secured to the rack with a U-lock;
 - (D) Rack is constructed of materials that resist cutting by manual tools such as bolt cutters, hand saws, abrasive cutting cables and pipe cutters;
 - (E) Rack is securely anchored to the ground.
 - (2) Long-term Bicycle Parking: Long-term bicycle parking protects the entire bicycle and its components from theft, vandalism, and inclement weather. Long-term bicycle parking is required when at least fifty (50) bicycle spaces are required on a site. Long-term bicycle parking may include:
 - (A) Bicycle Lockers: A bicycle locker is a fully enclosed space for one (1) bicycle, accessible only to the owner of the bicycle. A bicycle locker must be equipped with an internally mounted key-actuated or electronic locking mechanism, and not lockable with a user-provided lock. Groups of internal-lock bicycle lockers may share a common electronic access mechanism provided that each locker is accessible only to its assigned user. Bicycle lockers shall be constructed of molded plastic/fiberglass, solid metal or perforated metal. Lockers shall be screened per the requirements of Section 10-9-21.
 - (B) Restricted-access Bicycle Enclosure: A restricted-access bicycle enclosure is a covered or indoor locked area containing within it one (1) bicycle rack space for each bicycle to be accommodated and accessible only to the owners of the bicycles parked within it.
- d. Layout And Design:
 - (1) General guidelines:

- (A) All spaces provided shall be on a hard and stable surface;
- (B) All bicycle parking facilities shall be securely anchored to the surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft;
- (C) All bicycle parking facilities within vehicle parking areas shall be separated by a curb or other physical barrier to protect bicycles from damage by automobiles and other moving vehicles.
- (D) Short-term bicycle facilities shall meet all of the following requirements:
 - (a) The facilities shall be installed in a clear space at least two (2) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
 - (b) When multiple short-term bicycle parking facilities are installed together in sequence, they shall be installed at least three (3) feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.
- (E) Location:
 - (a) Short-term bicycle parking facilities shall be located in a convenient, highly visible, and well-lit area within fifty feet (50') of a building entrance and within view of pedestrian traffic.
 - (b) Long-term bicycle parking facilities for tenant and occupant use shall be conveniently accessible by pedestrians from the street, and at least as close as the closest non-accessible automobile parking.

6. Pedestrian-Oriented Design: Within the TOD district, the following pedestrian facilities are required:

- a. Pedestrian Walkways: Pedestrian walkways shall be provided from the main building entrance to existing or planned public sidewalks or pedestrian/bike facilities. Where applicable, public sidewalks a minimum of six feet (6') wide shall be provided in the right-of-way. Interior, private sidewalks shall be at least six feet (6') wide.
- b. Crosswalks: Crosswalks at private street intersections or within parking lots shall be distinguished from driving surfaces to enhance pedestrian safety by using either different pavement materials, pavement color or pavement textures in conjunction with signage.
- c. Pedestrian Furniture: Developments within the TOD district shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one (1) seat for every ten thousand (10,000) square feet of gross floor area.
- d. Placemaking Elements: Placemaking is innovation that involves bringing art and culture in tandem with design to a development project. At least

one (1) placemaking element is required with each new development in the TOD district. These elements may include:

- (1) Public art installation;
- (2) Plaza or gathering space;
- (3) Parklets;
- (4) Visual or performing art exhibition space;
- (5) Opportunities for community engagement or interaction.

Placemaking elements may be provided in cooperation with adjacent properties (i.e. shared elements).

7. Private Trash Handling: All private trash, recyclable materials, and equipment for handling them, including compactors, shall be screened on three (3) sides from ground level view from public streets by being stored within the principal building, screened from view by the principal building, or stored within an accessory structure.
8. Loading Docks: Loading docks shall not be located in the front yard and shall be one hundred percent (100%) screened from ground level view of public streets and public open spaces pursuant to Section 10-9-21 of this title or by a screen wall of the same materials and colors as or complimentary to the principal building. Add note: Except at entrances think about where this may be difficult to implement.
9. Landscaping:
 - a. All land area not occupied by buildings, parking, driveways, sidewalks, or other hard surfaces shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery and trees.
 - b. At least ten percent (10%) of the total land area within the perimeter of private parking and driveway areas shall be landscaped. Landscaped areas provided within the build-to line may be credited toward this ten percent (10%) landscaping requirement on a square foot per square foot basis, for up to half of the ten percent (10%) requirement, or five percent (5%).
 - c. Parking lot landscaped islands shall be a minimum of one hundred fifty (150) square feet in area and include at least one (1) overstory or evergreen tree meeting the requirements of this chapter.
 - d. Where parking abuts the site perimeter there shall be provided at least one (1) overstory tree per thirty feet (30') of site perimeter.
 - e. At least one (1) overstory tree shall be provided for every six hundred and twenty five (625) square feet of landscaped area on the entire site.
 - f. The landscape plan shall include a full complement of overstory, ornamental and evergreen trees, shrubbery, and ground covers which are hardy and appropriate for the locations in which they are planted, and which provide year round color and interest.
 - g. Trees and plant species listed as prohibited species in the Burnsville woodland protection and evaluation packet may not be used to satisfy the landscaping requirement of this Section.
 - h. Prohibited Species: Prohibited species that shall not be planted within the City are identified in the Burnsville woodland protection and evaluation packet.
10. Signage:
 - a. Standards: All signs erected on any building or land within the TOD district

must comply with the standards of this Section and Sections 10-12-A, 10-12-B, 10-12-C, and 10-12-D(1) of this title.

b. Wall Signs:

- (1) Wall signage is allowed on buildings in the TOD district within a horizontal band no more than three feet (3') in height, at least ten feet (10') and no more than fifteen feet (15') above the ground.
- (2) Wall signage may be either:
- (3) Attached: Flat and parallel to the surface of the building and projecting no more than one foot (1') from it; or
- (4) Projecting: Perpendicular to the surface of the building and no more than one foot (1') in thickness.
- (5) Attached wall signage shall consist of individual letters or script logos mounted on the building.
- (6) Projecting signs may project no more than four feet (4') from the front edge of the building and be no more than twelve (12) square feet in area.
- (7) Projecting signs may not extend over a public right-of-way or public property except by encroachment agreement subject to Public Works Director or designee approval.
- (8) Projecting signs may not extend over a designated parking space or loading area.
- (9) Box signs or cabinet signs, whether on a wall, projecting or on canopies, are prohibited, except for logo signs as approved as part of the overall signage plan.
- (10) Allowable area of wall signs is one and one-half (1.5) square feet of signage per linear foot of building frontage on a public street, public open space, or private parking area. Each wall shall be calculated individually and sign area may not be transferred to another side of the building. In calculating the total allowable area of wall signage, only one side of a two sided projecting sign shall be counted. In calculating the amount of signage for tenants in a multi-tenant building, the exterior facade adjacent to the individual tenant bay shall be the basis for calculating the maximum area of signage allowed for that tenant.
- (11) The number of wall signs and canopy signs are unlimited as long as the total area allowed by this Section is not exceeded.

c. Awning/Canopy Signs: Awning/canopy signs may be allowed in addition to wall signs allowed in this Section provided they meet the following standards:

- (1) The lowest part of the awning/canopy shall be not less than eight feet (8') above the sidewalk or above the centerline of the adjacent street or drive aisle.
- (2) Awnings/canopies shall be located over a window or door feature.
- (3) No awning/canopy signs shall be permitted on windows above the first floor.
- (4) Awning/canopy signs shall count against the total allowable sign

area.).

(5) Awning and canopy signs shall require a sign or building permit prior to installation.

d. Freestanding Signs: Freestanding signs are prohibited in the TOD district with the following exceptions:

(1) Monument signs, as defined in 10-12-2. Monument signs shall be limited to a maximum of six feet (6') in height and shall be located no closer than five feet (5') from a street right-of-way.

(2) Directional signs at driveways and within parking areas, if no more than five feet (5') in height and no more than six (6) square feet in area. Directional signs must be set back at least two feet (2') from right of way, lot lines, and parking spaces.

11. Lighting:

a. All exterior lighting in the TOD district shall be downcast cutoff type fixtures, and shall follow the regulations in Section 10-9-7.

b. The applicant shall provide a photometric lighting diagram prepared by a qualified professional showing light levels, in foot-candles, from all exterior artificial lighting for all points on and within ten feet (10') of the site.

c. Lighting levels in exterior parking areas shall average one-half (1/2) foot-candle, with a minimum of one-tenth (1/10) foot-candle in all locations.

d. Lighting levels in interior parking areas shall average two (2) foot-candles, with a minimum of one-half (1/2) foot-candle in all locations.

e. Lighting levels shall not exceed one-half (1/2) foot-candle at the abutting property line or right of way line, and no direct glare from lighting on site shall extend onto the public street, public open space or neighboring properties.

E. Building Design And Materials

1. All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be durable with a permanent finish, and of a quality that is consistent with the standards and intent of the TOD district. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.

2. All buildings shall include the following four (4) elements:

a. Accent materials, which shall be wrapped around walls that are visible from a public street or open space;

b. Buildings containing office and retail uses shall maintain forty percent (40%) minimum window coverage on each first floor front that faces a street or public open space;

c. Complementary major material colors;

d. A combination of vertical and horizontal pattern designs in the building facade.

3. Any exterior building wall adjacent to or visible from a public street, public open space, or abutting property may not exceed sixty feet (60') in length without significant visual relief consisting of one (1) or more of the following:

a. The facade shall be divided architecturally by means of significantly different materials or textures; or

- b. Horizontal offsets of at least four feet (4') in depth; or
 - c. The maximum length of a blank wall (without divisions or offsets described herein) shall be twenty feet (20').
- 4. Exterior building materials shall be classified either primary, secondary, or accent materials. Primary materials shall cover at least sixty percent (60%) of the facade of a building. Secondary materials may cover no more than thirty percent (30%) of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than ten percent (10%) of the facade. Allowable materials are as follows:
 - a. Primary exterior building materials may be brick, stone, or glass.
 - b. Secondary exterior building materials may be decorative block, colored stucco, fiber cement siding in vertical panel design only with hidden seams (color impregnated or painted).
 - c. Synthetic stucco may be permitted as a secondary material on upper floors only.
 - d. Accent materials may be wood, metal or fiber cement when used in trim, fascia or soffit if appropriately integrated into the overall building design and not situated in areas which will be subject to physical or environmental damage. All primary and secondary materials shall be integrally colored, except where otherwise stated.
 - e. Primary exterior building materials for townhome buildings where all units contain an exterior entrance: Allowable primary exterior building materials for townhome buildings shall include brick, stone, glass, integrally colored stucco or fiber cement siding in lap or panel (integrally colored or painted). Fiber cement seam lines on panels shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent materials or other method thereby making the seam lines invisible.
- 5. Sheet metal, corrugated metal, asbestos, iron, shakes, plain flat concrete block (whether painted or integrally colored or not) are not acceptable as exterior wall materials on buildings within the TOD district.
- 6. All mechanical equipment, whether roof mounted or ground mounted, shall be one hundred percent (100%) screened from contiguous properties and adjacent streets pursuant to Section 10-9-21 of this title. Ground mounted mechanical equipment shall be screened with compatible with the architectural treatment of the principle building.
- 7. All private exterior trash enclosures or other accessory structures shall be constructed of compatible with the architectural treatment of the principal building.
- 8. Consistent interior window treatments are required for windows which are visible from a public street or open space in offices and multiple residential complexes.
- 9. All buildings containing nonresidential uses on the ground floor shall meet the following standards:
 - a. The building shall have entrances to a street or public open space spaced no more than sixty feet (60') apart.
 - b. Entrances shall be oriented conveniently to the street frontage and to on

street and off-street parking serving the use.

10-6-7 : CRD Commercial Recreation District

A. Purpose and Intent: The purpose of the Commercial Recreation District is to allow places that bring people together for outdoor and indoor recreation, entertainment, and related services.

B. Permitted Uses: The following are permitted uses.

1. Amphitheater as a permanent use.
2. Athletic club.
3. Athletic facility.
4. Bus benches, shelters, and transit facilities provided they comply with Title 8 of this code.
5. Coffeehouse, coffee shop, wine bar, and tavern.
6. Conference/banquet facility complementary to the recreation business.
7. Essential service structures.
8. Golf course or driving range.
9. Health club and/or spa.
10. Hotel complementary to the recreation business.
11. Minigolf.
12. Mountain biking.
13. Personal services complementary to the recreation business.
14. Playground, indoor or outdoor.
15. Restaurant complementary to the recreation business as regulated by Section 10-6-8(C)(2) of this title.
16. Ski hill.
17. Stadium.
18. Swimming pools, indoor or outdoor.
19. Tennis club.
20. Tubing.
21. Water park, indoor or outdoor.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
2. Antennas mounted on an existing structure, not exceeding fifteen feet (15') above the highest point of the structure, as regulated by 10-10-12 of this title.
3. Auto dealership remote storage subject to Section 10-10-6 of this title.
4. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
5. Incidental accessory uses as permitted by Section 10-9-12 of this title.
6. Incidental outdoor seating for food service businesses as permitted by Section 10-6-8 of this title.
7. Incidental repair, processing, or storage necessary to conduct a permitted principal use subject to Section 10-6-8(A)(11) of this title.
8. Limited retail sales complementary to the permitted uses.
9. Off street parking and loading spaces as regulated in this title.
10. Trash and recycling containers pursuant to Section 10-9-21 of this title.
11. Signs as regulated in Section 10-12 of this title.

12. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
 13. Temporary/seasonal outdoor sales uses as regulated by Section 10-10-11 of this title.
 14. Tenant restaurants, cafeterias, and retail service limited to tenants of the building, provided that they be essentially limited to providing service to the users of the permitted use, and that no signs or other evidence of these uses are visible from the exterior of the building.
- D. Conditional Uses: The following are conditional uses:
1. Accessory structures or uses other than those listed as permitted.
 2. Indoor motorized go-carts.
 3. Paintball.
 4. Temporary outdoor concert, theater events held outside of a permanent amphitheater.
 5. Towers as regulated in chapter 10-10-12 of this title.
- E. Interim Use: The following are interim uses:
1. Motorized or nonmotorized vehicle racing or exhibition event.
Outdoor motorized recreational vehicles including, but not limited to, go-carts,
 2. ATVs and snowmobiles.
- F. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title and in 10-6-8:

Lot Area	1 acre or 43,560 square feet when adjacent to residential districts
Lot Width	150 feet
Lot Coverage	40 percent
Setback - Principal Structure	
Front Yard	30 feet or 50 feet when adjacent to residential districts
Side Yard	30 feet or 50 feet when adjacent to residential districts
Side Yard - Street	30 feet or 50 feet when adjacent to residential districts
Rear Yard	30 feet or 50 feet when adjacent to residential districts
Setback - Accessory Structure	
Front Yard	30 feet or 50 feet when adjacent to residential districts

Side Yard	30 feet or 50 feet when adjacent to residential districts
Side Yard - Street	30 feet or 50 feet when adjacent to residential districts
Rear Yard	30 feet or 50 feet when adjacent to residential districts
Setback - Parking	
Front Yard	20 feet or 30 feet when adjacent to residential districts
Side Yard	20 feet or 30 feet when adjacent to residential districts
	20 feet or 30 feet when adjacent to
Side Yard - Street	residential districts
Rear Yard	20 feet or 30 feet when adjacent to residential districts

A reduction of the parking setback requirements for the principal use is allowed for outdoor patios per Section 10-6-8(D) of this title.

G. Supplemental Standards: The following are supplemental standards for the district:
Commercial Buildings: Commercial buildings shall comply with the building design and material requirements of Section 10-6-8(A)(1) of this title.

1. Private Mechanical Equipment: Private mechanical equipment (ground mounted and rooftop) shall meet the following requirements:
 - a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten feet (10') for a single-story building or fifteen feet (15') for a multiple-story building.
 - b. All private ground mounted equipment shall be one hundred percent (100%) screened from view from adjacent properties and the public right-of-way by enclosures constructed of durable and permanent materials with architectural elements (type, quality, and appearance) similar and compatible to the principal structure.
 - c. All rooftop equipment shall be one hundred percent (100%) screened from view from across adjacent streets fifteen feet (15') behind the curb or adjacent properties at the property line.
 - d. Rooftop equipment shall be one hundred percent (100%) screened by the building parapet, or the equipment should be grouped behind an enclosure and set back a distance of one and one-half (1 1/2) times its height from any primary facade fronting a public street.
 - e. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.

- f. Exterior mechanical equipment, such as ductwork, shall not be located on primary building facades.
2. Trash And Recyclables: Trash and recyclable handling equipment shall meet the requirements of Section 10-6-8(A)(2) of this title.
3. External Loading Areas: External loading areas shall meet the requirements of Section 10-6-8(A)(8) of this title.
4. Outdoor Lighting: Within any CRD District, all exterior building and parking lot lighting shall comply with Section 10-9-7 of this title.
5. Landscaping: Within any CRD District, commercial development shall comply with the landscaping regulations of Sections 10-9-13(H) and 10-9-13(I)(5) of this title.

10-6-8 : Special Requirements For All Business, CRD And MIX Districts

A. Special Requirements And Performance Standards For All Business And Mixed Use Districts:

1. Building Design And Materials: All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality to ensure they will maintain and enhance the property values of neighboring properties and not adversely impact the community's public health, safety and general welfare.
 - a. Design Elements: All new building fronts and refacing of existing buildings shall include a minimum of three (3) of the following elements:
 - (1) Accent materials;
 - (2) A visually pleasing front entry that, in addition to doors, shall be accented a minimum of one hundred fifty (150) square feet around the door entrance for single occupancy buildings and a minimum of three hundred (300) square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element);
 - (3) Twenty five percent (25%) window coverage on each front that faces a street;
 - (4) Contrasting, yet complementary material colors;
 - (5) A combination of horizontal and vertical design features;
 - (6) Irregular building shapes; or
 - (7) Other architectural features in the overall architectural concept.
 - (8) If the applicant and the Development Review Committee cannot agree on the proposed building exterior elevations, the applicant shall be required to make an application for a conditional use permit to prove compatibility.
 - b. Accent Materials: Accent materials shall be wrapped around walls visible from public view. Painting shall not be substituted for visual relief, accenting, or a required element. No wall shall exceed one hundred feet (100') in length without visual relief. "Visual relief" may

be defined as the incorporation of design features such as windows, horizontal and vertical patterns, contrasting material colors, or varying wall depths. Use of fiber cement trim, soffit and fascia shall be allowed as accent materials.

- c. Major Exterior Materials: Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete and precast and cast in place panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. Use of rain screens, panelized systems, or curtain walls are encouraged and will be verified for high quality design and materials through the Development Review Committee. Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material, and shall be required to be sealed. All materials shall be color impregnated with the exception of allowing architectural concrete precast panel systems and fiber cement siding to be painted. Painting shall be permitted on color impregnated, major exterior materials. If the architectural precast panel systems are painted, they shall be properly prepared and maintained regularly to prevent peeling, stripping, shading or any other form of deterioration or discoloration. Proof of manufacturer's painting specifications shall be supplied prior to issuance of a building permit. All exterior materials, including painted exterior materials, shall comply with Section 304.2 Protective Treatment of the International Property Maintenance Code. This Subsection (A)3 shall also apply to all exterior repairs, remodeling, or expansion of existing buildings that require a building permit.
- d. Limited Exterior Materials: No more than fifty percent (50%) of any exterior wall on a building shall be fiber cement horizontal siding, wood or 24-gauge or thicker metal accent material. All exterior materials, including painted exterior materials, shall comply with Section 304.2 Protective Treatment of the International Property Maintenance Code. This fifty percent (50%) limit may be exceeded when used in a panelized system that consists of prefabricated, or factory manufactured, panels that form a structural envelope, and significantly simplify on site framing, and request for approval shall be through a conditional use permit or planned unit development. This standard applies only to facades facing a street.
- e. Prohibited Exterior Materials: Unadorned prestressed concrete panels, whether smooth or raked, nondecorative concrete block, sheet metal, 25-gauge or thinner corrugated metal or unfinished metal shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings except those accessory buildings not visible from any property line.
- f. Visual Relief: No wall shall exceed one hundred feet (100') in length without visual relief. "Visual relief" may be defined as a varying design of

the building by incorporating design features such as windows, horizontal and vertical patterns, contrasting material colors or varying wall depths.

- g. Roofs: Roofs which are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material limitations.
- h. Building And Roofing Materials: All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the Development Review Committee for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the applicant shall submit to the City product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials. Building and roofing materials not specifically approved in this section may be allowed by a conditional use permit or planned unit development only after it is demonstrated that the proposed material is equal to or better than approved materials. The long range maintenance of the proposed material shall be incorporated as a condition of the approval and filed on the property.
- i. Parapets: Renovation or refacing of an existing commercial building that includes increasing the height of the parapet walls, as defined in Section 10-3 of this title, shall be part of a comprehensive building upgrade that meets the following standards:
 - (1) The parapet wall finish materials shall match the major exterior materials provided on an exterior wall as specified in this section.
 - (2) The parapet walls shall be provided along all perimeter walls.
 - (3) Parapet walls may vary in height but shall not exceed the building height of the respective district.
 - (4) The back of the parapet wall and/or its supports shall be screened from view from adjoining properties and public streets.
 - (5) Parapet wall extensions shall not be permitted as flat wall features on the building facade. All facades proposed to support a taller parapet wall shall be designed to provide variation in facade depth in conjunction with increased height. The following features may be required to provide facade depth in conjunction with the taller parapet walls:
 - (A) Recessed or projected windows, awnings, or canopies.
 - (B) Entryway treatments, awnings, canopies, marquees, porticoes, and arches.
 - (C) Vertical wall treatments that extend from the facade creating a variation in facade depth, columns, corner treatments, and changes in building materials.
 - (D) Horizontal wall treatments, cornices, lintels, and color bands that provide some facade depth and divide the building

height.

2. Private Trash And Recyclable Materials: All private trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be screened pursuant to Section 10-9-21 of this title.
3. Off Street Parking: Design and maintenance of off street parking areas shall be in accordance with Section 10-9-10 of this title.
4. Accessory Structures: Garages, accessory structures, excluding trash enclosures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.
5. Utilities: The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed after January 1, 2006, shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chainlink with slats shall not be used for screening. The term "ground level view" for this provision shall be defined as the view of the building from the furthest point of the width of the right-of-way from the property line(s) that abut a street. A cross sectional drawing shall be provided that illustrates the sightlines from the ground level view. For buildings constructed prior to January 1, 2006, for replacement of existing units, remodeling, and building expansions, the ground level view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure or screened by the use of parapet walls. Wood fencing shall not be used for screening.
6. Private Ground Mechanical Equipment: Private ground mechanical equipment shall be one hundred percent (100%) screened from contiguous properties and adjacent streets pursuant to Section 10-9-21 of this title. Said screening shall be provided to be compatible with the architectural treatment of the principal structure.
7. Outdoor Storage: There shall be no outdoor storage of either materials or products, except through the issuance of a conditional use permit where permitted in the underlying zoning district.
8. External Loading And Service Areas: External loading and service areas must be one hundred percent (100%) screened pursuant to Section 10-9-21 of this title, except at access points.
 - a. External dock, service and loading doors that face residential uses shall remain closed at all times except during loading and unloading.
9. Compatibility: All structures shall be compatible with other structures in the area.
10. Outdoor Speakers: Outdoor speakers shall be prohibited for all uses abutting a residential use except by approval of a conditional use permit.
11. Incidental Repair, Processing Or Storage: Incidental repair, processing or storage associated with a permitted use in a Business or Industrial Zoning District may be conducted subject to the following:
 - a. Said incidental repair, processing or storage does not occupy more than thirty percent (30%) of the gross floor area of the tenant space.
 - b. If the business abuts or is located across the street from a residential use said repair, processing or storage shall be conducted completely within the building or facility with all business doors closed.

B. Additional Height Standards for B-1, B-3, B-4 And CRD Districts:

1. No limit shall be placed on the height of buildings in B-1, B-3 and B-4 Districts except that any building exceeding twenty-five feet (25') in B-1 Districts or thirty-five feet (35') in B-3, B-4 and CRD Districts shall be by a conditional use permit.
 - a. Buildings within the Minnesota River Quadrant as identified in the City's Comprehensive Plan shall have no height limitations, except where Environmental Overlay Districts and floodplain regulations may apply.

C. Special Use Requirements And Performance Standards In B-2, B-3, CRD And MIX Districts:

1. Motor fuel stations shall be subject to the following standards:
 - a. Canopy Height: The total height of any overhead canopy or weather protection shall not exceed twenty feet (20') in height.
 - b. Open Storage: Open storage of motor vehicles shall not be permitted for a period of more than forty eight (48) hours and then only if it is screened.
 - c. Sales, Rentals Prohibited: No sales or rental of motor vehicles or trailers or campers shall be permitted.
 - d. Goods For Sale: All goods for sale by a motor fuel station convenience store other than commercial freezers for ice and petroleum based products required for the operation and maintenance of motor vehicles shall be displayed within the principal motor fuel station structure. No displays shall be permitted in required parking or driveway areas, landscape areas, required setback areas, or any right-of-way or other public property. Displays may be permitted on sidewalks, only if they leave at least four feet (4') of sidewalk width available to pedestrians.
 - e. Compatibility: Each motor fuel station shall be compatible with the area in which it is located.
 - f. Landscaping: A minimum ten foot (10') landscaped yard shall be planted and maintained behind the property line along all public streets. A landscaped yard not less than five feet (5') wide shall be maintained along exterior property lines.
 - g. Motor Fuel Dispenser Location: Motor fuel dispensers shall be located at least thirty feet (30') from a property line, and one hundred feet (100') from an R-1, R-1A, or R-2 District property line.
 - h. Setbacks:

(1) Structures shall be set back:

Front	30 (60) feet
Side	30 (50) feet
Rear	30 (50) feet

(2) Setbacks in parentheses apply to lot lines adjacent to R-1, R-1A and R-2 Districts.

i. Lot Size And Width:

(1) Lot size:

(A) Motor fuel station (Class I): Twenty thousand

- (20,000) square feet.
- (B) Motor fuel station (Class II): Thirty thousand (30,000) square feet.
- (2) Lot width:
- (3) Motor fuel station (Class I): Two hundred feet (200').
- (4) Motor fuel station (Class II): One hundred fifty feet (150').
- j. Electronic Speaker Devices: Electronic speaker devices shall be regulated as provided in Section 10-9-17 of this title. Exterior speakers shall not be allowed on sites that abut residential uses unless expressly permitted as part of a conditional use permit.
- k. Car Wash Stacking Requirements: Car wash stacking requirements shall be regulated as provided in Section 10-9-10 of this title.
- l. Adjacent Parcels: Any parcel which adjoins another parcel at one corner and any parcel which is across the street from a motor fuel station parcel, except for a principal or intermediate arterial, shall be considered to be adjacent for the administration of this section.
- 2. Restaurants shall be subject to the following standards:
 - a. A proposed restaurant shall be specifically identified as a fast food or standard restaurant.
 - b. Where possible, all outside parking spaces shall be located to the side and/or rear of the restaurant.
 - c. Restaurants located within one thousand feet (1,000') of Residential zoned or developed property shall include odor reducing equipment to minimize food odors emitted outside of the restaurant.
- 3. Buildings containing a bowling alley, electronic game room containing six (6) or more electronic games, billiard and pool room containing six (6) or more tables, skating rink, lounge, nightclub, tavern, liquor store or fraternal organization shall not be located within one hundred feet (100') of any R District, except that the structure for a fraternal organization may be located within one hundred feet (100') of an R District when that structure has a common recreation center of a multi-family project.
- 4. Multiple-tenant retail sales and service facilities shall be subject to the following standards:
 - a. The physical design may include more than one building. If there is an open space between two (2) buildings, the space shall not be less than one-half (1/2) the sum of the heights of the two (2) buildings.
 - b. No building shall be nearer than sixty feet (60') to any exterior lot line except when abutting or across the street from an R District in which case the minimum distance shall be one hundred feet (100').
 - c. The design shall include adequate internal circulation drives not less than twenty four feet (24') in width which are exclusive of the required parking areas.
 - d. The driveway curb cuts to the development shall not exceed twenty six feet (26') in width and be located not less than sixty feet (60') from all intersecting streets.
 - e. When such structures are modified, altered, or repaired the entire building

exterior facade shall be modified to be architecturally and materially consistent and/or compatible for the entire structure. If the entire structure is not proposed to be modified and/or consistent as determined by the Development Review Committee, then a conditional use permit shall be required per Section 10-6-8(A)(1) of this chapter. To be considered architecturally and materially consistent and compatible and able to be approved administratively, the following flexibility may be allowed:

- (1) Facades of tenant spaces may be of the same color palette with varying design elements and height.
- (2) A phasing plan for improvements may be submitted up to five (5) years and surety of one hundred percent (100%) of cost in lieu of completing entire structure at once.
- (3) Any corporate identity that does not meet exterior requirements for compatibility and/or consistency as determined by Development Review Committee may be permitted at the front entrance only not exceeding twenty five percent (25%) of the facade.
- (4) Single matching parapets may be added (in lieu of parapets wrapping the entire structure or tenant space) provided rooftop units are screened.
- (5) Facades can have varying identities for tenants if tied into an overall design for the entire center as determined by Development Review Committee. Similar but different identities for tenants may include different colored awnings or different window/parapet trim colors, or same colors but different design elements incorporated.
- (6) Any rear and side facades visible to the public and adjacent properties shall also be compatible.

D. Incidental Outdoor Seating For Food Service Businesses

1. Food service businesses, including, but not limited to, bakeries, delicatessens, coffee and/or tea shops, and restaurants, may provide outdoor temporary seating for their patrons with the following provisions:
 - a. The seating shall be located on private property.
 - b. The seating shall be of durable, wind resistant, commercial grade patio or cafe type furniture that enhances the appearance of the business.
 - c. The outdoor seating area shall be defined with the use of landscaping, temporary fencing or other means that defines the outdoor seating area and contains the tables and chairs for the use as demonstrated on a site plan and approved by City staff.
 - d. No alcoholic beverages or food shall be served to persons outside of the designated outdoor seating area. Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor seating area as approved by City staff.
 - e. Patrons shall access the outdoor seating area through the main entrance or host station and shall be seated by a staff person and all standard restaurants with waitstaff service.
 - f. The seating shall be located so as not to compromise safety. Seating shall not obstruct any public or private sidewalk or passageway for pedestrians,

or any entrance or any required exit or be located on landscaping or parking areas. All provisions of the Building and Fire Codes and ADA compliance must be followed.

- g. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M. as regulated in title 7, chapter 1 of this Code.
- h. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause a glare upon other public or private property outside the designated area or as permitted in Section 10-9-7 of this title.
- i. If alcohol is served, hours of operation shall be in accordance with Section 3-1-6 of this Code.
- j. Any proposed outdoor seating area on property abutting an R Residential Zoning District shall be by conditional use permit if the outdoor seating area is facing residential.
- k. The business owner shall regularly clean the seating area so that it is litter free.
- l. All other performance standards in this title affecting a property owner's ability to install a patio on the site, except for Environmental Overlay Districts, shall not apply for the installation of the patio area. This includes greenspace, perimeter landscaping, drive aisle provisions, parking standards and setbacks.
- m. If the outdoor seating area is located within an easement, written permission from the easement holder is required.

E. Special Consideration For Properties Located In B-1, B-2, B-3, B-4, CRD And MIX Districts Affected By Public Improvement Projects Resulting In Land Taking:

- 1. Properties that become nonconforming in terms of green area, setbacks or parking requirements as a direct result of a public improvement project resulting in loss of land (taking) for public roadway right-of-way or easements shall be considered in their pretaking condition when proposing any building or parking expansion affected by the land taking.
- 2. The setbacks, green area and parking requirements shall be as follows:
 - a. Minimum setbacks for principal and accessory structures or parking shall only be considered on the side of the structure(s) or parking lot where the public taking resulted in the nonconformity.
 - b. Minimum setbacks shall be the existing setback before the taking less the amount of the taking. Principal and accessory structures shall be set back no less than ten feet (10'). Parking shall be set back no less than five feet (5').
 - c. Green area for the total land area shall be the percent required by Section 10-9-13(I) of this title at the time of the taking, less the percent removed as a result of the taking. Green area shall not be less than ten percent (10%) of the total lot area after taking.
 - d. Required parking spaces shall be those required by Section 10-9-10 of this title less the spaces eliminated as a direct result of the taking. If a property has an approved proof of parking plan with spaces not yet utilized as parking at the time of the taking, the owner shall install such spaces to

replace those eliminated by the taking.

F. Special Requirements And Performance Standards For Thrift Stores Having Five Thousand Square Feet Or More Of Gross Floor Area Within The B-2, B-3, And B-4 Districts

1. All merchandise receiving, transfer, sorting, processing, and storage shall occur within a completely enclosed principal structure.
2. No exterior storage or the use of exterior storage containers or semitrailers for storage shall be allowed upon the site.
3. For any thrift store that accepts donations, at least one accessory drive-through service lane meeting the standards of this section shall be provided.
4. Accessory drive-through service lanes leading to and accessing the indoor collection/donation area shall meet the following conditions:
 - a. Drive-through service lanes shall not be permitted within the front, side, or rear yards abutting a street.
 - b. Drive-through service lanes shall be designed and depicted on the site in a manner that segregates the service lane from drive lanes, parking spaces, and sidewalks on the site.
 - c. The drive-through service lane shall be a minimum of fourteen feet (14') wide and provide up to one hundred sixty (160) linear feet of automobile stacking.
 - d. The drive-through service lane cannot open directly onto a public street. Automobile stacking shall not interfere with on site drive lanes, fire lanes, parking stalls, loading areas, access to trash dumpsters, or sidewalks. Overflow automobile stacking beyond the service lane shall not extend into any public street right-of-way or interrupt traffic on a public street.
 - e. The drive-through lane shall be one hundred percent (100%) screened to a height of at least six feet (6') and meet the provisions of Section 10-9-21 of this title.
 - f. No outdoor audio equipment shall be permitted with a drive-through lane.
 - g. Directional and operational signage shall be provided to direct customers to the drop off lane and explain the drop off process.
5. Residential Density Bonuses: Multiple-family housing, as part of a mixed use development or freestanding, may pursue an increase in density up to twenty five percent (25%) through a reduction in the required lot area per unit, based on the following bonus features and square foot reductions:

	Square Foot Reduction To Lot Area Per Unit
Underground Parking: 1 parking space per efficiency and 1 bedroom unit and 2 parking spaces per 2 or more bedroom units is provided within an underground parking structure attached to the principal building	200

Registered Green Building: Building must be a registered green building (any level) in accordance with the USGBC (United States Green Building Council)	300
Public Transit: The site is located within 300 feet of a bus stop or transit station and the site design provides pedestrian connections to the bus stop or transit station	300
Recreation, Indoor: The mixed use or multiple-family building provides an indoor recreation and/or social room equal to 25 square feet per unit	100

SECTION 11: “CHAPTER 10-23 SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS”, “CHAPTER 10-24 I-1 INDUSTRIAL PARK DISTRICT”, “CHAPTER 10-25 I-2 GENERAL INDUSTRY DISTRICT”, “CHAPTER 10-26 I-3 OFFICE AND INDUSTRIAL PARK DISTRICT”, “CHAPTER 10-26A GIM GATEWAY INDUSTRIAL MEDIUM DISTRICT”, and “CHAPTER 10-26B GIH GATEWAY INDUSTRIAL HEAVY DISTRICT” of the Burnsville Municipal Code are hereby repealed in their entirety.

SECTION 12: “CHAPTER 10-7 INDUSTRIAL DISTRICTS” of the Burnsville Municipal Code is hereby amended to add the following:

CHAPTER 10-7 INDUSTRIAL DISTRICTS

10-7-1 : I-1 Industrial Park District(Added)

- A. Purpose and Intent: The purpose of the I-1 industrial park district is to provide for the establishment of warehousing and light industrial development and large volume truck oriented uses. (Ord. 1132, 8-19-2008)
- B. Permitted Uses: The following are permitted uses:
 1. Automobile Repair, minor and major when conducted entirely within an enclosed building.
 2. Bottling works.
 3. Commercial services.
 4. Construction services.
 5. Data center.
 6. Essential Services.
 7. Laundries.
 8. Manufacturing, light.
 9. Ministorage.
 10. Office.
 11. Research and development centers.
 12. Secondary value added meat processing (excludes slaughterhouses and rendering plants).
 13. Sports performance training center, provided that the requirements of Section 10-7-6 of this title are met.
 14. Studio, artist, or instructional service.

15. Trade or business school.
16. Veterinary clinic/hospital, without outdoor animal runs.
17. Warehousing and wholesaling subject to the requirements of Section 10-10-13 of this title.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory retail uses pursuant to Section 10-7-6 of this title.
2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
3. Antennas mounted on an existing structure, as regulated by chapter 10-10-12 of this title.
4. Buildings temporarily located for purposes of construction on the premises for a period not to exceed time necessary to complete construction.
5. Daycare nursery licensed by the State accessory to a permitted or conditional use and intended to serve only employees of the facility.
6. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
7. Off street parking and loading as regulated by this title.
8. Trash and recycling containers pursuant to Section 10-9-9 of this title.
9. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
10. Temporary/seasonal outdoor sales uses, subject to the provisions of Section 10-107-4811 of this title.

D. Conditional Uses: The following are conditional uses:

1. Accessory car wash subject to section 10-10-1 of this title.
2. Accessory structures or uses other than those listed as permitted.
3. Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-10 of this title.
4. Call center.
5. Construction services yards with outdoor storage subject to Section 10-9-8 of this title.
6. Firearm range.
7. Heliports.
8. Industrial food production provided that all operations are fully contained within the building, all processing or cleaning of products may occur on site provided waste disposal is in enclosed containers so as not to create nuisance odors, and that the operator of the facility provide evidence that the facility is in compliance with all applicable County, State and Federal regulations.
9. Kennel, commercial, including related ancillary services including training and grooming subject to the provisions in Chapter 6-2 of this Code and Section 10-7-6 of this title and with or without outdoor animal runs.
10. "Medical waste transfer facility", as defined in Chapter 10-3 of this title, provided that the containerization and decontamination of the waste shall be conducted entirely within a building, that the facility shall be the sole occupant of the building, that the building shall not be located adjacent to or across the street from any

residential or commercial districts, and that the operator of the facility provide evidence that the facility is in compliance with all applicable County, State and Federal regulations.

11. Motor vehicle terminal and maintenance garage.
 12. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within fifty feet (50') of any lot line of an abutting lot in an R use district.
 13. Nursery.
 14. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.
 15. Open storage lot subject to the requirements of Section 10-9-8 of this title.
 16. Outdoor accessory merchandise display, subject to the provisions of Section 10-7-6 of this title. Outdoor animal runs.
 17. Recycling center, nonhazardous resource recovery facility, when conducted entirely within a building and in compliance with all applicable nuisance performance standards of this Code.
 18. Restaurant (freestanding), subject to subsection 10-6-8 of this title.
 19. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.
 20. Towers as regulated in chapter 10-10-12 of this title.
 21. Transient merchants subject to Title 3 of this Code.
 22. Wholesale showroom subject to section 10-10-13 of this title and limited to twenty percent (20%) of the floor area of the space occupied by a particular business, not to exceed eight hundred fifty (850) square feet.
- E. Interim Uses: The following are interim uses:
1. Land reclamation, mining and soil processing subject to Sections 10-8-1, 10-8-2 and 10-10-7 of this title.
 2. Required structures need not be accessory structures and need not comply with the special minimum requirements of Section 10-7-6-1 of this title. The landscaping requirements of subsection 10-9-13 of this title may be waived where appropriate.
- F. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title and in 10-7-6:

Lot Area	40,000 square feet
Lot Width	150 feet
Building Coverage	50 percent
Setback - Principal Structure	
Front Yard	40 ¹ or 60 feet when adjacent to RR-1, R-1, and R-2 Districts

Side Yard	20 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Accessory Structure	
Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Parking	
Front Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts

Note: ¹Plus 1 foot for every 1 foot of building height over 30 feet (maximum setback of 80 feet).

Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

The minimum requirements established in the table above shall apply, subject to the additional requirements, exceptions, and modifications set forth in this section and Section 10-7-6 of this Title.

A 20- foot setback is required for any structure or parking adjacent to any R-3, R-4, or R-5 residential district.

G. Supplemental Standards: The following are supplemental standards for the district:

1. Required structures do not need to be accessory structures nor comply with the special minimum requirements of Section 10-7-6 of this title. The landscaping requirements of Section 10-30A-10 of this title may be waived as appropriate.

2. Zero lot line development, pursuant to Section 10-9-3 of this title

10-7-2 : I-2 General Industry District

- A. Purpose and Intent: The purpose and intent of the I-2 General Industry District is to provide areas suitable for the location of general industrial activities, including heavy manufacturing and other such activities which, because of the nature of the product or character of operation, require isolation from or special protections for nonindustrial uses.
- B. Permitted Uses: The following are permitted uses:
1. Automobile Repair, Major when conducted entirely within an enclosed building.
 2. Commercial Services.
 3. Crude oil, gasoline or other liquid storage tanks.
 4. Data center.
 5. Essential Services.
 6. Laundries.
 7. Manufacturing, light and heavy located indoors or outdoors.
 8. Ministorage.
 9. Office.
 10. Research and development centers.
 11. Secondary value added meat processing (excludes slaughterhouses and rendering plants).
 12. Sports performance training center, provided that the requirements of Section 10-7-6-7 of this title are met.
 13. Studio, artist, or instructional service.
 14. Trade or business school.
 15. Veterinary clinic/hospital, without outdoor animal runs.
 16. Warehousing and wholesaling subject to the requirements of Section 10-7-44 of this title.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory retail uses pursuant to Section 10-7-6-2 of this title.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Antennas mounted on an existing structure, as regulated by Section 10-10-12 of this title.
 4. Daycare nursery licensed by the State accessory to a permitted or conditional use and intended to serve only employees of the facility.
 5. Incidental accessory uses to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
 6. LP gas exchange container displays as provided in Section 10-7-38 of this title.
 7. Off street parking and loading as regulated by this title.
 8. Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use.
 9. Signs as regulated by Chapter 10-12.
 10. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.

D. Temporary/seasonal outdoor sales uses, subject to the provisions of Section 10-10-11 of this title. Conditional Uses: The following are conditional uses:

1. Accessory car wash subject to Section 10-10-1 of this title.
2. Accessory structures or uses other than those listed as permitted.
3. Acid manufacturing.
4. Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by Section 10-10-12 of this title.
5. Auto wrecking, junkyard, used auto parts (open storage) subject to the requirements of Section 10-9-8 of this title.
6. Call center.
7. Contractors' yard with outdoor storage within a completely fenced area subject to Section 10-9-8 of this title.
8. Explosives including all uses, storage or manufacture of materials or products such as TNT or dynamite which would decompose by detonation.
9. Firearm range.
10. Heliports.
11. Incineration or reduction of waste material other than customarily incidental to a principal use.
12. Industrial food production provided that all operations are fully contained within the building, all processing or cleaning of products may occur on site provided waste disposal is in enclosed containers so as not to create nuisance odors, and that the operator of the facility provide evidence that the facility is in compliance with all applicable County, State and Federal regulations.
13. Kennel, commercial, including related ancillary services including training and grooming subject to the provisions in Chapter 6-2 of this Code and Section 10-7-6 of this title and with or without outdoor animal runs.
14. Kilns or other heat processes fired by means other than electricity.
15. "Medical waste transfer facility", as defined in Chapter 10-3 of this title, provided that the containerization and decontamination of the waste shall be conducted entirely within a building, that the facility shall be the sole occupant of the building, that the building shall not be located adjacent to or across the street from any residential or commercial districts, and that the operator of the facility provide evidence that the facility is in compliance with all applicable County, State and Federal regulations.
16. Motor vehicle terminal and maintenance garage.
17. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within fifty feet (50') of any lot line of an abutting lot in an R use district.
18. Nursery.
19. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.
20. Outdoor accessory merchandise display, subject to the provisions of Section 10-7-6-3 of this title.
21. Outdoor animal runs.
22. Rail unloading facility.
23. Recycling center, nonhazardous resource recovery facility when conducted entirely within a building.

24. Restaurant (freestanding), subject to Section 10-6-8 of this title.
 25. Refuse and garbage disposal.
 26. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.
 27. Storage, use or manufacture of materials or products which could decompose by detonation.
 28. Towers as regulated in Section 10-10-12 of this title.
 29. Transient merchants subject to Title 3 of this Code, Truck or freight terminal.
 30. Wholesale showroom subject to Section 10-10-13 of this title and limited to twenty percent (20%) of the floor area of the space occupied by a particular business, not to exceed eight hundred fifty (850) square feet.
- E. Interim Uses: The following are interim uses: An accessory structure authorized by conditional use permit under Section 10-23-4 of this title may be occupied by personnel as an interim use for a period not to exceed one (1) year to facilitate the expansion of the principal structure, provided that the accessory structure complies with all applicable requirements of the Building and Fire Codes pertaining to the proposed occupancy and use.
- F. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title.

Lot Area	40,000 square feet
Lot Width	100 feet
Setback - Principal Structure	
Front Yard	40 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	15 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	30 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Accessory Structure	
Front Yard	40 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
	15 or 50 feet when adjacent to RR-1, R-
Side Yard	1, and R-2 Districts

Side Yard - Street	40 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	30 or 50 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Parking	
Front Yard	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts

A 20 foot setback is required for any structure or parking adjacent to any R-3, R-4, or R-5 residential district.

Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

The minimum requirements established in the table above shall apply, subject to the additional requirements, exceptions, and modifications set forth in this section and Section 10-7-6 of this Title.

- G. Supplemental Standards: The following are supplemental standards for the district:
1. Within any Gateway District as delineated on the official zoning map, all provisions of this Code shall be met. In addition, all structures and uses shall comply with Burnsville North Gateway guidelines as set forth in Ordinance 1022, which is incorporated herein by reference. To the extent this title conflicts with Ordinance 1022, Ordinance 1022 shall control.
 2. Required structures do not need to be accessory structures nor comply with the special minimum requirements of Section 10-7-6 of this title. The landscaping requirements of Section 10-30A-10 of this title may be waived where appropriate
 3. Zero lot line development, pursuant to Section 10-9-3 of this title.

10-7-3 : I-3 Office And Industrial District

- A. Purpose and Intent: The purpose of the I-3 Office and Industrial Park District is to provide for the establishment of warehouse, light manufacturing alongside a larger office type development. The City's objective for this district is to attract high quality industrial development that will provide higher income employment and provide an opportunity for creation and expansion of employment centers, business centers, corporate headquarters and a diverse tax base.
- B. Permitted Uses: The following are permitted uses:
1. Daycare Center.
 2. Essential service.
 3. Instruction/learning center.
 4. Manufacturing, light that is completely contained within a building.
 5. Ministorage.

6. Office.
 7. Research and development centers including laboratories (i.e. medical, software, communications, scientific, etc.).
 8. Sports performance training center, provided that the requirements of Section 10-7-6-7 of this title are met.
 9. Trade or business schools.
 10. Warehousing and wholesaling subject to the requirements of Section 10-10-13 of this title.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory retail uses pursuant to Section 10-7-6 of this title.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Antennas mounted on an existing structure, as regulated by Section 10-10-12 of this title.
 4. Auto dealership remote storage subject to Section 10-10-5 of this title.
 5. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
 6. Signs as regulated by Section 10-12 of this title.
 7. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
- D. Conditional Uses: The following are conditional uses:
1. Heliports.
 2. Medical service or clinic.
 3. "Medical waste transfer facility", as defined in Section 10-3 of this title, provided that the containerization and decontamination of the waste shall be conducted entirely within a building, that the facility shall be the sole occupant of the building, that the building shall not be located adjacent to or across the street from any residential or commercial districts or uses, and that the operator of the facility provide evidence that the facility is in compliance with all applicable County, State, and Federal regulations.
 4. Municipal buildings and structures, including the storage of firefighting apparatus; provided, that no buildings shall be located within fifty feet (50') of any lot line of an abutting lot in an R use district.
 5. Open storage lot subject to the requirements of Section 10-9-8 of this title.
 6. Outdoor storage subject to screening and buffer requirements of section 10-9-8 of this title.
 7. Recycling and reclamation of nonhazardous materials conducted entirely within a fully enclosed building and in compliance with all applicable nuisance performance standards of this Code.
 8. Schools.
 9. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.

10. Towers as regulated in Section 10-10-12 of this title.

11. Transient merchants subject to Title 3 of this Code.

E. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modification as set forth in this Title:

Lot Area	40,000 square feet
Lot Width	150 feet
Setback - Principal Structure	
Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	20 or 40 feet when adjacent to RR-1, R-
	1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Accessory Structure	-
Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Parking	-
Front Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts

Not more than forty percent (40%) of the lot area shall be occupied by buildings.

The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this Section and Section 10-7-6 of this title

A 20-foot setback is required for any structure or parking adjacent to any R-3, R-4, R-5 residential district.

Building Height Setback shall increase from the district standard for every 1 foot of building height over 30 feet (maximum setback of 80 feet).

F. Supplemental Standards: The following are supplemental standards for the district:

1. Within any Gateway District as delineated on the official zoning map, all provisions of this Code shall be met. In addition, all structures and uses shall comply with Burnsville North Gateway guidelines as set forth in Ordinance 1022, which is incorporated herein by reference. To the extent this title conflicts with Ordinance 1022, ordinance 1022 shall control.
2. Required structures need not be accessory structures and need not comply with the special minimum requirements of Section 10-7-6 of this title. The landscaping requirements of Section 10-30A-10(A) of this title may be waived where appropriate
3. Zero lot line development, pursuant to Section 10-9-3 of this title

10-7-4 : GIM Gateway Industrial Medium District (*Added*)

A. Purpose and Intent: The purpose of the GIM District is to provide an area for future business parks, medical technologies and industrial uses that do not require outdoor storage as a component of their operations. This district was created to implement the Minnesota River quadrant (MRQ) plan identified by the Comprehensive Plan. The GIM District sets forth interim strategies to allow for the temporary use of property for exterior storage/display until conditions arise where permanent uses develop. Outdoor storage is required to be one hundred percent (100%) screened, which will support an upgrade in the image of the area.

B. Permitted Uses: The following are permitted uses:

1. Essential service.
2. Manufacturing, light.
3. Office.
4. Research and development centers.
5. Sports performance training center, provided that the requirements of Section 10-7-6-7 of this title are met.
6. Warehousing and wholesaling when conducted completely within a building subject to the requirements of Section 10-10-13 of this title.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory retail uses pursuant to Section 10-7-6 of this title.
2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
3. Antennas mounted on an existing structure, as regulated by Section 10-10-12 of this title.
4. Auto dealership remote storage subject to section 10-10-5 of this title.
5. Daycare Center.
6. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
7. Off street parking and loading as regulated by of this title.

8. Trash and recycling containers as regulated by this title.
 9. Rail loading/unloading facilities.
 10. Signs as regulated by Section 10-12 of this title.
 11. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
- D. Conditional Uses: The following are conditional uses:
1. Existing uses, lots, and structures that become nonconforming as a result of the passage of Ordinance 862, including truck terminals, are permitted, provided that:
 - a. No outdoor storage or display of raw materials, finished products, or vehicles occurs; and
 - b. All parking lots are substantially screened from view from abutting streets.
 2. Heliports.
 3. Recycling and reclamation of nonhazardous materials conducted entirely within a fully enclosed building and in compliance with all applicable nuisance performance standards of this Code.
 4. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.
 5. Towers as regulated in Section 10-10-12 of this title.
 6. Transient merchants subject to Title 3 of this Code.
- E. Interim Uses: The following are interim uses:
1. Automobile sales when located entirely within a building.
 2. Construction staging yards when contained within a building or one hundred percent (100%) screened to meet the requirements of Section 10-9-21 of this title.
 3. Contractors' yards when contained within a building or one hundred percent (100%) screened to meet the requirements of Section 10-9-21 of this title.
 4. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.
 5. Open storage lot subject to the requirements of Section 10-9-8 of this title.
- F. Registered Uses
1. Registration of Nonconforming Uses: Within the GIM Gateway Industrial Medium District, a use that becomes nonconforming as a result of the adoption of this Chapter in 2002, and that is not eligible for a conditional use permit, may be documented through a registration process with the City for the purpose of establishing a record of the use's existence and extent.
 2. Registration Statement: The property owner shall submit a registration statement on a form provided by the City. The statement shall include a description of the nonconforming use, the property on which it is located, and such supporting documentation as may be required by the City to demonstrate that the use was lawfully established and existed prior to becoming nonconforming.
 3. Review and Determination: Upon receipt of a complete registration statement, the Planning Commission shall review the submission and make a recommendation to the City Council. The City Council shall determine whether the information

provided is sufficient to document the nature and extent of the nonconforming use. The City Council may request additional information or clarification as necessary to verify the submission.

4. Effect of Registration: A registration approved by the City Council shall serve as evidence of the nature and extent of the nonconforming use as documented at the time of approval. The City reserves the right to correct or revoke a registration in the event of fraud, misrepresentation, or error.

G. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modification as set forth in this Title:

Lot Area	40,000 square feet
Lot Width	150 feet
Setback - Principal Structure	
Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	20 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Accessory Structure	-
	40 or 60 feet when adjacent to RR-1, R-
Front Yard	1, and R-2 Districts
Side Yard	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Parking	-
Front Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Front yards abutting TH 13, or its frontage road, or CSAH 5	25 or 25 feet when adjacent to RR-1, R-1, and R-2 Districts

Side Yard	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts

Not more than forty percent (40%) of the lot area shall be occupied by buildings.

The minimum requirements established in the table above shall apply, subject to the additional requirements, exceptions, and modifications set forth in this section and Section 10-7-6 of this Title.

A 20 foot setback is required for any structure or parking adjacent to any R-3, R-4, or R-5 residential district.

Building Height Setback shall increase from the district standard for every 1 foot of building height over 30 feet (maximum setback of 80 feet).

- H. Gateway Design Standards: Within any Gateway District as delineated on the official zoning map, all provisions of this Code shall be met. In addition, all structures and uses shall comply with Burnsville North Gateway guidelines as set forth in Ordinance 1022, which is incorporated herein by reference. To the extent this title conflicts with Ordinance 1022, Ordinance 1022 shall control.

10-7-5 : GHM Gateway Industrial Heavy District

- A. Purpose and Intent: The purpose of the GHM Gateway Industrial Heavy District is to provide areas for heavy industrial users with outdoor operations and storage needs. This district was created to implement the Minnesota River quadrant (MRQ) plan identified by the Comprehensive Plan and provides an area of the community for heavy industrial uses with access to Highway 13 and the railroad.
- B. Permitted Uses: The following are permitted uses:
1. Aggregate products including asphalt and concrete, subject to Section 10-6-7 of this title.
 2. Automobile sales, when located entirely within a building.
 3. Automobile Repair, major when conducted entirely within an enclosed building.
 4. Automobile sales, when located entirely within a building.
 5. Essential service.
 6. Bottling works.
 7. Laundries.
 8. Manufacturing, light and heavy.
 9. Motor vehicle terminal and maintenance garage.
 10. Office.
 11. Recycling and resource recovery conducted entirely within a fully included building.

12. Research and development centers.
 13. Warehousing and wholesaling when completely within a building and subject to the requirements of section 10-10-13 of this title.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory retail uses pursuant to Section 10-7-6 of this title.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 3. Antennas mounted on an existing structure, as regulated by Section 10-10-12 of this title.
 4. Auto dealership remote storage subject to section 10-10-5 of this title.
 5. Daycare center.
 6. Incidental accessory uses to the to the primary use, such as offices, storage, employee or client areas, and limited on-site sales of products produced on the premises.
 7. Off street parking and loading as regulated by this title.
 8. Trash and recycling containers as regulated by this title.
 9. Rail loading/unloading facilities.
 10. Signs as regulated by Section 10-12 of this title.
 11. Single satellite earth station antenna two meters (2 m) or less in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services one meter (1 m) or less in diameter and antennas designed to receive television broadcast signals, as regulated in Section 10-10-12 of this title.
 12. Temporary/seasonal outdoor sales uses, subject to the provisions of Section 10-10-1 of this title.
- D. Conditional Uses: The following are conditional uses:
1. Accessory car wash subject to Section 10-10-1 of this title.
 2. Antennas mounted on an existing structure, exceeding fifteen feet (15') above the highest point of the structure, as regulated by 10-10-12 of this title.
 3. Auto repair, major and minor.
 4. Car wash.
 5. Commercial bakery.
 6. Commercial services.
 7. Construction services.
 8. Existing uses, lots and structures that become nonconforming as a result of the passage of ordinance 862; provided, that they involve no outdoor storage, or display of either raw materials or finished products.
 9. Firearm range completely within a building.
 10. Grocery retail store.
 11. Heliports.
 12. Hotel, without banquet/assembly space.
 13. Kennel, commercial with or without outdoor animal runs.
 14. Liquor store subject to the requirements of Title 3 of this Code.
 15. Open sales/rental lot subject to the requirements of Section 10-9-8 of this title.
 16. Open storage lot subject to the requirements of Section 10-9-8 of this title and said outdoor storage shall be limited to twenty five percent (25%) of the site and located behind the building to the extent possible.
 17. Outdoor accessory merchandise display, subject to the provisions of Section 10-7-

6-3 of this title.

18. Recreational vehicle sales subject to the requirements of Section 10-9-8 of this title.
19. Recycling and reclamation of nonhazardous materials conducted entirely within a fully enclosed building and in compliance with all applicable nuisance performance standards of this Code Restaurant, freestanding with five thousand (5,000) square feet minimum.
20. Single satellite earth station antenna in excess of two meters (2 m) in diameter and single antenna designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter, as regulated in Section 10-10-12 of this title.
21. Towers as regulated in Section 10-10-12 of this title.
22. Transient merchants subject to Title 3 of this Code.
23. Truck equipment sales located entirely within a building.
24. Truck terminals.
25. Wholesale showroom subject to the requirements of Section 10-10-13 of this title.

E. Registered Uses

1. Registration of Nonconforming Uses: Within the GHM Gateway Industrial Heavy District, a use that becomes nonconforming as a result of the adoption of this Chapter in 2002, and that is not eligible for a conditional use permit, may be documented through a registration process with the City for the purpose of establishing a record of the use's existence and extent.
2. Registration Statement: The property owner shall submit a registration statement on a form provided by the City. The statement shall include a description of the nonconforming use, the property on which it is located, and such supporting documentation as may be required by the City to demonstrate that the use was lawfully established and existed prior to becoming nonconforming.
3. Review and Determination: Upon receipt of a complete registration statement, the Planning Commission shall review the submission and make a recommendation to the City Council. The City Council shall determine whether the information provided is sufficient to document the nature and extent of the nonconforming use. The City Council may request additional information or clarification as necessary to verify the submission.
4. Effect of Registration: A registration approved by the City Council shall serve as evidence of the nature and extent of the nonconforming use as documented at the time of approval. The City reserves the right to correct or revoke a registration in the event of fraud, misrepresentation, or error.

F. Development Standards: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modification as set forth in this Title:

Lot Area	40,000 square feet
Lot Width	150 feet
Setback - Principal Structure	

Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	20 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Accessory Structure	-
Front Yard	40 or 60 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	10 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	40 or 40 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Setback - Parking	-
Front Yard	20 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Front yard abutting TH 13 or its frontage road	25 or 25 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Side Yard - Street	15 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts
Rear Yard	5 or 20 feet when adjacent to RR-1, R-1, and R-2 Districts

Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

The minimum requirements established in the table above shall apply, subject to the additional requirements, exceptions, and modifications set forth in this section and Section 10-7-6 of this Title.

A 20 foot setback is required for any structure or parking adjacent to any R-3, R-4, or R-5 residential district.

10-7-6 Special Requirements For All Industrial Districts

A. Special Requirements and Performance Standards For All Industrial Districts

1. Building Design And Materials: All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of neighboring properties and not adversely impact the community's public health, safety and general welfare.

a. Design Elements: All new building fronts and refacing of an existing building shall include a minimum of three (3) of the following elements:

- (1) Accent materials;
- (2) A visually pleasing front entry that, in addition to doors, shall be accented a minimum of one hundred fifty (150) square feet around the door entrance for single occupancy buildings and a minimum of three hundred (300) square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element);
- (3) Twenty five percent (25%) window coverage on each front that faces a street;
- (4) Contrasting, yet complementary material colors;
- (5) A combination of horizontal and vertical design features;
- (6) Irregular building shapes; or
- (7) Other architectural features in the overall architectural concept.

If the building configuration is placed on the lot in such a way that the main entrances are facing the side yard street, or interior side yard, they shall also meet the minimum of three

(3) elements. If the applicant and the Development Review Committee (DRC) cannot agree on the proposed building exterior elevations, the applicant shall be required to make an application for a conditional use permit to prove compatibility.

b. Accent Materials: Accent materials shall be wrapped around walls visible from public view. Painting accent bands on a major exterior material shall not be allowed as or substituted for visual relief, accenting, or a required element. Use of fiber cement trim, soffit and fascia shall be allowed as accent materials.

c. Major Exterior Materials: Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete and precast and cast in place panels shall be acceptable as the major exterior wall material when they are incorporated into an overall design of the building. Use of rain screens, panelized systems, or curtain walls are encouraged and will be verified for high quality design and materials through the Development Review Committee. Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible.

Color impregnated decorative block shall also be allowed as a major exterior wall surface, and shall be required to be sealed. All materials shall be

color impregnated, with the exception of allowing architectural concrete precast panel systems and fiber cement siding to be painted. Painting shall be permitted on color impregnated major exterior materials. If the architectural precast panel systems are painted, they shall be properly prepared and maintained regularly to prevent peeling, stripping, shading or any other form of deterioration or discoloration. Proof of manufacturer's painting specifications shall be supplied prior to issuance of a building permit. All exterior materials, including painted exterior materials, shall comply with section 304.2 Protective Treatment of the International Property Maintenance Code. This subsection (A)3 shall also apply to all exterior repairs, remodeling, or expansion of existing buildings that require a building permit.

- d. Limited Exterior Materials: No more than fifty percent (50%) of any exterior wall on a building shall be wood or 24-gauge or thicker metal accent material. All exterior materials, including painted exterior materials, shall comply with section 304.2 Protective Treatment of the International Property Maintenance Code. This fifty percent (50%) limit may be exceeded when used in a panelized system that consists of prefabricated, or factory manufactured, panels that form a structural envelope, and significantly simplify on site framing, and request for approval shall be through a conditional use permit or planned unit development. This standard applies only to facades facing a street.
- e. Prohibited Exterior Materials: Unadorned prestressed concrete panels, whether smooth or raked, nondecorative concrete block, sheet metal, 25-gauge or thinner corrugated metal or unfinished metal shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings.
- f. Visual Relief: No wall shall exceed one hundred feet (100') in length without visual relief. "Visual relief" may be defined as a varying design of the building by incorporating design features such as windows, horizontal and vertical patterns, contrasting material colors or varying wall depths.
- g. Roofs: Roofs which are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs which are generally parallel with the first floor elevation are not subject to these material limitations.
- h. Building And Roofing Materials: All building and roofing materials shall meet current accepted industry standards and tolerances, and shall be subject to review and approval by the Development Review Committee for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the applicant shall submit to the City product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials. Building and roofing materials not specifically approved in this section may be allowed by a conditional use permit or planned unit development only after it is demonstrated that the proposed material is equal to or better than

approved materials. The long range maintenance of the proposed material shall be incorporated as a condition of the approval and filed on the property.

- i. Parapets: Renovation or refacing of an existing commercial building that includes increasing the height of the parapet walls, as defined in Section 10-3 of this title, shall be part of a comprehensive building upgrade that meets the following standards:

- (1) The parapet wall finish materials shall match the major exterior materials provided on an exterior wall as specified in subsection (A)3 of this section.
- (2) The parapet walls shall be provided along all perimeter walls.
- (3) Parapet walls may vary in height but shall not exceed the building height of the respective district.
- (4) The back of the parapet wall and/or its supports shall be screened from view from adjoining properties and public streets.
- (5) Parapet wall extensions shall not be permitted as flat wall features on the building facade. All facades proposed to support a taller parapet wall shall be designed to provide variation in facade depth in conjunction with increased height. The following features may be required to provide facade depth in conjunction with the taller parapet walls:
 - (A) Recessed or projected windows, awnings, or canopies.
 - (B) Entryway treatments, awnings, canopies, marquees, porticoes, and arches.
 - (C) Vertical wall treatments that extend from the facade creating a variation in facade depth, columns, corner treatments, and changes in building materials.
 - (D) Horizontal wall treatments, cornices, lintels, and color bands that provide some facade depth and divide the building height.

2. Private Trash And Recyclable Materials: All private trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be screened pursuant to section 10-9-21 of this title.
3. Off Street Parking: Design and maintenance of off street parking areas shall be in accordance with Section 10-9-10 of this title.
4. Accessory Structures: Garages, accessory structures excluding trash enclosures, screen walls and exposed area of retaining walls shall be of a similar type, quality and appearance as the principal structure.
5. Utilities: The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed after January 1, 2006, shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the farthest point of the width of the right-of-way from the property line(s) that abuts a street. A cross sectional

drawing shall be provided that illustrates the sightlines from the ground level view. For buildings constructed prior to January 1, 2006, for replacement of existing units, remodeling, and building expansions, the ground level view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure or screened by the use of parapet walls. Wood fencing shall not be used for screening.

6. Private Ground Mechanical Equipment: Private ground mechanical equipment shall be one hundred percent (100%) screened pursuant to Section 10-9-21 of this title, or a screen wall shall be provided compatible with the architectural treatment of the principal structure.
7. Outdoor Storage: Outdoor storage of materials or products may be authorized by conditional use permit.
8. External Loading And Service Areas: All external loading and service areas accessory to industrial buildings must be one hundred percent (100%) screened pursuant to section 10-9-21 of this title, except at access points.
 - a. Whenever an Industrial District abuts an R-1 District, there shall be no loading docks on any building elevation that is either directly facing or oriented toward a residential use.
9. Height Limit: There shall be no limit placed on the height of buildings in I Industrial Districts, except that any building in excess of forty five feet (45') shall be by conditional use permit.
 - a. Buildings within the Minnesota River Quadrant as identified in the City's Comprehensive Plan shall have no height limitations, except where Environmental Overlay Districts and floodplain regulations may apply.
10. Compatibility: All structures shall be compatible with other structures in the area.

B. Accessory Retail Uses; Special Requirements

1. Retail sales of products stored or manufactured on the site shall be allowed as an accessory use. A maximum of twenty percent (20%) of the floor area of the space occupied by the particular business may be used for retail sales purposes. A single structure leased to more than five (5) tenants under separate leases shall have no more than ten percent (10%) of the total building area devoted to retail space as an accessory use.
2. Parking as required for retail in this title shall be provided in addition to that required for the principal use.
3. No sign or display in excess of four (4) square feet shall be placed on or off the property advertising the existence of the retail sales facility.
4. If excessive on street parking of vehicles occurs, the sales shall cease or be reduced to the level that the off street parking can accommodate.

C. Outdoor Accessory Merchandise Display By Conditional Use Permit: In I-1 and I-2 districts, no outdoor merchandise display shall be allowed except by conditional use permit when such outdoor display is specifically intended to be accessory to the primary use(s) of the premises. A conditional use permit may be issued for accessory outdoor merchandise display in I-1 and I-2 districts, provided the following standards are considered and satisfactorily met on a continuous basis:

1. The outdoor merchandise display area shall be limited to one surface area per

building. The display area shall be limited in size to fifteen percent (15%) of the gross floor area of the principal structure. The maximum dimension of a display area shall be thirty feet (30'), and in no case shall the larger dimension of the display area be more than two (2) times the lesser dimension. In no case shall the outdoor merchandise display area exceed a total of six hundred (600) square feet per site. For the purpose of these standards, the term "site" shall be defined as a lot or group of lots contained within a unified development project.

2. The outdoor display area shall be clearly identified upon an approved site plan for the property. The display area shall meet the required side and rear yard setbacks for the district in which it is located, and shall be set back no less than ten feet (10') from the front property line. No outdoor display activities shall occur in a traffic visibility triangle as provided for by section 10-9-20 of this title. The display area surface may be elevated up to three feet (3') above the adjacent ground surface. The appropriate height of the display area shall be determined by considering the size of the item(s) to be displayed, the proportion of the display area to the building, and the location of the display area on the site.
3. No displayed merchandise shall exceed a maximum height of twelve feet (12') above the display surface.
4. Outdoor display areas, when located adjacent to and/or across the street from residential uses, shall be one hundred percent (100%) screened pursuant to section 10-9-21 of this title.
5. No additional lighting shall be installed to illuminate the display area.
6. The display area shall be surfaced with concrete or an approved equivalent to control dust and erosion. The surface shall be properly maintained to prevent deterioration. The display area shall be architecturally compatible with the principal structure of the site through the use of similar building materials or fencing around the perimeter of the display area. The display area shall be enhanced with appropriate, year round landscaping.
7. The display area shall not take up required parking spaces or landscaping areas. No outdoor display shall be permitted upon a sidewalk.
8. The square footage of outdoor display areas shall be included in the calculation of required off street parking for the principal use of the property.
9. All display of merchandise shall occur in a neat and orderly fashion without signage. The display of wearing apparel, highly flammable materials, and merchandise with wind movable parts and appendages shall be prohibited.
10. Any power equipment and vehicles that are displayed shall be disabled to prevent them from being started and operated while they are on display.
11. The provisions of section 10-2 of this title shall be considered and satisfactorily met.
12. Warehouse, wholesale showroom and multi-tenant warehouse facilities shall be subject to the requirements of Section 10-10-13 of this title.
13. Open storage lots shall be subject to the requirements of Section 10-9-8 of this title.
14. Open sales/rental lots shall be subject to the requirements of Section 10-9-8 of this title.

D. Alternative Exterior Building Materials; Special Requirements

1. Sheet aluminum, corrugated aluminum, asbestos, iron, plain or painted plain

concrete blocks shall not be deemed acceptable as major exterior wall materials on buildings within I-2 general industry districts, except as permitted by a conditional use permit issued by the city council pursuant to section 10-2 of this title. The following standards apply to conditional use permits under this subsection:

- a. The building shall be an accessory structure.
- b. The building shall not be occupied by personnel.
- c. The building shall be used to house material, parts or equipment which would otherwise constitute open storage.
- d. The building shall be generally not visible from major arterial roadway corridors.
- e. The landscaping of the area surrounding the location shall provide natural visual barriers to the building.
- f. The building shall be constructed of long term maintenance free materials. A manufacturer's warranty shall be prima facie evidence of compliance with this standard.

2. The applicant shall have the burden of establishing that these standards and the standards of Chapter 10-2 of this title have been met. The planning commission and the city council may attach conditions they deem necessary to accomplish the goals and objectives of the comprehensive plan.

E. Standards For Aggregate Processing, Related Products Manufacturing

1. Aggregate processing and related businesses shall be designed, operated and maintained to appear and function in a manner that is consistent with and comparable to other permitted uses within the GIH gateway industrial heavy districts. Processing, storage, receiving and shipping activities shall be located within or behind the principal structure, in the portions of lots that are opposite the railroad tracks, and will thereby be substantially screened from view from the TH 13 corridor and adjacent streets. Every reasonable effort shall be made to house these activities and uses within buildings. Those activities and uses that cannot reasonably be located within buildings shall be located behind structures, and/or screened by one or a combination of berms, landscaping, approved walls or fences.
2. These businesses shall at all times be operated in strict compliance with the Minnesota pollution control agency's regulations covering noise, dust emissions, air quality, odor, and surface and ground water quality protection.

F. Special Consideration For Properties Located In I-1, I-2, I-3, GIM And GMH Districts Affected by Public Improvement Projects Resulting in Land Taking

1. Properties that become nonconforming in terms of green area, setbacks or parking requirements as a direct result of a public improvement project resulting in loss of land (taking) for public roadway right of way or easements shall be considered in their pretaking condition when proposing any building or parking expansion affected by the land taking.
2. The setbacks, green area and parking requirements shall be as follows:
 - a. Minimum setbacks for principal and accessory structures or parking shall only be considered on the side of the structure(s) or parking lot where the public taking resulted in the nonconformity.
 - b. Minimum setbacks shall be the existing setback before the taking less the amount of the taking. Principal and accessory structures shall be set back

no less than ten feet (10'). Parking shall be set back no less than five feet (5').

- c. Green area for the total land area shall be the percent required by section 10-9-13 of this title at the time of the taking, less the percent removed as a result of the taking. Green area shall not be less than ten percent (10%) of the total lot area after taking.
- d. Required parking spaces shall be those required by section 10-9-10 of this title less the spaces eliminated as a direct result of the taking. If a property has an approved proof of parking plan with spaces not yet utilized as parking at the time of the taking, the owner shall install such spaces to replace those eliminated by the taking.

G. Requirements and Standards For Sports Performance Training Centers Within the GIM, I-1 and I-3 Districts

1. Sports Performance Training Centers; Special Requirements:

- a. All off street parking and loading shall be provided as required for sports performance training centers in this title.
- b. Parking for special events must be accommodated with off street parking on the building site or via a joint parking agreement.
- c. All signage must meet the requirements of 10-12 of this title.
- d. If the sports performance training center is located in an existing multi-tenant building the following additional standards apply:
 - (1) Off street parking and loading must be provided for all tenant uses as required by this title.
 - (2) Customer parking and pedestrian access to the building must not interfere with off street loading or large truck maneuvering on the site.
 - (3) The building inspector must determine if the change of use requires alterations to the building to ensure health and safety. The applicant shall be responsible for all required changes.

SECTION 13: “CHAPTER 10-8 ENVIRONMENTAL OVERLAY DISTRICTS”, “CHAPTER 10-10 FLOODPLAIN REGULATIONS”, “CHAPTER 10-12B P PARK DISTRICT”, “CHAPTER 10-28 CONSERVANCY DISTRICT (CD)” of the Burnsville Municipal Code are hereby repealed in their entirety.

SECTION 14: “CHAPTER 10-8 SPECIAL/OVERLAY DISTRICTS” of the Burnsville Municipal Code is hereby amended to add the following:

CHAPTER 10-8 SPECIAL/OVERLAY DISTRICTS

10-8-1 : Environmental Overlay District

A. General Provisions For All Overlay Districts

- 1. Purpose And Intent: Overlay districts established by this chapter are created for the purpose of protecting environmentally sensitive areas within designated areas

of the city.

2. Scope: These districts shall overlay the established zoning districts so that any parcel of land lying in an overlay district shall also lie in one or more of the established zoning districts. Land within an overlay district shall be subject to the requirements established in this title, as well as restrictions and requirements established by other applicable ordinances and regulations of the city. Within each adopted overlay district all uses shall be permitted in accordance with the regulations for the underlying zoning district(s); provided, however, that such uses must satisfy the additional requirements established in this title before development will be allowed.
3. Establishment Of Districts: The following overlay districts are hereby established:
 - a. Wetlands overlay district.
 - b. Soil erosion overlay district.
 - c. Restrictive soils overlay district.
 - d. Woodland overlay district.
 - e. Shoreland overlay district.
 - f. Stormwater overlay district.
 - g. Drinking water protection overlay district.
4. District Boundaries: This title shall apply to the wetlands, soil erosion, restrictive soils, and shoreland overlay districts which are specifically delineated on the official environment overlay district maps of the city, which are incorporated herein by reference. The drinking water protection overlay district shall apply to the areas of the city, shown on the drinking water protection overlay map adapted from the wellhead protection area in part two of the wellhead protection plan dated June 19, 2013. For purposes of this title the woodland and stormwater management overlay districts shall encompass the entire city.

B. Legislative Findings And Purpose:

1. Wetlands Overlay District: Wetlands and public waters wetlands help maintain water quality, serve to reduce flooding and erosion, act as sources of food and habitat for a variety of fish and wildlife, and are an integral part of the community's natural landscape. Wetlands provide the aesthetic benefits of open space and can be used to provide a natural separation of land uses. It is the intent of this overlay district to establish a policy of sound stewardship through coordination of regulations, which conserve, protect, enhance, and result in the no net loss of these environmentally sensitive resources. In addition, it is the intent of the city to promote the restoration of degraded wetlands. This overlay district is adopted in part to implement the wetland conservation act of 1991 (Minnesota laws 1991, chapter 354, as amended), and the accompanying rules of the Minnesota board of water and soil resources (Minnesota rules chapter 8420, as amended).
2. Soil Erosion Overlay District: Certain areas within the city contain slopes or unstable soils that can cause ecological impacts, including erosion, runoff, and the resulting siltation and pollution of water bodies and streams. These conditions also pose risks to public safety, such as landslides and mudslides.
The purpose of this chapter is to protect public safety by minimizing hazards associated with steep slopes and unstable soils, protect public health by reducing erosion-related impacts to water resources, and promote the general welfare by

preserving significant natural slope features and guiding development in a manner that reduces these risks.

3. Restrictive Soils Overlay District: Certain areas within the city contain soil types, slopes, and water conditions that are unsuitable for development without appropriate mitigation measures, and development in these areas, if not properly managed, can increase soil erosion and sedimentation, introduce contaminants into groundwater, contribute to pollution, degrade ecological and natural resources, and require significant public expenditures to correct resulting deficiencies, all to the detriment of the health, safety, and welfare of the citizens of Burnsville; therefore, the purpose of this chapter is to regulate development on restrictive soils in a manner that minimizes the risk of environmental damage and protects private property owners and public entities from incurring substantial maintenance and capital costs associated with such deficiencies.
4. Woodland Overlay District: The preservation of trees and woodlands within the city is essential to the health, safety, and welfare of the community and the broader metropolitan area. Existing and future development can reduce or eliminate wooded areas that, if preserved, provide important ecological, recreational, and aesthetic benefits for current and future residents. The purpose of this chapter is to preserve trees and woodlands on individual sites; protect public safety by reducing wind and water erosion, slope instability, and rapid runoff; promote public health through the absorption of air pollutants, contaminants, and noise and by increasing groundwater recharge; support diverse plant and animal habitats necessary for wildlife; enhance the aesthetic and recreational value of the area; and promote energy conservation by providing shade in the summer and wind protection in the winter.
5. Shoreland Overlay District:
 - a. Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
 - b. Policy: The uncontrolled use of shorelands of Burnsville, Minnesota, affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Burnsville, hereinafter referred to as "the city".
 - c. Jurisdiction: The shoreland overlay district provisions of this chapter shall apply to the shorelands of the public water bodies as classified in Subsection 10-8-10(B) of this chapter. Pursuant to Minnesota Regulations, Parts 6120.2500 through 6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities needs to be regulated in a local government's

shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this chapter.

- d. Compliance: The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this chapter and other applicable regulations.

6. Stormwater Overlay District: The management of stormwater runoff is essential to the health, safety, and welfare of the city's residents, as both the quality and quantity of runoff directly affect ecological and physical conditions, including soil erosion, flooding, water pollution, and aquatic life. The purpose of this chapter is to accommodate anticipated development while controlling stormwater runoff and protecting surface and groundwater resources through the implementation of the city's water resources management plan and applicable performance standards for land-disturbing activities. This chapter is further intended to maintain safe and healthful conditions; prevent and control the adverse effects of stormwater, including soil erosion and water pollution; protect fish, aquatic life, and spawning areas; reduce the risk of exceeding the capacity of drainage systems and receiving waters; limit channel erosion and the transport of sediment; prevent damage to downstream properties; and guide site design, including building placement and impervious surfaces, in a manner that supports sound and sustainable economic growth.

7. Drinking Water Protection Overlay District: The purpose and intent of this overlay district is to:

- a. Acknowledge that certain areas within the city are highly susceptible to drinking water contamination, based on location of wells, surface water supply, and geomorphology;
- b. Provide for land uses that are compatible with the protection of the drinking water supply, while providing performance standards for uses that may put the aquifer at risk;
- c. Provide performance standards for land uses that have the potential to be detrimental to the drinking water supply.

C. Overlay District Administration:

- 1. Administration: Except as hereinafter provided, no one may perform any development in a stormwater, woodlands, wetlands, shoreland, soil erosion, drinking water protection or restrictive soils overlay district or obtain a development permit, without first having demonstrated that the proposed activity will meet or exceed the additional performance standards contained in this chapter. Any application for a development permit on land which is covered, in whole or in part, by this chapter shall include a site plan. Other engineering data, such as surveys, soil studies, and other descriptive information, may also be required at the direction of the city. A specific description of the type, amount and location of the development, and a description of the ecological characteristics of the natural features contained on the property, as well as the conservation plan describing actions to be taken to

mitigate detrimental effects of development may also be required. When the proposed development includes the construction or alteration of a structure, four (4) sets of plans and one digital plan set shall be submitted with the application.

2. Exceptions:

a. Emergency Work Necessary To Preserve Life Or Property: A person may commence emergency work necessary to preserve life or property, provided that within ten (10) days following the commencement of that activity, he/she submits a site plan for review along with any other information requested by the city necessary to determine if the performance standards contained in this chapter were met. If upon this review it is determined that all of the performance standards were not met, a plan shall be submitted and implemented (following city approval) to restore the natural resources to meet the intent of the performance standards contained in this title.

b. Repair; Maintenance: Repair or normal maintenance.

3. Conditional Use: An applicant of a proposed development whose development does not comply to the letter with one or more of the standards in this chapter, but meets the spirit of the standards, may apply to the city council for a conditional use permit, pursuant to Section 10-5-5 of this title. The applicant shall demonstrate that the standards of Section 10-5-5 of this title have been met, and that the proposed development adheres to the purposes of the overlay district standards. The planning commission and city council may attach conditions they deem necessary to protect the overlay district and ensure that the intent and purpose of the overlay district is accomplished.

4. Enforcement: The city manager, or his or her designee, is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional and interim uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subsection 10-8-10(A)1 of this chapter.

5. Interpretation: In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

6. Abrogation And Greater Restrictions: It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other provisions of this title inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

7. Definitions: Unless specifically defined in Sections 10-4-2 and 10-8-2 of this chapter, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- D. Wetlands Overlay District Standards: No development shall be allowed or development permit issued unless the City Council finds that the proposed development complies with the following standards:
1. State Regulations: The Wetland Conservation Act of 1991 (Minnesota laws, 1991, chapter 354, as amended) and that accompanying rules of the Minnesota Board of Water and Soil Resources (Minnesota Rules Chapter 8420, as amended) are incorporated herein by this reference.
 2. Delineation Of Wetlands: Wetlands shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable City ordinances and regulations. The standards and requirements set forth in this Chapter shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland is located.
 - a. A wetland is land that meets the definition of "wetlands" set forth in this Title. Wetland boundaries and wetland types as established by the Wetland Protection and Management Plan shall be prima facie evidence of the location and type of wetland. If an applicant questions whether a wetland exists or disputes its delineation, the applicant shall have the burden to supply detailed information for review supporting the applicant's position. The applicant shall provide appropriate technical information, including, but not limited to, topographical survey and soil data deemed necessary for the city to determine the exact wetland boundary. The city shall make a determination of the delineated wetland boundary or if the boundaries need to be corrected on city plans and maps based upon the data that is supplied. Data for wetland determination shall be certified by a qualified wetland consultant. The applicant may appeal the city's determination of the wetland boundary and type to the city council. Wetland boundaries shall be identified by permanent monumentation acceptable to the city. In residential subdivisions, a monument is required for each lot. In other situations, a monument is required for each 300 feet of wetland boundary.
 3. No Net Loss: To achieve no net loss of wetland areas and public values, except as provided under subsection (O) of this section, or authorized by a wetland alteration permit issued by the city, a person may not drain, grade, fill, remove healthy native vegetation, or otherwise alter or destroy a wetland of any size or type. Any alteration to a wetland, permitted by a wetland alteration permit, must be fully mitigated so that there is no net loss of wetlands.
 4. Standards: The following standards apply to all land within and abutting a wetland:
 - a. Septic and soil absorption system must be set back a minimum of 75 feet from a wetland boundary.
 - b. The lowest ground floor elevation shall be a minimum of 2 feet above the elevation of the wetland.
 - c. Docks shall be elevated 6 to 8 inches above the water surface.
 - d. Access across a wetland shall be by means of a boardwalk or dock and only upon approval of a wetland alteration permit.
 - e. The Minnesota Pollution Control Agency (MPCA) Urban Best Management Practices shall be followed.

f. The standards of the city's Wetland Protection and Management Plan shall be followed.

5. Wetland Buffer Strips And Setbacks:

a. A buffer strip shall be maintained abutting all wetlands and public waters wetlands in accordance with the following table:

Wetland Classification	Principal And Accessory Structure Setback (Feet)	Permanent Buffer Strip Average Width (Feet)	Minimum Permanent Buffer Zone Width (Feet)	Percent Native Vegetation
Protection	50	50	30	Entire
Improvement	35	35	25	Entire
Management	25	25	20	Majority
Management II	None	20	20	Majority

b. Buffer strip vegetation shall be established and maintained in accordance to the following requirements:

- (1) Plant species shall be selected from wetland and upland plants to provide habitat for various species of wildlife.
- (2) The dimensions of the buffer strips may be adjusted by the city based upon the quality of the wetland and public waters wetland, local topographic conditions, and the type and design of development being proposed.
- (3) The use of a meandering buffer strip to maintain a natural appearance is encouraged.

6. Wetland Alteration: An applicant for a permit to alter a wetland shall adhere to the following principles in descending order of priority:

- a. Filling must be consistent with the city's Wetland Protection and Management Plan and the Water Resources Management Plan;
- b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland activity and its implementation;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
- e. Filling in wetland areas must be mitigated in accordance with the requirements of this chapter and the city's Wetland Protection and Management Plan.

A permit shall not be issued unless the proposed development complies within the mitigation provisions of subsection (K) of this section, as well as

the standards, intent, and purpose of this section.

7. Permit Required: Drainage, grading, filling, removal of healthy native vegetation, or otherwise altering or destroying a wetland and any land within the minimum permanent buffer zone as shown in Subsection (E) of this section of a delineated wetland boundary requires a permit. Activity in a wetland requiring a permit includes, but is not limited to:
 - a. Construction of new streets and utilities.
 - b. Creation of ponds or dams and alterations of the natural drainageways of watercourses. This shall only be allowed as part of a mitigation project, or to restore or improve the function and value of the wetland.
 - c. Installation of boardwalks.
 - d. Discharge of stormwater runoff in a manner that impacts the wetland.
8. Filling: When a permit is issued allowing filling in a wetland, the following standards shall be followed:
 - a. Filling must be consistent with the Water Resources Management Plan.
 - b. Filling shall not cause the total natural nutrient stripping capacity of the wetland to be diminished to an extent that is detrimental to any area river, lake, or stream.
 - c. Only fill free of chemical pollutants and organic wastes may be used.
 - d. Filling in wetlands will not be permitted during waterfowl breeding season or fish spawning season, unless it is demonstrated to the city's satisfaction that the wetland is not used for waterfowl breeding or fish spawning.
 - e. Filling in wetlands must be mitigated in accordance with the requirements of this chapter.
9. Dredging/Excavating/Grading: When a wetland alteration permit is issued allowing dredging, excavating, or grading in a wetland, the following standards shall be followed:
 - a. The dredging will not have a net adverse effect on the ecological and hydrological characteristics of the wetland.
 - b. It shall be located as to minimize the impact on vegetation.
 - c. It shall not adversely change water flow.
 - d. The size of the dredged area shall be limited to the minimum required for the proposed action.
 - e. Disposal of the dredged material is prohibited within the wetlands , except to create islands that have been approved by the city as part of the mitigation plan.
 - f. Disposal of any dredged material shall include proper erosion control and nutrient retention measures.
 - g. Dredging in any wetland is prohibited during waterfowl breeding season or fish spawning season, unless it is demonstrated to the city's satisfaction that the wetland is not used for waterfowl breeding or fish spawning.
 - h. Dredging in wetlands must be mitigated in accordance with the requirements of this Section if the activity results in a loss of functional wetland. Dredging to create water quality improvement basins may be allowed by the city where reasonable alternatives are not available or where the wetland is of low quality and designated for this purpose by the

city's Wetland Protection and Management Plan and the Water Resources Management Plan.

10. Stormwater Runoff: When a permit is issued authorizing stormwater runoff to discharge directly into a wetland, the following standard applies: stormwater runoff from a development may be directed to the wetland only if consistent with the city's Wetland Protection and Management Plan and Water Resources Management Plan, and site design should prioritize sheet flow and other overland drainage methods where feasible."

11. Mitigation:

- a. Mitigation Intent: Where wetland alteration is approved and mitigation is required, mitigation must result in an improvement to the wetland function and value. Mitigation plans must address water quality, improvement, and maintenance of preexisting hydrological balance and wildlife habitat. The wetland function and value will include improvement of water quality, maintaining hydrological balance, and provision of wildlife habitat. Mitigation will be performed at ratios required by state law to achieve replacement of the wetland function and value.
- b. Mitigation Standards: Mitigation of wetlands for function and value should be restored, created, and enhanced to have the following characteristics:
 - (1) Relatively stable water levels subject to natural fluctuations.
 - (2) Pretreatment of inflow waters to improve quality.
 - (3) High level of upland/lowland intermingling.
 - (4) A ratio of open water to aquatic vegetation between 1:1 and 1:2.
 - (5) High degree of intermingling of open water and aquatic vegetation.
 - (6) High level of plant species diversity.
 - (7) Restoration of native plant species in upland and lowland areas.
 - (8) Undisturbed upland/lowland edge (i.e., buffer).
 - (9) Meandered wetland edge.
 - (10) Irregular bottom contours - mix of shallow and deep water.
 - (11) Shallow side and bottom slopes - preferable 10:1 to 30:1 around and within wetland; steeper slopes may be used to provide open water and greater vegetation variability.
- c. Mitigation Techniques:
 - (1) Mitigation shall be performed at a ratio required by state law.
 - (2) Mitigation shall result in no net loss to the wetland function and value. The wetland function and value will include improvement of water quality, maintaining hydrological balance, and provision of wildlife habitat.
 - (3) Mitigation shall provide a buffer strip as set forth in this chapter. The buffer strip acreage may be included in the total acreage for mitigation purposes to the extent allowed pursuant to Minnesota Rules 8420.0540.
 - (4) Mitigation shall maintain or enhance the wetland hydrological balance through the following:
 - (A) Restoration of drained or partially drained wetlands.

(B) Restoration of degraded wetlands.

(C) Creation of new wetlands.

- (5) If stormwater is channeled into a wetland, mitigation shall provide for pretreatment of water prior to it entering the wetland to improve water quality.
- (6) The buffer strip landscape shall provide for wildlife cover and utilize a diversity of native flora (i.e., trees, shrubs, grasses, herbaceous plants) to encourage wildlife diversity, provide visual variety, and provide nesting and food for wildlife.
- (7) Wetland mitigation should be undertaken on site. If this is not feasible as demonstrated to the city, mitigation should occur in accordance with the requirements of the wetland Conservation Act.

d. Construction Management And Long Term Wetland Maintenance:

- (1) The permit holder shall follow the Minnesota Pollution Control Agency Urban Best Management Practices to minimize direct impacts due to erosion and construction practices and to safeguard wildlife habitat.
- (2) The permit holder shall conduct a monitoring program in accordance with the requirements of the Wetland Conservation Act. A letter of credit or cash security in the amount of the estimated construction costs of the mitigation plan from the permit holder shall be held to ensure compliance. The letter of credit shall be in the form approved by the city and shall be from a Federal Deposit Insurance Corporation (FDIC) insured local bank. The letter of credit or cash security may be reduced to twenty five percent (25%) if the city approves the mitigation construction and the permit holder provides the city with as built plans showing compliance with the approved mitigation plans. At the end of the monitoring period, the city will release the last 25 percent of the letter of credit or cash security if the permit holder demonstrates compliance with the designed wetland as built plans.

Where feasible, the city shall require the permit holder to satisfy long term management requirements.

12. Application And Issuance Of Permit:

- a. The applicant for a permit shall furnish the information required by the city including, but not limited to, a site plan, topographic data, hydrological data, and an assessment of the functions and value of the impacted wetland Minnesota Routine Assessment Methodology (MnRAM) assessment) for the review of a wetland alteration permit application. The Public Works Director or designee shall use discretion regarding the level and complexity of information required to review the request. A wetland alteration permit shall not be issued without having been first reviewed by City staff and approved by the City Council following requirements and time schedules of Minnesota Rules 8420.0230. The applicant shall have the burden of proving that the proposed use or activity complies with the purpose, intent, and other provisions of this chapter. The city council may establish reasonable

conditions which are specifically set forth in the permit to ensure compliance with requirements contained in this Chapter. Such conditions may, among other matters, limit the size, kind, or character of the proposed work; require the construction of other structures; require replacement of vegetation and wetland function and value; establish required monitoring procedures and maintenance activity; state the work over time; require the alteration of the site design to ensure buffering; and require the provision of a performance security.

- b. The Public Works Director or designee shall serve on the Technical Evaluation Panel (TEP). Decisions under this section must not be made until after receiving the determination of the TEP regarding wetland public values, location, size, and/or type if the city council, the landowner, or a member of the TEP asks for such determinations. This requirement does not apply to wetlands for which such data is included in an approved Comprehensive Wetland Protection and Management Plan per Minnesota Rules 8420.0650. The city council may seek and consider recommendations, if any, made by the TEP in making replacement plan decisions
 - c. Decisions made under this section concerning implementation of the Wetland Conservation Act may be appealed to the Board of Water and Soil Resources under Minnesota Rules 8420.0250.
 - d. The application for a permit under this chapter shall be accompanied by a permit fee to be determined by the city council.
13. Inspection Of Work: The city may cause inspection of work for which a wetland alteration permit is issued, at the applicant's expense, to be made periodically during the course of such work and shall cause final inspection to be made following the completion of the work.
14. Expiration And Renewal Of Permit:
- a. Unless other time periods are specified by the City Council, the person issued a wetland alteration permit shall begin and complete the development authorized by the permit within one year after the date the city council approves the permit application.
 - b. The permittee shall provide written notice to the City 24 hours prior to the commencement and completion of the development project. No project shall be deemed to have been completed until approved by the city after receipt of notice of completion.
 - c. If the permittee fails to commence work on the development within the time specified in this section, the permit shall be void. The city council may renew a void permit at its discretion. If the city council does not renew the permit, the holder of the void permit may make original application for a new permit.
 - d. The permittee may make written application to the city council for an extension of the time to commence work, but only if the permittee submits the application prior to the date already established to commence work. The application of an extension shall state the reasons the permittee requires an extension.

15. Exemptions: Activities exempted by Minnesota Rules 8420.0122 shall be exempted from the provisions of this Chapter. However, Certificates of Exemption must be obtained from the city prior to starting work. Applications for Certificates of Exemption will be reviewed and approved by the Public Works Director or designee. Applications that are denied may be appealed by the applicant to the city council.
- E. Soil Erosion Overlay District Standards: No development shall be allowed or development permit issued unless the city council finds that the proposed development complies with the following standards:
1. No development shall be permitted on severe slopes of forty percent (40%) or more without an approved conditional use permit pursuant to Subsection 10-8-4(C) of this chapter.
 2. During construction and until such time as final control measures are fully implemented and established, adequate development practices will be maintained to ensure that gross soil losses (expressed in terms of tons per acre per year) shall not exceed five (5) tons per acre per year during construction or two (2) tons per acre per year during construction when the site is adjacent to a water body or watercourses; and one-half (1/2) ton per acre per year after the construction activities are completed. This shall be determined by using the "U.S. Natural Resources Conservation Service Technical Guide" or another commonly accepted soil erosion methodology approved by the city.
 3. The development shall comply with the requirements in section 10-8-8 of this chapter.
 4. A forty foot (40') building setback shall be maintained along the Minnesota River bluffs. The "bluff line" is defined as the point at which the slope gradient exceeds forty percent (40%).
- F. Restrictive Soils Overlay District Standards:
1. No development shall be allowed or development permit issued unless the city council finds that the proposed development complies with the following requirements:
 - a. No on site sewage disposal system shall be permitted on poorly drained soils, shallow soils, soils with low permeability, or soils with rapid permeability unless the permit applicant proves that a conventional soil system will be successfully modified, installed and maintained, such that the restrictive conditions will be overcome.
 - b. No residential development shall be permitted on poorly drained soils, somewhat poorly drained soils, very shallow soils, soils with high shrink-swell or high frost action potential, or very steep or steep slopes unless the applicant proves construction techniques capable of overcoming the restrictive condition will be used.
 - c. Industrial uses requiring the bulk storage of chemicals will not be allowed on wet or very wet soils, very shallow soils, or soils with very rapid or rapid permeability areas.
 - d. No solid waste or hazardous waste disposal shall be permitted in soils with very rapid or rapid permeability or soils over fractured carbonate bedrock.
 2. The certification of plans and specifications as adequate to overcome the restrictive condition by a professional engineer, registered in the state of Minnesota, and

experienced and knowledgeable in soils and soils mechanics, shall be acceptable as evidence with regard to the city's and the applicant's meeting of requirements in subsections (A)1 and (A)2 of this section.

G. Controlling Erosion And Sediment From Land Disturbing Activities: No disturbance shall be allowed or permit issued for any activity that involves the following disturbance until the City Engineer finds that the activity complies with the City's Development Design Standards as part of the Water Resources Management Plan adopted by the City Council in 2002 and any future amendments:

1. Disturbance involving 50 or more cubic yards of earthwork or greater than or equal to 1 acre of surface area.
2. Disturbance within a Lower Minnesota River Watershed District High Value Resource Area or Lower Minnesota River Watershed District Steep Slopes Overlay District involving 50 or more cubic yards of earthwork or greater than or equal to 5,000 square feet of surface area.

H. Woodland Protection Standards: No development shall be allowed or development permit issued within the city of Burnsville until the council finds that the development will comply with the following:

1. Woodland Preservation: To the extent possible, woodlands shall be preserved by locating structures in existing clearings and by the use of other innovation design techniques.
2. Undeveloped Land: No coniferous trees six feet (6') or taller or deciduous trees four inches (4") or greater in diameter as measured at four and one-half feet (4 1/2') above the ground shall be removed from undeveloped property without a tree removal permit, or as part of a city approved development of the property. A woodland evaluation worksheet is required on all new development projects. Any trees removed prior to development, through a tree removal permit, shall be included in future woodland removal calculations. For purposes of calculating woodland values, trees in existence as of November 15, 1982 (date of original woodland ordinance), shall be included. While development shall retain the maximum amount of woodland possible, it is recognized that a certain amount of woodland removal is an inevitable consequence of the urban development process. The threshold of clearing for each zoning district, beyond which reforestation shall be required, is as follows:

Zoning District	Woodland Removal Threshold
CD, P	20 percent
CRD	30 percent
R-1, R-1A	40 percent
R-2, R-3A, R-3B, R-3D	50 percent
B-1, B-2	50 percent
B-3, B-4, MIX	60 percent

I-1, I-2, I-3, GIM, GMH	60 percent
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- 3. Applies only to deciduous trees 4 inches or greater in diameter at 4.5 feet above the ground and coniferous trees 6 feet or taller.
- 4. Developed Land: Property owners may remove trees (unless restricted by a CUP or PUD or other development agreement) under the following circumstances:
 - a. In all zoning districts, any deciduous trees less than four inches (4") in diameter, at four and one-half feet (4 1/2') above the ground, and any dying or dead trees. No permit is required.
 - b. On residential lots under two (2) acres, any tree. No permit is required.
 - c. On residential lots of two (2) or more acres, and all other zoning districts, up to the tree removal threshold identified in subsection (B) of this section. Removal of trees requires a tree removal permit and reforestation for trees removed beyond the identified thresholds.
- 5. Preservation Of Trees: Trees, which are committed to preservation through permit or agreement, shall be surveyed by the developer or landowner. A replacement value for each tree will be determined by the city using the city's shade tree evaluation method. Letter of credit for the value of trees which are to be preserved beyond the removal threshold under this chapter shall be at the rate of one and one-half (1 1/2) times the determined valuation. The city's standard letter of credit form shall be used. The letter(s) of credit will be released when the following conditions are met:
 - a. Eighteen (18) months have passed from the end of construction (determined by the issuance of a certificate of occupancy) in the area for which the letter(s) of credit were collected.
 - b. An inspection by city staff has verified that the trees which were to be preserved are in good condition.
Exceptions to the above will be considered if unique circumstances exist. Exceptions must be reviewed and approved by both the city forester and planning staff.
- 6. Additional Tree Removal: The city may permit additional tree removal by requiring reforestation in adjacent areas such as yard setbacks, outlots, or park lands. A tree removal permit to exceed the identified removal threshold will only be issued after review by the city forester and planning staff to ensure that the best available layout has been used to preserve significant trees and woodland areas. Reforestation shall occur in an amount equal to 1.5 times the value of the trees removed beyond the tree removal threshold. The value of the trees removed shall be determined by the shade tree evaluation method. Reforestation plans shall not include the use of any of the tree species which are currently on the city's list of "species which do not meet reforestation requirements". No more than twenty five percent (25%) of the reforestation plan shall consist of any one species, including shrubs provided on any related landscape plan.
- 7. Detrimental Activity Prohibited: Grading, contouring, paving, compaction of soils, or any excavation or trenching shall not occur within the drip line of tree preservation areas. Such activity has a detrimental effect on the aeration and permeability of the soils and causes permanent damage to the primary root zone of

trees.

8. Measures: Measures shall be taken to protect and preserve the woodlands as described in the city's "Practical Guide To Preventing Construction Damage To Trees".
 9. Damaged Trees: Notwithstanding the above, the removal of dead or dying trees seriously damaged by storm, other acts of nature, or disease is not prohibited. Trees removed due to acts of nature do not require reforestation.
 10. Construction Sites: No movement and placement of equipment or materials storage shall be permitted outside the building activity area or in the tree preservation area. All buildings and driveways shall be located to avoid tree damage consistent with minimum building setback requirements of the zoning ordinance. The tree preservation area shall be temporarily fenced (with highly visible 4 foot high fencing) by the developer during all construction so that all trees in the tree preservation area shall be preserved. The city manager or designee shall have the authority to stop construction on the site until adequate barriers have been constructed. If a barrier is constructed on the site and is not adequately maintained in a manner which protects the tree preservation area, the city manager or designee shall have the authority to stop construction until the barrier is repaired.
 11. Permits: Permits authorizing removal of trees may be issued by the city manager or designee in circumstances when the issuance of such a permit is found to be consistent with the purpose of this section. In all cases of permit application, the city manager or designee shall use reasonable interpretations of the circumstances in determining whether or not the permit should be issued.
 12. Tree Contractor License Required: Tree contractors shall obtain a license as required by Title 3, Chapter 29 of this code.
 13. Appeals: The property owner may appeal to the planning commission and city council any decision made by the city manager or other city official under the provisions of this section within thirty (30) days of the decision being rendered.
- I. Shoreland Overlay District
1. Administration:
 - a. Permits Required:
 - (1) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subsection (C)3 of this section. Application for a permit shall be made to the city manager, or his or her designee, on the forms provided. The application shall include the necessary information so that the city manager, or his or her designee, can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
 - (2) A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Subsection (C)8 of this section, shall be either brought into compliance or eliminated according to the provisions of title 7, chapter 11 of this code.

- b. Certificate Of Zoning Compliance: The city manager, or his or her designee, shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subsection (A)1 of this section. This certificate shall specify that the use of land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this chapter and shall be punishable as provided in Subsection 10-8-1(D) of this chapter.
- c. Variances:
 - (1) Variances may only be granted in accordance with Minnesota Statutes 462 and Section 10-2 of this title as applicable. A variance may not circumvent the general purposes and intent of this chapter. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the city council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
 - (2) In order to preserve water quality, the city will require a natural vegetated buffer strip on riparian lots as a mitigation measure with any variances granted. This includes variances to the OHWL setback, other setbacks and yard requirements, impervious surface, etc. The buffer strip must run parallel to and extend landward from the OHWL, with an average width of no less than twenty feet (20'). The buffer strip must be planted with native vegetation as approved by the city, and must not be mowed, cut or fertilized. A pervious twenty foot (20') wide, or twenty percent (20%) of the lot width at the shoreline (whichever is less) walkway or path may be established across the width of the buffer strip to allow access to a beach, dock or other amenity. If a beach is established landward of the OHWL, the buffer strip can be moved further landward to accommodate it.
 - (3) The city council shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection (A)4b of this section shall also include the city council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
 - (4) For existing developments, the application for a variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued,

must require that a nonconforming sewage treatment system be either brought into compliance or eliminated according to the provisions of chapter 11 of this title. (Ord. 884, 6-2-2003)

d. Notifications To The Department Of Natural Resources:

- (1) Copies of all notices of any public hearings and reviews to consider variances, amendments, or conditional and interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional and interim uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

2. Shoreland Classification System And Land Use Districts:

- a. Shoreland Classification System: The public waters of the city have been classified in this subsection consistent with the criteria found in Minnesota Regulations Part 6120.3300, and the protected waters inventory map for Dakota County, Minnesota.

- (1) The shoreland area for the water bodies listed in subsections (B)1b and (B)1c of this section shall be as defined in Section 10-8-1 (B) of this chapter and as shown on the official zoning map. The shorelands of the city are hereby designated as shoreland overlay district.

Lakes:

MnDNR ID No.	MnDNR Classification	Name
19-0021	Recreational Development (RD)	Alimagnet
19-0024	Natural environment (NE)	Wood Park
19-0025	Natural environment (NE)	Keller
19-0027	Recreational Development (RD)	Crystal
19-0028	Natural environment (NE)	Twin

19-0032	Natural environment (NE)	Horshoe
19-0033	Natural environment (NE)	Earley
19-0083	General development (GD)	Black Dog

- (2) Note: Sunset Lake does not have a DNR designation. It is not required to be regulated by the MnDNR. Rivers:

Name	Classification	Location
Minnesota River	Transition	35W Bridge to Savage
Minnesota River	Transition	35W Bridge to Eagan
Unnamed Black Dog Lake	Tributary	From: Sect. 24, Twp. 27, RNG. 24W To: Basin 83
One Mile Creek	Tributary	From: Sect. 24, Twp. 27, RNG. 24W To: Sect. 24, Twp. 17, RNG. 24W
Unnamed Tributary	Tributary	From: Sect. 26, Twp. 27, RNG. 24W To: Basin 110

b. Land Use District Descriptions:

- (1) Criteria For Designation: The land use districts in section 10-6-1 of this title, and the delineation of a land use district's boundaries on the official zoning map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

- (A) Preservation of natural areas;
- (B) Present ownership and development of shoreland areas;
- (C) Shoreland soil types and their engineering capabilities;
- (D) Topographic characteristics;
- (E) Vegetative cover;
- (F) In water physical characteristics, values, and constraints;
- (G) Recreational use of the surface water;

- (H) Road and service center accessibility;
- (I) Socioeconomic development needs and plans as they involve water and related land resources;
- (J) The land requirements of industry which, by its nature, requires location in shoreland areas; and
- (K) The necessity to preserve and restore certain areas having significant historical or ecological value.

(2) Land Use District Descriptions: The land use districts provided in Section 10-6-1 of this title, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the official zoning map for the shorelands of the city. These land use districts are in conformance with the criteria specified in Minnesota Regulations Part 6120.3200, subp. 3.

3. Zoning And Water Supply/Sanitary Provisions:

- a. Lot Area And Width Standards: The lot area standards (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment hereof for the lake and river/stream classifications are the following:

(1) Lake Standards:

Lot Area (Square Feet)	NE	RD	GD
Lots with Shoreline			
Single	40,000	20,000	15,000
Single - Unsewered	2 acres	2 acres	2 acres
Duplex	70,000	35,000	26,000
Triplex	100,000	50,000	38,000
Quad	130,000	65,000	49,000
All Others			
Single	20,000	15,000	10,000
Single - Unsewered	2 acres	2 acres	2 acres
Duplex	35,000	26,000	17,500
Triplex	52,000	38,000	25,000
Quad	65,000	49,000	32,500

Lot Width (Feet)	NE	RD	GD
Lots with Shoreline			
Single	125	80	80
Single - Unsewered	200	200	200
Duplex	225	135	135
Triplex	325	195	195
Quad	425	255	255
All Others			
Single	125	80	80
Single - Unsewered	200	200	200
Duplex	220	135	135
Triplex	315	190	190
Quad	410	245	245
Principal and accessory structure setback from OHWL	150 ¹	75	50
Total impervious surface area	25%	25%	25%
Total building height (feet)	35	35	35

- (2) Note: ¹Earley Lake and Keller Lake shall remain at 100 feet from OHWL.
- (3) River/Stream Lot Width Standards: There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the river/stream classifications are:

	Transition	Tributary
Single	250	100
Duplex	375	150
Triplex	500	200
Quad	625	250

(4) Special Provisions:

(A) Only land above the ordinary high water level of public waters can be used to meet lot area standards. The lot width is the horizontal distance between the side lot lines, measured on a straight line that is as perpendicular to the side lot lines as possible, and that is parallel with the front lot line, as defined in section 10-3 of this title. The width standard must be met at both the ordinary high water level and at the building line. For lots with irregular front lot lines and/or shorelines, the width shall be measured on a straight line that is as perpendicular to the side lot lines as possible, and that is no closer to the front lot line and/or the shoreline than any portion of the building line and/or the ordinary high water level, respectively. The sewer lot area dimensions in subsection (C)1a of this section can only be used if publicly owned sewer system service is available to the property.

(B) Subdivisions of duplexes, triplexes, and quads on natural environment (NE) lakes must also meet the following standards:

- (a) Each building must be set back at least two hundred feet (200') from the ordinary high water level;
- (b) Each building must have public sanitary sewer and water service;
- (c) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- (d) No more than twenty five percent (25%) of a lake's shoreline can be in duplex, triplex, or quad developments.

(C) Mooring facilities for seven (7) or more watercraft are prohibited on all lakes. Marinas are only permitted along rivers as regulated by the underlying zoning district.

(5) Structure And On Site Sewage System Setbacks (In Feet) From Ordinary High Water Level1: Setbacks are measured from the closest point of the OHWL to the closest point of the structure.

	Structure Unsewered	Sewered	Sewage Treatment System
Lakes			
Natural environment (NE)	150	150	150
Recreational development (RD)	100	75	75
General development (GD)	75	50	50
Rivers			
Transition	150	150	100
Tributary and urban	100	50	75

(6) Note: Water oriented accessory structure designed in accordance with subsection (C)2 of this section may be set back a minimum distance of 20 feet from the ordinary high water level.

(7) Additional Structure Setbacks: The following additional structure setbacks apply, regardless of the classification of the water body:

Setback From	Setback (Feet)
Top of Bluff	30
Unplatted Cemetery	50
Right -of-way Line of Federal, State, or County Highway	50
Right-of-way Line of Town Road, Public Street, or Other Roads or Streets Not Classified	30

(8) Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(9) Uses Without Water Oriented Needs: Uses without water oriented needs must be located on lots or parcels without public water

frontage, or, if located on lots or parcels with public water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

b. Design Criteria For Structures:

- (1) High Water Elevations: Structures must be placed in accordance with floodplain and the Burnsville water resources management plan (WRMP) regulations applicable to the site.
- (2) Water Oriented Accessory Structures: Each lot may have one water oriented accessory structure and one open play structure such as a swing set or slide, but not a swimming pool or sport court not meeting the normal structure setback in Subsection (C)1a of this section if this water oriented accessory structure complies with the following provisions:
 - (A) The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than one hundred twenty (120) square feet. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - (B) The setback of the structure or facility from the ordinary high water level must be at least twenty feet (20') and the setback from the side lot line shall be at least ten feet (10');
 - (C) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - (D) Detached decks must not exceed eight feet (8') above grade at any point as measured to the floor of the deck; and
 - (E) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- (3) Stairways, Lifts, And Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - (A) Stairways and lifts must not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties and public open space recreational properties;
 - (B) Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area. Landings larger than thirty two (32) square feet may be used for commercial properties and public open space recreational properties;

- (C) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - (D) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - (E) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - (F) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsection (C)2c(1) - (5) of this Section are complied with in addition to the requirements of Minnesota Regulations chapter 1340.
- (4) Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (5) Steep Slopes: The City Manager, or his or her designee, must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- (6) Height Of Structures: All structures in residential districts, except churches, must not exceed thirty five feet (35') in height.
- c. Shoreland Alterations: Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
 - (1) Vegetation Alterations:
 - (A) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by subsection 10-8-10(C)4 of this Section are exempt from the vegetation alteration standards that follow.
 - (B) Removal or alteration of vegetation is allowed subject to the following standards:
 - (a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land

conversion to another use outside of these areas is allowable as an interim use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

- (b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

- A. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- B. Along rivers, existing shading of water surfaces is preserved; and
- C. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(2) Topographic Alterations/Grading And Filling:

- (A) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- (B) Public roads and parking areas are regulated by Section 10-8-10 of this Section.
- (C) Notwithstanding subsection (C)3b(1) and (2) of this Section, a grading and filling permit shall be required for:
 - (a) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (b) The movement of more than ninety (90) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- (D) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional and interim use permits, variances and subdivision approvals:

- (a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland. This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, State, or Federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant shall be so advised:
 - A. Sediment and pollutant trapping and retention;
 - B. Storage of surface runoff to prevent or reduce flood damage;
 - C. Fish and wildlife habitat;
 - D. Recreational use;
 - E. Shoreline or bank stabilization; and
 - F. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- (b) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- (c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (d) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (e) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- (f) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (g) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater;

- (h) Fill or excavated material must not be placed in bluff impact zones;
- (i) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245;
- (j) Alterations of topography must only be allowed if they are accessory to permitted, conditional, or interim uses and do not adversely affect adjacent or nearby properties; and
- (k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet (3') horizontal to one foot (1') vertical, the landward extent of the riprap is within ten feet (10') of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet (3').

(E) Connections To Public Waters: Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

d. Placement And Design Of Roads, Driveways, And Parking Areas:

- (1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical material.
- (2) Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- (3) Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subsection are met. For private facilities, the grading and filling provisions of subsection (C)3b of this section must be met.

e. Stormwater Management:

- (1) General Standards: Land development shall comply with the water resources management plan as regulated in Section 10-8-11 of this chapter.
- (2) Impervious Surface: A city of Burnsville impervious surface worksheet must be submitted with all planning development applications or building permits or land activity that increases impervious surface to a level that exceeds twenty five percent (25%) of the lot. The worksheet will be reviewed by the city engineer to ensure compliance with this chapter.
 - (A) Impervious surface coverage limits shall apply to all riparian lots and nonriparian lots where fifty percent (50%) or more of the lot area lies within the shoreland overlay district. If a lot is subject to the impervious surface coverage limits, the entire lot must comply with the limits.
 - (B) Maximum impervious surface coverage of all lots is twenty five percent (25%) of the lot area; however, impervious surface may be increased as follows if the proposed development mitigates additional stormwater runoff to a level consistent with twenty five percent (25%) impervious surface coverage under a 1.5 inch rainfall design storm:

Zoning District	Permitted Maximum Impervious Surface With Mitigation	Conditional Use Permit Required: Maximum Impervious Surface With Mitigation
R-1, R-1A and R-2	30 percent	N/A
R-3A, R-3B and R-3D	30 percent	50 percent
B-1, B-2, B-3, B-4	30 percent	75 percent
I-1, I-2, I-3, GIM, and GMH	30 percent	75 percent

f. Special Provisions For Commercial, Industrial, Public/Semipublic, And Extractive Uses And Mining Of Metallic Minerals And Peat:

- (1) Standards For Commercial, Industrial, Public, And Semipublic Uses:
 - (A) Surface water oriented commercial uses and industrial,

public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:

- (a) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
- (b) Uses that require short term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- (c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - A. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - B. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information, and to comply with the requirements of chapter 30 of this title. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet (10') above the ground, and must not exceed thirty two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - C. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or

otherwise directed to prevent direct illumination out across public waters. All outside lighting must comply with section 10-7-36 of this title. This does not preclude use of navigational lights.

- (B) Uses without water oriented needs must be located on lots or parcels without public water frontage, or, if located on lots or parcels with public water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(2) Extractive Use Standards:

- (A) Site Development And Restoration Plan: An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- (B) Setbacks For Processing Machinery: Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

- (3) Mining Of Metallic Minerals And Peat: Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, may be allowed as an interim use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, and Chapter 9 of this title are satisfied.

g. Conditional And Interim Uses: Conditional and interim uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional and interim uses established in Section 10-2 of this title. The following additional evaluation criteria and conditions apply within shoreland areas:

- (1) Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - (A) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - (B) The visibility of structures and other facilities as viewed

- from public waters is limited;
 - (C) The site is served by public water and sanitary sewer service; and
 - (D) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- (2) Conditions Attached To Conditional And Interim Use Permits: The city council, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such conditions to the issuance of the conditional and interim use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
- (A) Increased setbacks from the ordinary high water level;
 - (B) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted;
 - (C) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas; and
 - (D) Buffer strips on riparian lots that run parallel to and extend landward from the OHWL, with an average width of no less than twenty feet (20'). The buffer strip must be planted with native vegetation as approved by the city, and must not be mowed, cut or fertilized. A pervious twenty foot (20') wide, or twenty percent (20%) of the lot width at the shoreline (whichever is less) walkway or path may be established across the width of the buffer strip to allow access to a beach, dock or other amenity. If a beach is established landward of the OHWL, the buffer strip can be moved further landward to accommodate it.
- h. Water Supply And Sewage Treatment:
- (1) Water Supply: Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota department of health and the Minnesota pollution control agency.
 - (2) Sewage Treatment: Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - (A) Publicly owned sewer systems must be used where available.
 - (B) All private sewage treatment systems must meet or exceed the provisions of Chapter 11 of this title and the Minnesota pollution control agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards", Chapter 7080, a copy of which is hereby adopted by reference and declared to be a part of this chapter.

- (C) On site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subsection (C)1d of this section.
 - (D) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the following evaluation criteria. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on site field investigations. Evaluation Criteria: 1. Depth to the highest known or calculated ground water table or bedrock; 2. Soil conditions, properties, and permeability; 3. Slope; and 4. The existence of lowlands, local surface depressions, and rock outcrops.
 - (E) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with subsection (D)10 of this section.
4. Nonconformities: Within shoreland areas, all legally established nonconformities as of May 20, 1996, may continue, but they shall be managed according to applicable state statutes and Section 10-9-16 of this title. The use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas shall also be subject to the following:
- a. Destruction Of Nonconforming Structure: When a nonconforming structure in the shoreland district with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
 - b. Nonconforming Lot Allowed As A Building Site Without Variance: A nonconforming single lot of record located within a shoreland district may be allowed as a building site without variance from lot size requirements, provided that:
 - (1) All structure and septic system setback distance requirements can be met;
 - (2) A type 1 sewage treatment system consistent with Minnesota rules, chapter 7080, can be installed or the lot is connected to a public sewer;
 - (3) The impervious surface coverage does not exceed the impervious surface coverage identified in Subsection (C)5 of this section; and
 - (4) The use is permitted in the underlying zoning district.
 - c. Shoreland Districts Not Surrounding Recreational Development Lakes: For all shoreland districts except said districts surrounding recreational

development lakes, if in a group of two (2) or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

- (1) The lot must be at least sixty six percent (66%) of the dimensional standards for the lot width and lot size for the shoreland classification consistent with Subsection (C) of this section;
 - (2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a type 1 sewage treatment system consistent with Minnesota rules, chapter 7080 and city controls;
 - (3) The impervious surface coverage must not exceed twenty five percent (25%) of each lot; and
 - (4) Development of the lot must be consistent with the comprehensive plan.
- d. **Contiguous Lots Under Same Ownership Within Shoreland Area Of Recreational Development Lakes:** Contiguous lots under the same ownership as of January 1, 2004, within the shoreland area of recreational development lakes may be considered as separate parcels of land for the purposes of sale or development if they meet all of the following criteria:
- (1) The average lot area, as measured above the OHWL, of the contiguous lots meets or exceeds twelve thousand (12,000) square feet.
 - (2) Each lot is at least seventy five feet (75') wide as measured at the OHWL and building setback line.
 - (3) Impervious surface coverage of the lots does not exceed twenty five percent (25%) or thirty percent (30%) with mitigation through the means of a twenty foot (20') buffer of native vegetation along shore.
 - (4) No principal structures are located within the shore impact zone.
- e. **Combination Of Lots Not Subject To Subsection (D)3 Of This Section:** A lot subject to subsection (D)3 of this section not meeting the requirements of subsection (D)3 of this section must be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.
- f. **Sale Of Contiguous Nonconforming Lots With Habitable Residential Dwellings:** Notwithstanding subsection (D)3 of this section, contiguous nonconforming lots of record in shoreland districts under common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes, Section 115.55 and Minnesota Rules, Chapter 7080 (subsurface sewage treatment systems), or connected to a public sewer.
- g. **Requirements Of Property Owner:** In evaluating all variances, zoning and building permit applications, or conditional use requests, the property owner

shall be required to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation designed actions.

- h. Separation Of Portion Of Conforming Lot: A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district of a new lot and the newly created parcel is combined with an adjacent parcel.
 - i. Additions/Expansions To Nonconforming Structures:
 - (1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of subsection (C) of this section. Any deviation from these requirements must be authorized by a variance pursuant to Subsection (A)3 of this section and Section 10-2-3 of this title.
 - (2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - (A) The structure existed on the date the structure setbacks were established;
 - (B) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - (C) The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty feet (30'), whichever is more restrictive; and
 - j. The deck is constructed primarily of wood, and is not roofed or screened.
- Nonconforming Sewage Treatment Systems:
- (1) A sewage treatment system not meeting the requirements of Subsection (C)8 of this section shall be considered to be nonconforming and must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
 - (2) The city council has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The city of Burnsville will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two (2) years. Sewage systems that do not meet the requirements of subsection (C)8 of this section and the requirements of Chapter 11 of this title

shall be considered to be nonconforming. Systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota pollution control agency's chapter 7080 for design of on site sewage treatment systems, shall also be considered nonconforming.

5. Subdivision/Platting Provisions:

- a. Land Suitability: Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the city shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions unsuitable for water based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- b. Consistency With Other Controls: Subdivisions must conform to all official controls of the city. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Subsections (C)1 and (C)8 of this section can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection (C)1 of this section, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. Information Requirements: Sufficient information must be submitted by the applicant for the city to make a determination of land suitability. The information shall include at least the following:
 - (1) Topographic contours at ten foot (10') intervals or less from United States geological survey maps or more accurate sources, showing limiting site characteristics;
 - (2) The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States geological survey quadrangle topographic maps or more accurate sources;
 - (3) Adequate soils information to determine suitability for building and on site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - (4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments,

- and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- (5) Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
- (6) A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- d. Dedications: When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- e. Platting: All subdivisions that create five (5) or more lots or parcels that are two and one-half (2 1/2) acres or less in size shall be processed as a plat in accordance with Minnesota statutes chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after this ordinance was adopted unless the lot was approved as part of a formal subdivision.
- J. Stormwater Management Overlay District Standards; No development may occur and no development permit may be issued within the City of Burnsville unless the City Engineer determines that the proposed development complies with the following: the development is consistent with the Water Resources Management Plan adopted by the City Council in 2002, as amended, including applicable goals, policies, and design standards, as determined by the City Engineer; and all required storm sewer assessment fees are paid in accordance with the fee schedule adopted by the City Council prior to commencement of development.
- K. Drinking Water Protection Overlay District: No development shall be allowed or development permit issued unless the council finds that the proposed development complies with the following standards:
 1. Scope: The drinking water protection overlay district shall apply to all lands within the jurisdiction of the city of Burnsville shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the drinking water protection overlay map adapted from the wellhead protection area identified in part two of the wellhead protection plan dated June 19, 2013, and analysis of the capture zone for the Kraemer Quarry.
 2. Official Zoning Map: The official zoning map, together with all materials attached thereto is hereby adopted by reference and declared to be a part of this chapter. The attached material shall include all of the documents and maps referenced in subsection 10-8-3(B) of this title and the drinking water protection overlay map referenced in subsection (A) of this section. The official zoning map shall be kept on file in the community development department.
 3. Land Uses: All land uses shall be permitted, accessory, interim or conditional to the extent that they are allowed in the base zoning district.
 4. Compliance Required: The provisions of this section shall apply for any activity requiring any development application or building permit, at the time there is a change in use or occupancy, and all activities that result in disturbance of one-half

(1/2) acre or more or the addition of five thousand (5,000) square feet of impervious surface.

5. Exceptions: The provisions of this section shall not apply to the application of a building permit for interior work, remodeling, tenant finishes, replacement of siding, windows and openings, heating/ventilation, air conditioning (HVAC) equipment, or roofing or signs.
6. Performance Standards: No development shall be allowed or development permit issued until the owner and/or tenant demonstrates to the satisfaction of the city engineer, or designee, that the proposed site, use, operation or development meets the following performance standards:
 - a. All parking areas and outside storage areas shall be paved with asphalt or concrete, with appropriate stormwater management systems, as deemed necessary by the city engineer;
 - b. All floor drains shall be connected to the sanitary sewer system, with the addition of a flammable waste trap, and where allowed by Minnesota State Building Code (MSBC) and/or Minnesota State Fire Code (MSFC);
 - c. Structures and/or mechanisms for containment or grit traps are used for contaminant spillage;
 - d. All vehicle and equipment washing or pressure washing/steam washing shall be conducted on a designated wash pad that is connected to the sanitary sewer system;
 - e. A grading and drainage plan is submitted and approved by city engineer that directs site runoff into the stormwater management system and/or directs stormwater runoff away from natural water bodies, wetlands, floodplains, and reservoirs;
 - f. Stormwater catchment basins shall be lined;
 - g. Evidence shall be provided of required state and/or federal permits for regulated substances, if applicable.
7. Procedures For Review And Approval: All projects requiring review in the drinking water protection overlay district, per subsection (D) of this section will be subject to review by the city engineer to determine compliance with the performance standards of Subsection (F) of this section.
8. Protection Of Drinking Water Supply: Section 7-2-24 of this code shall also apply to all sites, operations and uses in the drinking water protection overlay district.
- L. Other General Conditions: Any permit required in this chapter may be issued subject to compliance with reasonable conditions which are specifically set forth in the permit and are necessary to ensure compliance with the requirements contained in this title. Such conditions may, in addition to other conditions, limit the size, kind or character of the proposed work, require the construction of other structures, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, require alteration of the site design to ensure buffering, require the provision of a cash security or letter of credit, or require the conveyance to the city or another public entity of certain lands or interest therein. The dimensional requirements of the underlying zoning district(s) may be modified in furtherance of the purposes of this chapter by expressed conditions contained in the permit.
- M. Time Of Permit; Extensions; Renewals

1. Compliance: The city, its agents, employees, and officers may inspect the work authorized under any permit required in this chapter, including periodic and final inspections, to determine compliance with the requirements and conditions of the permit and this chapter.
2. Notice Of Completion: A permittee shall notify the city manager or designee in writing when they have finished the work. No work shall be deemed to have been completed until approved in writing by the city manager or designee following such written notification.
3. Inspection: The city manager may cause inspections of the work to be made periodically during the course thereof by himself or a member of the engineering staff and shall cause a final inspection to be made following the completion of the work. The permittee shall assist the director in making inspections.

N. Responsibility; Effect

1. Responsibility: Neither the issuance of a permit nor compliance with the conditions thereof, nor compliance with the provisions of this title shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose liability on the city or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this title shall not relieve the permittee of the responsibility of complying with any other requirements established by law, regulation or ordinance.
2. Intercommunity Review: Where any proposed development or action abuts an adjacent municipality, that municipality shall be notified of the proposed development or action and given the opportunity to review and comment on the proposal. Such notification shall be mailed to the city clerk of the abutting municipality.

10-8-2 : Floodplain Regulations

A. Statutory Authorization, Findings Of Fact And Purpose:

1. Statutory Authorization: The Legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Section 462.357 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore the City Council of the City of Burnsville, Minnesota, does ordain as follows.
2. Findings Of Fact:
 - a. Flood Hazard Areas: The flood hazard areas of the City of Burnsville are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - b. Methods Used To Analyze Flood Hazards: This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
 - c. National Flood Insurance Program Compliance: This chapter is adopted to comply with the rules and regulations of the national flood insurance

program codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community's eligibility in the national flood insurance program.

3. Statement Of Purpose: The purpose of this chapter is to promote the public health, safety and general welfare and to minimize those losses described in Subsection (B)1 of this section by provisions contained herein.

B. General Provisions:

1. Land To Which Chapter Applies: This chapter shall apply to all lands within the jurisdiction of the City of Burnsville shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, and general floodplain districts.
2. Official Zoning Map and Incorporated Flood Hazard Data: The official zoning map, together with all maps, studies, and other materials referenced in this chapter, is adopted and incorporated by reference as part of this chapter and has the same force and effect as if fully set forth in this chapter.

The incorporated materials include the following Federal Emergency Management Agency (FEMA) flood hazard data for Dakota County, Minnesota, and Incorporated Areas:

- a. Letter of Map Revision (LOMR), Case No. 23-05-1985P, dated September 2, 2025 including all supporting technical data, maps, tables, and flood profiles;
- b. Flood Insurance Study (FIS) for Dakota County, Minnesota, and Incorporated Areas, Volumes 1, 2, and 3, dated March 16, 2016; and
- c. Flood Insurance Rate Map (FIRM) panels numbered 27037C0060E, 27037C0065E, 27037C0070E, 27037C0080E, 27037C0090E, 27037C0177E, 27037C0179E, 27037C0181E, 27037C0182E, 27037C0183E, 27037C0184E, 27037C0201E, and 27037C0203E, dated December 2, 2011.

These materials are prepared by the Federal Emergency Management Agency (FEMA) and are incorporated herein for the purposes of floodplain regulation and administration under the National Flood Insurance Program (NFIP).

The official zoning map and incorporated FEMA materials shall be maintained on file and available for public inspection in the Community Development Department.

3. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot (1') above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
4. Interpretation:
 - a. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 - b. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to

the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the city planner, the city council shall make the necessary interpretation. All decisions will be based on elevation on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the city adopted its initial floodplain ordinance or on the date of the first national flood insurance program map (March 29, 1974) showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.

5. Abrogation And Greater Restrictions: It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
6. Warning And Disclaimer Of Liability: This chapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Burnsville or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
7. Severability: If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

C. Floodplain Zoning Districts

1. Districts:

- a. Floodway District (FW): The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in Subsection 10-8-3-2(2) of this chapter. For lakes, wetlands and other basins, the floodway district shall include those areas designated as zone AE (that do not have a floodway designated) on the flood insurance rate map panels adopted in subsection 10-8-3-2(2) of this chapter that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subd. 14.
- b. Flood Fringe District (FF): The flood fringe district shall include those areas designated as floodway fringe, which shall include the areas shown on the flood insurance rate map, adopted in Subsection 10-8-3-2(2) of this chapter as being within zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the flood fringe district shall include those areas designated as zone AE (that do not have a floodway designated) on the flood insurance rate map panels adopted in Subsection 10-10-2(B) of this chapter that are below the one percent (1%) chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subd. 14.

- c. General Floodplain District (GFP): The general floodplain district shall include those areas on the Credit River Tributary designated as zone AE (without a floodway designated) on the flood insurance rate map adopted in Subsection 10-10-2(B) of this chapter, which are not subject to criteria in Subsections (A)1 and (A)2 of this section.
- 2. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the floodway, flood fringe, and general floodplain districts, all uses not listed as permitted uses or conditional uses, or interim uses in Sections 10-8-3, 10-8-3, and 10-8-3 of this chapter that follow respectively, shall be prohibited. In addition, a caution is provided here that:
 - a. New manufactured homes, replacement manufactured homes and recreational vehicles defined in subsection 10-8-3-(H) of this chapter are subject to the general provisions of this chapter and specifically Section 10-8-3 of this chapter. Recreational vehicles are also subject to section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code. Manufactured homes are also subject to Chapter 18, "R-3D Manufactured Housing District", of this title.
 - b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter and specifically section 10-8-3 of this chapter.
 - c. As built elevations for elevated or floodproofed structures must be certified by ground surveys, and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in Section 10-8-3 of this chapter.

D. Floodway District (FW):

- 1. Permitted Uses: The following uses shall be permitted uses within the floodway district to the extent that they are allowed in the base zoning district.
 - a. Agricultural uses:
 - (1) Forestry.
 - (2) General farming.
 - (3) Grazing.
 - (4) Horticulture.
 - (5) Outdoor plant nurseries.
 - (6) Pasture.
 - (7) Sod farming.
 - (8) Truck farming.
 - (9) Wild crop harvesting.
 - b. Commercial and industrial uses:
 - (1) Loading areas.
 - (2) Parking areas.
 - (3) Yards.

c. Private and public recreational uses:

- (1) Archery ranges.
- (2) Boat launching ramps.
- (3) Driving ranges.
- (4) Fish hatcheries.
- (5) Game farms.
- (6) Golf courses.
- (7) Hunting and fishing areas.
- (8) Parking areas.
- (9) Parks.
- (10) Picnic grounds.
- (11) Shooting preserves.
- (12) Single or multiple purpose recreational trails.
- (13) Swimming areas.
- (14) Target ranges.
- (15) Tennis courts.
- (16) Trap and skeet ranges.
- (17) Wildlife and nature preserves.

d. Residential uses:

- (1) Gardens.
- (2) Lawns.
- (3) Parking areas.
- (4) Play areas.

2. Standards For Floodway Permitted Uses:

- a. The use shall have low flood damage potential.
- b. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Floodway Conditional And Interim Uses: The following open space uses which require only accessory structures, fill, storage of materials or equipment, grading and excavation, may be permitted in the floodway district by conditional or interim use permit if allowed as such in the base zoning district and provided they comply with the provisions of this chapter:

- a. Uses or structures accessory to the permitted conditional or interim uses in the floodway district.
- b. Extraction and storage of sand, gravel, salt, and other materials.
- c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d. Parking and loading areas that require filling, paving, grading or excavation.
- e. Placement of fill, dredge spoils, landfills authorized by the Minnesota pollution control agency and construction of fences.
- f. Railroads, streets, bridges, utility transmission lines, and pipelines.
- g. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 10-8-3 of this chapter. Recreational

vehicles are also subject to Section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code.

- h. Storage yards for equipment, machinery, or materials.
- i. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures, landfills, quarries, essential service structures, public utilities and related structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4. Standards For Floodway Conditional And Interim Uses:

- a. All Uses: No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as conditional or interim uses that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- b. Conditional And Interim Uses: All floodway conditional uses and interim uses shall be subject to the procedures and standards contained in Subsection 10-8-3-10(H) of this chapter.

c. Fill:

- (1) Fill, dredge spoil, excavation sites, salt storage, Minnesota pollution control agency authorized landfills or other similar materials deposited or stored in the floodplain shall be protected against erosion by vegetative cover, mulching, riprap or other acceptable method.
- (2) Dredge spoil sites, sand and gravel operations, salt storage and Minnesota pollution control agency authorized landfills shall not be allowed in the floodway unless a long term site development plan which includes an erosion/sedimentation prevention element in the plan is submitted.
- (3) As an alternative, and consistent with subsection (D)3b of this section, dredge spoil disposal, salt storage, Minnesota pollution control agency authorized landfills and sand and gravel operations may allow temporary, on site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the city council has received and approved an appropriate plan which assures the removal of materials from the floodway based upon the flood warning time available. The city may require the applicant to provide a financial security or cash escrow in order to ensure compliance with the plan. The conditional or interim use permit allowing such use must be title registered with the property in the office of the county recorder.

d. Accessory Structures:

- (1) Accessory structures shall not be designed for human habitation.
- (2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum amount of obstruction

to the flow of floodwaters:

- (A) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (B) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (3) Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the state building code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code provided the accessory structure constitutes a minimal investment and does not exceed five hundred (500) square feet in size at its largest projection. If the accessory structure is a detached garage, it must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:
 - (A) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (B) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and
 - (C) To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one foot (1') above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- e. Storage Of Material And Equipment:
 - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council. The city may require the applicant to provide a financial security or cash escrow in order to ensure compliance with the plan.
- f. Structural Works For Flood Control: Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota statutes,

chapter 103G. Communitywide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

- g. Levees, Dikes, Or Floodwalls Constructed In Floodway: A levee, dike, or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

E. Flood Fringe District (FF)

- 1. Permitted Uses: The following uses shall be permitted uses within the flood fringe district to the extent that they are allowed in the base zoning district. All permitted uses shall comply with Subsections (B), "Standards For Flood Fringe Permitted Uses", and (E), "Standards For Flood Fringe Uses", of this section.

- a. Any use permitted in Subsection 10-8-3-(D) of this chapter.
 - b. Any use permitted in the base zoning district.

- 2. Standards For Flood Fringe Permitted Uses:

- a. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including the basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot (1') below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen feet (15') beyond the outside limits of the structure erected thereon. Lowest floor elevations shall also be subject to the Burnsville water resources management plan.
 - b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet at its largest projection may be internally floodproofed in accordance with Subsection 10-10-4(D)4c of this chapter.
 - c. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subsection (B)1 of this section.
 - d. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
 - e. The provisions of subsection (E) of this section shall apply.

- 3. Flood Fringe Conditional And Interim Uses: The following uses may be permitted in the flood fringe district by conditional or interim use permit if allowed as such in the base zoning district.

- a. Any use permitted in the base zoning district as either a conditional or interim use.
 - b. Any structure that is not elevated on fill or floodproofed in accordance with subsection (B)1 or (B)2 of this section or any land use that does not comply with the standards in Subsection (B)3 or (B)4 of this section. An application for a conditional use permit shall be subject to the standards and criteria and evaluation procedures specified in Subsections (D) and (E) of this section and Subsection 10-8-3 of this chapter.

- 4. Standards For Flood Fringe Conditional And Interim Uses:

- a. Alternative Elevation Methods: Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if the enclosed area:

Is above grade on at least one side of the structure;

(1)

(2) Is designed to internally flood and is constructed with flood resistant materials; and

(3) Is used solely for parking of vehicles, building access, or storage.

The above noted alternative elevation methods are subject to the following additional standards:

(A) Design And Certification: The structure's design and as built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.

(B) Specific Standards For Above Grade, Enclosed Areas: Above grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(a) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two

(2) sides of the structure and the bottom of all openings shall be no higher than one foot (1') above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and

(b) That the enclosed area will be designed of flood

resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles, or storage.

- b. Basements: Basements, as defined by subsection 10-8-3-2(H) of this chapter shall be subject to the following:
 - (1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - (2) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with subsection (D)3 of this section.
 - (3) Basement and all other low floor elevations shall also meet the requirements of the Burnsville water resources management plan.
- c. Areas Of Nonresidential Structures: All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the state building code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
- d. Erosion/Sedimentation Control Plan: When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal, or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the city. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- e. Storage Of Materials And Equipment:
 - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other materials or equipment may be allowed by conditional use permit if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the city council. The city may require the applicant to provide a financial security or cash escrow in order to ensure compliance with the plan.
- f. Additional Provisions: The provisions of Subsection (E) of this section

shall also apply.

5. Standards For Flood Fringe Uses:

- a. All new principal structures must have vehicular access at or above the regulatory flood protection elevation. Existing structures may be permitted to have vehicular access at an elevation not more than two feet (2') below the regulatory flood protection elevation provided the applicant can demonstrate to the satisfaction of the city fire marshal that emergency vehicle access can be accommodated during a flood. If a variance to this requirement is granted, the city council must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- b. Business uses: Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted, in the absence of a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.
- c. Manufacturing and industrial uses: Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (E)2 of this section. In considering permit applications, due consideration shall be given to the needs of an industry whose business requires that it be located in floodplain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The federal emergency management agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation; FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- e. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- f. Standards for recreational vehicles are contained in subsection 10-8-3-9(B) of this chapter. Recreational vehicles are also subject to section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code.
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to,

use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

F. General Floodplain District (GFP)

1. Permitted Uses: Permitted uses shall include those uses permitted by Subsection 10-8-3-4(A) of this chapter to the extent that they are allowed in the base zoning district.
2. Conditional And Interim Uses: All other uses than those listed in subsection (A) of this section shall be subject to the floodway/flood fringe evaluation criteria pursuant to subsection (C) of this section. Section 10-8-3 of this chapter shall apply if the proposed use is in the floodway district and section 10-8-3 of this chapter shall apply if the proposed use is in the flood fringe district.
3. Procedures For Floodway And Flood Fringe Determinations Within The General Floodplain District:
 - a. Upon receipt of an application for a permit or other approval within the general floodplain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the city for the determination of the regulatory flood protection elevation and of whether the proposed use is within the floodway or flood fringe district.
 - (1) A typical valley cross section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 - (2) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations; the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevation of streets.
 - (3) Photographs showing existing land uses and vegetation upstream and downstream, and soil types.
 - (4) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred feet (500') in either direction from the proposed development.
 - b. The applicant shall submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, parts 6120.5000 through 6120.6200 and 44 code of federal regulations part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - (1) Estimate the peak discharge of the regional flood.
 - (2) Calculate the water surface profile of the regional flood based upon hydraulic analysis of the stream channel and overbank areas.

- (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than five-tenths foot (0.5'). A lesser stage increase than five-tenths foot (0.5') shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
 - c. The technical evaluation and findings of the designated engineer or expert shall be presented to the city council. The city council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to FEMA, the department of natural resources or the planning commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, the city council shall refer the matter to the city planner, who shall process the permit application consistent with the applicable provisions of sections 10-8-3-4 and 10-8-3-5 of this chapter. (Ord. 1250, 10-18-2011)
- G. Subdivisions The provisions of Title 11, "Subdivisions", of this code and Section 10-8-1-"Shoreland Overlay District", of this title shall apply in addition to the following:
1. Review Criteria: No land shall be subdivided that is unsuitable by reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the floodplain shall contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with provisions of this code and have road access both to the subdivision and to the individual building sites at or above the regulatory flood protection elevation. Subdivision of land with existing structures may be permitted to have vehicular access at an elevation not lower than two feet (2') below the regulatory flood protection elevation provided the applicant can demonstrate to the satisfaction of the city fire marshal that emergency vehicle access can be accommodated during a flood. If a variance to this requirement is granted, the city council must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist. For all subdivisions in the floodplain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
 2. Floodway/Flood Fringe Determinations In The General Floodplain District: In the general floodplain district, applicants shall provide the information required in subsection 10-10-6(C) of this chapter to determine the 100-year flood elevation, the floodway and flood fringe district boundaries, and the regulatory flood protection elevation for the subdivision site.
 3. Removal Of Special Flood Hazard Area Designation: FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements

incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

H. Public Utilities, Railroads, Roads And Bridges

1. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in a floodplain district shall be floodproofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
2. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 10-8-3 and 10-8-3 of this chapter. Elevation to the regulatory flood protection elevation shall be provided where the city finds that failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. Subsurface Sewage Treatment Systems (SSTS) And Water Supply Systems: Where public utilities are not provided:
 - a. On site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and
 - b. New or replacement SSTS must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for SSTS shall be determined to be in compliance with this section.
 - c. Additional requirements for SSTS and on site water supply systems for lands in shoreland districts and the requirements of Title 7, Chapter 11, "Subsurface Sewage Treatment Systems (SSTS)", of this code shall also be met.

I. Manufactured Homes And Manufactured Home Parks, And Placement Of Recreational Vehicles

1. Manufactured Homes And Manufactured Home Parks:
 - a. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 10-8-3-7 of this chapter and requirements of Chapter 18, "R-5 Manufactured Housing District", of this title.
 - b. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 10-8-3-5 of this chapter and chapter 18, "R-5 Manufactured Housing District", of this title. If vehicular road access for preexisting manufactured home parks is not provided in accordance with Subsection 10-8-3-5(E)1 of this chapter, then replacement manufactured homes will not be allowed until the property owner develops

a flood warning emergency plan acceptable to the city council.

- (1) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

2. Placement Of Recreational Vehicles: Recreational vehicles are subject to this chapter and Section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code.

- a. Recreational vehicles that do not meet the exemption criteria specified in subsection (B)1a of this section shall be subject to the provisions of this chapter and as specifically spelled out in Subsections (B)3 and (B)4 of this section and shall also be subject to Section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code.
 - (1) Exemption: Recreational vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in subsection (B)3 of this section and further if they meet the following criteria:
 - (A) Have current licenses required for highway use.
 - (B) Are highway ready meaning they are on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks, and the recreational vehicle has no permanent structural type additions attached to it.
 - (C) The recreational vehicle and associated use must be permissible in any preexisting, underlying zoning use district.
- b. Areas exempted for placement of recreational vehicles. Recreational vehicles shall also be subject to section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code.
 - (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.
 - (3) Existing condominium type associations.
- c. Recreational vehicles exempted in subsection (B)1 of this section lose this exemption when development occurs on the parcel exceeding five hundred dollars (\$500.00) for a structural addition to the recreational vehicle, or exceeding five hundred dollars (\$500.00) for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in Sections 10-8-3 and 10-8-3 of this chapter. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

- d. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to Section 7-1-8, "Outside Storage Within Residential Neighborhoods", of this code and Chapter 18, "R-5 Manufactured Housing District", of this title and the following:
 - (1) Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Subsection 10-8-3-5(E)1 of this chapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
 - (2) All new or replacement recreational vehicles not meeting the criteria of Subsection (B)4a of this section may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Subsection 10-8-3-10(H) of this chapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subsections (B)1a(1) and (B)1a(2) of this section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subsection 10-8-3-8(C) of this section.

J. Administration

- 1. Planning Manager: The city planner or other official designated by the city council shall administer and enforce this chapter. If the city planner finds a violation of the provisions of this chapter the person responsible shall be notified for such violation in accordance with the procedures stated in Section 10-8-3 of this chapter.
- 2. Permit Requirements:
 - a. Permit Required: In all floodplain districts, a permit issued by the city in conformity with the provisions of this chapter shall be secured prior to the construction, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or storage of materials or equipment within the floodplain.
 - b. Application For Permit: Application for a permit shall be made, on forms furnished by the city and shall include the following where applicable:

Plans drawn to scale, showing the nature, location, dimensions, and elevations (in NAVD, 1988 datum), of the lot; existing and/or proposed structures, fill, or storage of materials; the location of the foregoing in relation to the stream channel.

- c. State And Federal Permits: Prior to granting a use permit or processing an application for a conditional or interim use permit or variance, the applicant shall demonstrate to the city that it has obtained all necessary state and federal permits.
- d. Certificate Of Zoning Compliance For New, Altered, Or Nonconforming Use: Within floodplain districts, it shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the city stating that the use of the building or land conforms to the requirements of this chapter.
- e. Construction And Use To Be As Provided On Applications, Plans, Permits, Variances And Certificates Of Zoning Compliance: Permits, conditional or interim use permits, variances or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be a violation of this chapter and punishable as provided by Section 10-8-3(L) of this chapter.
- f. Certification: Prior to issuance of a certificate of occupancy, the applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations, were accomplished in compliance with the provisions of this chapter. Floodproofing measures shall be certified by a registered professional engineer or registered architect. The city may require financial security to be provided at the time of permit application to ensure that the provisions of this section are met.
- g. Record Of Lowest Floor Elevations: The city shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The city shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.
- h. Notification For Watercourse Alterations: The city shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted via e-mail to the Chicago regional office of FEMA.
- i. Notification To FEMA When Physical Changes Increase Or Decrease The

100-Year Flood Elevation: As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the city shall notify the Chicago regional office of FEMA of the changes by submitting via e-mail a copy of said technical or scientific data.

3. Board Of Adjustment:

- a. Rules: The city council is the board of adjustment and shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.
- b. Administrative Review: The city council shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- c. Variances: Variance applications shall be processed in accordance with section 10-2-3 of this title and pursuant to this section. The city council may authorize upon appeal in specific cases such relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as practical difficulties or circumstances unique to the property under consideration, as provided for in Chapter 5, "Administration", of this title. In the granting of such variance, the city council shall clearly identify in writing the specific conditions that exist consistent with the criteria specified in this chapter, and in Chapter 5, "Administration", of this title which justify the granting of the variance. No variance shall have the effect of allowing in any district uses that are prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of FEMA must be satisfied:

- (1) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (2) Variances may only be issued upon:
 - (A) A showing of good and sufficient cause,
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- 4. Variance Notification Requirement: The city shall submit by e-mail or mail to the commissioner of natural resources a copy of the application for the proposed variances sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.

5. Decisions: All applications shall be reviewed consistent with Minnesota Statutes, Section 15.99. In passing upon an appeal, the city council may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the city planner or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the city council may prescribe appropriate conditions and safeguards such as those specified in Subsection (H)7 of this section, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter punishable under Section 10-10-12 of this chapter.
 - a. A copy of all decisions granting variances shall be forwarded by e-mail or mail to the commissioner of natural resources within ten (10) days of such action.
6. Appeals: Appeals from any decision of the city council may be made, and as specified in this title and also by Minnesota statutes.
7. Flood Insurance Notice And Recordkeeping: The city shall notify the applicant for a variance that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The city shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.
8. Conditional And Interim Use Permits: All applications shall be reviewed consistent with Minnesota Statutes, Section 15.99; the provisions of Sections 10-2-4 and 10-2-5 of this title and pursuant to the following:
 - a. Use Requiring Conditional Or Interim Use Permit: Any use requiring a conditional or interim use permit shall be processed in accordance with procedures set forth in Sections 10-2-4, "Conditional Uses", and 10-2-5, "Interim Uses", of this title.
 - b. Application Submitted: The city shall submit by e-mail or mail to the commissioner of natural resources a copy of the application for the proposed conditional or interim use sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.
 - c. Decisions Forwarded: A copy of all decisions granting conditional and interim use permits shall be forwarded by e-mail or mail to the commissioner of natural resources within ten (10) days of such action.
 - d. Procedure To Be Followed: Procedure to be followed by city council in passing on conditional and interim use permit applications within all floodplain districts.
 - (1) Applications for a conditional or interim use permits within all

floodplain districts shall include the following:

- (A) Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel; and
 - (B) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
- (2) The city may submit the application to other experts or agencies for technical assistance to evaluate the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (3) Based upon the technical evaluation the city shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- e. Factors On Which Decision Is Based: Factors upon which the decision of the city shall be based: In passing upon conditional and interim use permit applications, the city shall consider all relevant factors specified in other sections of this chapter, and:
 - (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner.
 - (5) The importance of the services provided by the proposed facility to the community.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

- (12) Such other factors which are relevant to the purposes of this chapter.
- f. Time For Acting On Application: All applications shall be reviewed pursuant to Minnesota Statutes, Section 15.99.
- g. Conditions Attached To Conditional And Interim Use Permits: Upon consideration of the factors listed above and the purposes of this chapter, the city council shall attach such conditions to the granting of conditional and interim use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
 - (1) Modification of waste disposal and water supply facilities.
 - (2) Limitations on period of use, occupancy, and operation.
 - (3) Imposition of operational controls, sureties, and deed restrictions.
 - (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - (5) Floodproofing measures in accordance with the state building code and this chapter. The city shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- K. Nonconforming Uses Within floodplain districts the city shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
 - a. No such structure or use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - b. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in Subsections (A)3 and (A)6 of this section.
 - c. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty percent (50%) of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure,

then the structure must meet the standards of Sections 10-8-3 (D) or 10-8-3 (E) of this chapter for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

- d. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter.
- e. If any nonconforming use or structure is substantially damaged, as defined in subsection 10-8-3(H) of this chapter, it shall not be reconstructed except in conformity with the provision of this chapter. The applicable provisions for establishing new uses or new structures in Sections 10-8-3 (C), 10-8-3(D) or 10-8-3(E) of this chapter will apply depending upon whether the use or structures is in the floodway, flood fringe or general floodplain district, respectively.
- f. If a "substantial improvement" occurs, as defined in Subsection 10-8-3(B) of this chapter, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement of the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Sections 10-8-3(D) or 10-8-3 (E) of this chapter for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

L. Penalties For Violation

- 1. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional or interim use permits) shall constitute a misdemeanor and shall be punishable as defined by law.
- 2. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
 - a. In responding to a suspected ordinance violation, the building official or designee and the city council may utilize the full array of enforcement actions available to them including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures, or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The city must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program.
 - b. Whenever the building official or designee reasonably believes that an ordinance violation has occurred or is occurring, he shall investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the department of natural resources and FEMA regional office along with the city's plan of action to correct the violation to the degree possible.
 - c. The building official or designee shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and

extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the building official or designee may order the construction or development immediately halted until a proper permit or approval is granted by the city council. If the construction or development is already completed, then the building official or designee may either:

- (1) a) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or
- (2) b) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.

d. If the responsible party does not appropriately respond to the building official or designee within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The building official or designee shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.

M. Amendments The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled at or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the commissioner of natural resources if the commissioner determines that, through other measures, lands are protected adequately for the intended uses.

All amendments to this chapter, including floodplain related amendments to the official zoning map, shall be submitted to and approved by the Minnesota commissioner of natural resources prior to adoption. Floodplain related changes to the official zoning map must meet the federal emergency management agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten (10) days' written or e-mail notice of all hearings to consider an amendment to this chapter and said notice shall include a draft of the ordinance amendment or technical study under consideration.

10-8-3 : P Park District

- A. Purpose and Intent: The Park District is established to provide, preserve, and protect lands for parks, recreation, open space, and conservation purposes. It is intended to support active and passive recreation, preserve natural resources and scenic areas, maintain community open space, and promote public health and welfare. The district also allows park-related facilities and compatible public uses, including utilities, stormwater facilities, and public safety uses, when they do not conflict with park purposes, and ensures development is consistent with adopted park and comprehensive plans.
- B. B. Permitted Uses: The following are permitted uses:
 1. Active outdoor recreational facilities.
 2. Golf course, public or private.
 3. Government buildings where the use conducted is customarily considered to be an office use.

4. Organized recreational programs and special events, sponsored or approved by City Recreation Department.
 5. Passive recreation and open space uses.
 6. Play fields.
 7. Recreation-related buildings and accessory facilities.
 8. Other recreational uses or facilities that is consistent with the intent of the Park District.
 9. Other recreation uses/equipment.
- C. Permitted Accessory Uses. The following are permitted accessory uses:
1. Accessory park permits for vending, sales, and similar uses as issued by the City Recreation Department.
 2. Accessory solar energy systems pursuant to Section 10-10-10 of this Title.
 3. Advertising
 4. Antennas mounted on an existing structure, as regulated by Section 10-10-12 of this title.
- D. Conditional Uses. The following are conditional uses:
1. Essential service structures, provided no building shall be located within fifty feet (50') from any lot line of an abutting lot in an R district.
 2. Towers as regulated in Section 10-10-12 of this title.

10-8-4 : CD Conservancy District

- A. Purpose: The purpose of this district is to provide areas within the city for the preservation of sensitive natural areas and the protection and enhancement of wildlife habitat. The conservancy district (CD) may be applied to either public or private land. Areas included in the conservancy district are generally deemed unsuitable for residential, commercial, industrial, and most institutional development, due to flooding, high water table, restrictive soil conditions, steep, very steep and severe slopes, significant and valuable vegetation and/or wildlife habitat.
- B. Permitted Uses. The following are permitted uses.
1. Permanent open space.
 2. Public and private natural conservation and wildlife management areas.
- C. Conditional Uses. The following are conditional uses
1. Accessory solar energy systems pursuant to Section 10-10-10 of this title.
 2. Expansion of existing uses which are not in conformity with district use provisions.
 3. Nature centers and administration buildings.
 4. Recreational and interpretive trail systems.
 5. Utility uses.
 6. Other public uses.
- D. Development Standards. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title.

Lot Area	1 acre (43,560 square feet)
Lot Width	150 feet

Setback - Principal Structure	
Front Yard	30 or 50 feet adjacent to any residential district
Side Yard	30 or 50 feet adjacent to any residential district
Side Yard - Street	30 or 50 feet adjacent to any residential district
Rear Yard	30 or 50 feet adjacent to any residential district
Setback - Accessory Structure	
Front Yard	30 or 50 feet adjacent to any residential district
Side Yard	30 or 50 feet adjacent to any residential district
Side Yard - Street	30 or 50 feet adjacent to any residential district
Rear Yard	30 or 50 feet adjacent to any residential district
Setback - Parking	
Front Yard	20 or 30 feet adjacent to any residential district
Side Yard	20 or 30 feet adjacent to any residential district
Side Yard - Street	20 or 30 feet adjacent to any residential district
Rear Yard	20 or 30 feet adjacent to any residential
	district

Not more than thirty percent (30%) of the gross lot area may be of an impervious surface

E. Supplemental Standards. The following are supplemental standards for the district:

1. Public Or Private Structures: In no case shall a public or private structure occupy more than twenty percent (20%) of the land within any separate parcel of land zoned CD.
2. Additional Or Increased Development Standards: If in its review of site and building for developments within the CD, the city finds that the protection of natural features warrants performance standards beyond that which would be provided by applicable setback, buffering and related standards, the city may require additional or increased development standards to protect such features.

3. Commercial Buildings: Commercial buildings shall comply with the building design and material requirements of Subsection 10-6-8(A) of this title.
4. Mechanical Equipment: Mechanical equipment (ground mounted and rooftop) shall meet the following requirements:
 - a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten feet (10') for a single-story building or fifteen feet (15') for a multiple-story building.
 - b. All private ground mounted equipment shall be one hundred percent (100%) screened from view from adjacent properties and the public right of way by enclosures constructed of durable and permanent materials with architectural elements (type, quality, and appearance) similar and compatible to the principal structure.
 - c. All rooftop equipment shall be screened from view from across adjacent streets fifteen feet (15') behind the curb or adjacent properties at the property line.
 - d. Rooftop equipment shall be one hundred percent (100%) screened by the building parapet, or the equipment shall be grouped behind an enclosure and set back a distance of one and one-half (1 1/2) times its height from any primary facade fronting a public street.
 - e. Screens shall be made of durable, permanent materials (not including wood) that are compatible with the primary building materials.
 - f. Exterior mechanical equipment, such as ductwork, shall not be located on primary building facades.
5. Private Trash And Recyclables: Private trash and recyclable handling equipment shall meet the requirements of Subsection 10-6-8(B) of this title.
6. Public Trash And Recycling Containers: Public trash and recycling containers subject to Subsection 10-9-21(G) of this title.
7. External Loading Areas: External loading areas shall meet the requirements of Subsection 10-6-8(H) of this title.
8. Outdoor Lighting: Within the conservancy district, all exterior building and parking lot lighting shall comply with Section 10-9-7 of this title.
9. Landscaping: Within any conservancy district, development shall comply with the landscaping regulations of Section 10-9-13 and Subsection 10-9-13(E) of this title.
10. Height: No building or structure shall exceed thirty five feet (35') in height except as approved through a conditional use permit.

SECTION 15: “CHAPTER 10-7 GENERAL PROVISIONS”, “CHAPTER 10-9 LAND RECLAMATION, MINING, SOIL PROCESSING AND GENERAL EARTHWORK”, “CHAPTER 10-12A RESIDENTIAL BUSINESS REQUIREMENTS”, “CHAPTER 10-29 TOWERS AND ANTENNAS” and “CHAPTER 10-30A LANDSCAPE REQUIREMENTS” of the Burnsville Municipal Code are hereby repealed in their entirety.

SECTION 16: “CHAPTER 10-9 GENERAL ZONING PROVISIONS” and “CHAPTER 10-10 SPECIAL ZONING PROVISIONS” of the Burnsville Municipal Code is hereby amended to add the

following:

CHAPTER 10-9 GENERAL ZONING PROVISIONS

10-9-1 : Purpose And Applicability

- A. The purpose of this Article is to establish uniform development standards that apply to all zoning districts within the City. These standards are intended to promote orderly growth, protect property values, ensure compatibility among uses, and safeguard the public health, safety, and welfare.
- B. Applicability: The provisions of this Article apply to all zoning districts, unless specifically modified by a district regulation, overlay district, or special provision. In the event of a conflict, the more restrictive standard shall govern.

10-9-2 : Accessory Buildings And Structures

- A. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- B. No accessory building or structure shall exceed the height of the principal building or structure. However, in no case shall such accessory building exceed 15 feet in height with 10 foot side walls in the R-1 District, and 20 feet in height in the R-1A District.
- C. In the R-1 District accessory buildings and structures identified in subsection (K) of this section and not exceeding 500 square feet of floor area each are allowed as follows:
 1. Accessory buildings and structures may not exceed 500 square feet of floor area each, except for swimming pools and sport courts which may not exceed 1,000 square feet. An accessory building on a lot with an existing garage, and swimming pool or sport court may not exceed 225 square feet.
 2. If a lot has a home with an attached garage, one gazebo and one additional accessory building, and one swimming pool or sport court is permitted.
 3. If a lot has a home with a detached garage, one gazebo and one additional accessory building, or one swimming pool or sport court in addition to the existing detached garage is permitted.
 4. If a lot has a home without an attached garage or detached garage, one garage, one gazebo and one additional accessory building, or one swimming pool or sport court is permitted.
- D. In the R-1A District, accessory buildings or structures identified in Subsection (K) of this section shall be allowed as follows:
 1. Lots less than 2 acres in size shall follow the same requirements as in the R-1 District.
 2. Lots of 2 acres in size and greater shall be limited to one per acre and no accessory building or structure shall exceed 1,000 square feet of floor area.
- E. Accessory buildings exceeding the number and square footage permitted in the R-1 and R-1A Districts shall require a conditional use permit.
- F. No accessory structure or building except detached garages and flagpoles shall be located nearer to the front lot line than the principal building or structure on that lot. This includes portable recreational structures such as trampolines and play sets.
 1. Accessory structures, detached garages and buildings in the R-5 District are exempt from this standard and subject to the requirements of subsection 10-5-5 (A-C) of this title.

2. Trash enclosure accessory structures on lots with 2 or more frontages in the R-3, R-4, TOD, MIX, All Business, CRD, and Industrial Districts are exempt from this standard and subject to the front yard setback of their respective zoning districts.
- G. All accessory buildings on through lots located in R Districts shall satisfy the principal structure front yard setback requirements. In the case of a through or double frontage lot, the front yard lot setback abutting the rear of the principal structure may be reduced by up to 20 feet.
- H. No tent, trailer or accessory building shall at any time be used as an occupied dwelling.
1. Accessory dwelling units in the R-1 and R-1A Districts are exempt from this standard subject to the requirements of 10-10-2 of this chapter.
- I. Carports when added to the principal building shall comply with the setback requirements for the principal structure and when freestanding shall comply with the setbacks and size requirements for accessory buildings. Carports must be constructed of permanent materials meeting Building Code standards for residential roofing and exterior construction. No temporary materials such as canvas or plastic shall be permitted.
1. Carports in the R-5 District are exempt from this standard and subject to the requirements of subsection 10-5-5 (B) of this title.
- J. For purposes of subsections (C) and (D) of this section, the following are considered accessory structures and accessory buildings:

Accessory Structures	Accessory Buildings
Gazebo	Detached Garage
Sport Court	Pool House
Swimming Pools	Shed
Trampoline	

- K. Flagpoles are permitted in any district subject to the following:
1. The maximum height shall not exceed 50 percent of the maximum height standard for the zoning district within which the flagpole is located.
 2. Flags and/or flagpoles are not permitted on a roof or top of a building.
 3. Flagpoles shall be set back from the right-of-way line a distance equal to the flagpole height.
 4. Private flagpoles are not permitted within the right-of-way.
 5. Flags and flagpoles shall be constructed in a permanent fashion and maintained in good repair.
 6. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
 7. No more than 3 flags may be displayed outside of a building. This number may, however, be increased to a total of 6 flags provided the following standards are met:
 - a. No 2 pairs of flags may be the same.

- b. Where multiple flagpoles are used, there shall be a maximum spacing of 20 feet allowed between the poles.

10-9-3 : Zero Lot Line Development

- A. Requirements: To facilitate separate ownership, leasehold, or financing of parts of an existing single principal building and additions thereto, a commercial zero lot line development is allowed as a permitted use in business and industrial zoning districts, provided that the following requirements are met:
 1. The development site for the building shall consist of two (2) or more lots of record, and each said lot shall meet the minimum lot area and width requirements of this title.
 2. The building and parking lot shall comply with the setback requirements of this title for all nonzero lot lines of the site.
 3. No more than two (2) lot lines of any lot shall be used as zero lot lines for the building.
 4. The building shall comply with all applicable building codes in title 4 of this Code, and each separately owned portion of the building shall comply with the applicable existing requirements. No building shall be located over any recorded easement.
 5. The design elements, colors, materials, signage, and architectural style of the building shall be consistent on all elevations, and the landscaping and parking lot shall be maintained in a consistent manner throughout the development.
 6. For conversions of existing buildings to commercial zero lot line developments through divisions and single additions, the parking requirements in this chapter and the landscaping requirements in 10-9-13 of this title need not be met on each lot, provided that said requirements are met on the aggregate development site. For phased additions to existing buildings, the applicable parking and landscaping requirements shall be met on each lot.
- B. Review: All commercial zero lot line developments shall be subject to a site plan review and plat approval to assure compliance with the requirements of this title.
- C. Agreements:
 1. The owners of all portions of the building shall include draft copies of the following documents with their applications for site plan and plat approval:
 - a. A maintenance agreement for the continued maintenance of the building, parking lot, landscaping, and all other portions of the site, to assure uniform appearance, maintenance and repair;
 - b. A reconstruction and remodeling agreement to assure architectural consistency for the building;
 - c. A cross access agreement for all shared parking lots and driveways; and
 - d. A party wall agreement for the use, ownership, and maintenance of each party wall.
 2. Prior to the issuance of building permits, the owners shall provide the City with recorded copies of said agreements and the final plat.

10-9-4 : Demolition Of Structures

Demolition of structures shall not be permitted without a permit. The Director of Community

Development or designee shall issue a permit upon determination that the application complies with the requirements of this section:

- A. The demolition shall be completed in a safe manner and in accordance with all applicable building, fire, and safety codes.
- B. All demolition debris and materials shall be removed from the property and disposed of in accordance with applicable, local, state and federal laws.
- C. Following demolition, the site shall be graded, maintained, and secured so as not to create a public nuisance or hazardous condition.

10-9-5 : Drainage

All development shall comply with the City's Water Resources Management Plan. No development shall increase runoff onto adjacent properties beyond pre-development conditions unless approved by the City Engineer, and all drainage shall respect recorded easements.

10-9-6 : Small Wireless and Essential Services

Small Wireless Facilities shall be considered essential services and are permitted as authorized and regulated by State law and this Code.

- A. To the extent allowed by State law or this Code, small wireless or other telecommunications facilities placed in the right-of-way, as specified in Title 8, Chapter 8, shall be allowed only as a conditional use if:
 - 1. Located within or abutting zoning districts allowing residential uses; and
 - 2. The proposed facility is to be installed on a new or replacement pole or support structure.
- B. Conditions for locating small cell wireless facilities in residential and historical districts:
 - 1. Standard Conditions:
 - a. Height of all facilities shall not exceed the average height of all structures on the block or the maximum height of structures allowed in the district, whichever is less.
 - b. All facilities shall be located in the right-of-way in the area defined by the side yard drainage and utility easement area. If an area does not have drainage and utility easements then the facilities shall be within five feet (5') of a side property line.
 - c. All facilities within any front or rear setback areas shall be located closest to the property line, furthest from the road centerline as possible, but no further back from the curb or any sidewalk or trail than ten feet (10').
 - d. All facilities shall be located as near as practicable to intersections.
 - e. All facilities shall be located to the extent practicable on existing poles and other structures currently in the right-of-way.
 - C. Other Conditions: Other conditions unique to the proposed placement of facilities in the right-of-way may be attached to protect the health, safety and welfare of neighboring properties, other users of the right-of-way, and the public.

10-9-7 : Exterior Lighting

- A. All exterior lighting shall be designed and arranged so as to not direct any illumination upon or into any contiguous residential districts.

- B. No exterior lighting shall be arranged and designed so as to create direct viewing angles of the illumination source by pedestrian or vehicular traffic in public right-of-way.
- C. Lenses, deflectors, shields, louvers and prismatic control devices shall be used so as to eliminate nuisance and hazardous lighting.
- D. Reflected glare from exterior lighting or from high temperature processes such as combustion of welding shall not be directed into any adjoining property. Reflected glare or spill light from all exterior lighting shall not exceed five-tenths (0.5) foot-candle measured on the property line when adjoining residential zones and one (1) foot-candle measured on the property line when such line adjoins a similar zone and land use. Lighting fixtures for new and renovated outdoor sports and recreational facilities that adjoin residential uses shall be designed to eliminate reflected glare and spill light from the bottom one-third (1/3) of the reflector, and to shield the view of the arc tube from the residential property.
- E. Pole lighting shall be downcast and shielded on all faces. Wall pack lighting shall be downcast and shielded on all faces.
- F. Headlights shall be one hundred percent (100%) screened as required in Section 10-9-21 of this chapter.

10-9-8 : Exterior and Outdoor Storage

In all districts exterior storage is prohibited except as permitted by the underlying zoning district. Exterior storage areas shall be one hundred percent (100%) screened from ground level view around the perimeter of the storage area. Screening shall be consistent with Section 10-9-21 of this chapter.

A. Open Storage Lot:

1. Open storage lots allowed in the underlying zoning district are subject to the following provisions and restrictions:
 - a. Shall have a principal structure on the lot where the open storage area is located.
 - b. All open storage shall be one hundred percent (100%) screened, from ground level view around the perimeter of the open storage area. The minimum screening height shall be six feet (6') in Business Districts and eight feet (8') in Industrial Districts.
 - c. Screening shall be provided pursuant to Section 10-9-18 of this chapter.
 - d. Storage of materials shall not exceed the height of the screening provided.
 - e. A cross sectional drawing shall be provided that illustrates sightlines of the open storage area from ground level view of adjacent properties and from the farthest point of the width of the right-of-way from the property line(s) that abuts a street.
 - f. All nonstorage parking areas shall comply with the parking lot landscape requirements in section 10-7-26 of this chapter.
 - g. Delivery and loading hours shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. for all open storage lots that abut or are across the street from a residential use.
- B. Regulation Of Storage; Trailers And Camping Vehicles: Trailers and camping vehicles may be parked or stored in a residential district in accordance with this section, provided the following conditions are met:

1. In all residential districts:

- a. Trailers and camping vehicles must be the property of the residential lot owner or tenant and be maintained in a clean, well kept, operable condition.
- b. Trailers and camping vehicles shall be mobile and shall not be permanently affixed in the ground in a manner that would prevent removal.
- c. Trailers and camping vehicles are not to be occupied or used for living, sleeping or housekeeping purposes while parked or stored; provided, however, nonpaying guests of the owner of the property may occupy one trailer or camping vehicle in addition to those permitted herein. Such vehicle shall be parked subject to the provisions of this section and used for sleeping purposes for a period not to exceed 7 consecutive days at one time or more than 14 days total in one calendar year.
- d. It shall be unlawful to discharge from any trailer or camping vehicle a holding or storage tank except at a state approved disposal facility.
- e. Except for routine maintenance or during emergency conditions when power supply is disrupted, the operation of a trailer or camping vehicle power generator plant shall not be permitted in residential districts.
- f. Trailers used as part of a home occupation are prohibited per Section 10-10-6 (A) (3) of this code.

2. In R-1 One-family Residential, R-1A One-Family Rural Residential and R-2 districts Two Family Residential:

- a. No more than 2 trailers or camping vehicles may be parked or stored outside on a residential lot less than one acre in size. However, no more than 1 trailer or camping vehicle may be parked or stored outside on that lot if there is also one commercial vehicle, as permitted in Section 7-1-11(A) of this chapter, parked or stored outside on the same residential lot. No more than 4 trailers or camping vehicles may be parked or stored outside on a residential lot one acre or larger in size. Any number of trailers or camping vehicles exceeding 2 must be completely screened from view from public streets or adjacent property. Additional recreational vehicles may be kept within an enclosed structure which otherwise conforms to the zoning requirements of the district.
- b. Trailers and camping vehicles which are parked on the front yard may only be located on the established driveway entirely on the vehicle owner's property. For most residential lots, the front yard property line is approximately 15 feet from the back of the curb of the City street. Trailers and camping vehicles may be stored or parked on the rear or side yard behind the required front yard setback and not closer than 5 feet from the side lot line and 8 feet from the rear lot line. The parking or storage of trailers and camping vehicles on the rear or side yard, as permitted herein, shall be on hard surface that is at least equal in size to the perimeter of trailers and camping vehicles being stored. Said hard surface must be composed of at least one of the following materials: class 5, concrete, bituminous, decorative landscape rock, or brick pavers. There shall be no other outdoor parking or storage of trailers and camping vehicles beyond that permitted under this

section.

- c. The maximum length for any trailer or camping vehicle parked or stored on a lot is 40 feet, except that in the RR-1 district motor homes in excess of 40 feet are permitted.

- 3. In R-3 Medium Density Residential, R-4 High Density Residential and R-5 Manufactured Housing Districts: Trailers and camping vehicles may be stored on site if they are stored in an area that is completely screened from eye level view from adjacent properties and public streets. The storage area shall be in addition to, and not within, any parking area otherwise required under the City Code.

- C. Open Sales/Rental Lot: Open sales/rental lots shall be allowed only if permitted in the underlying zoning district and are subject to the following provisions and restrictions:

- 1. Shall have a principal structure on the lot.
- 2. The view from headlights shall be one hundred percent (100%) screened from adjacent property lines and the public right-of-way.
Items approved by the City Council for display on designated display pads are exempt from this headlight screening requirement. This exemption shall only apply to items oriented toward the public right-of-way and not adjacent properties. Display pads shall be physically separated from parking lots and drive aisles and shall comply with the applicable district's parking setback requirements.
- 3. Open rental and sales lots shall only be considered for vehicles of a noncommercial nature.
- 4. Parking lot landscaping shall comply with all requirements of section 10-9-10 of this chapter.
- 5. A minimum of eight percent (8%) of the interior of the sales lot shall be landscaped. Said landscaping shall count toward meeting the overall site green space requirement identified by Section 10-9-13 of this title, for the underlying zoning district.
- 6. No auctions shall be permitted.
- 7. No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential uses.
- 8. Delivery and loading hours shall be limited to the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. for all open sales/rental lots that abut or are across the street from a residential use.
- 9. Accessory car wash/vacuums shall be subject to the requirements of Section 10-10-1 of this chapter.

10-9-9 : Waste Materials

- A. Waste material shall not be washed or dumped into the public storm sewer system or the sanitary sewer system without a permit from the City. If the permit is not granted, a method of disposal shall be devised which shall not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and screened from view pursuant to Section 10-9-21 of this chapter.
- B. In all districts, all private waste material, debris, refuse, garbage, goods, recyclables, or other materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or screened pursuant to Section 10-9-21 of this chapter and according to the special minimum requirements of the zoning district.

- C. Public collection bins for recyclables such as clothing, metals and other items, are considered to be outdoor storage and are permitted only where allowed in the underlying zoning district and subject to the screening requirements of Section 10-9-21 of this chapter.

10-9-10 : General Parking And Access Requirements

A. General Parking and Access Requirements:

1. Purpose: Regulation of off street parking is to alleviate congestion of the public streets and to promote the safety and general welfare of the public by establishing minimum requirements for off street parking and the loading and unloading of vehicles and/or containers in accordance with the use of various parcels of land and structures.
 - a. Application Of Off-Street Parking Regulations: The regulations and requirements set forth in this section shall apply to off-street parking facilities in all zoning districts.
2. Compliance:

Permits Prior To Effective Date: Structures or uses for which a

 - a. building permit has been issued prior to August 19, 2008 (the effective date of this section), shall be exempt from the parking requirements in this section if the structure is completed within 6 months after the effective date of this section.
 - b. Compliance Required: All new development, full redevelopment, and all redevelopment that results in disturbance of 1/2 acre or more or the addition of 5,000 square feet of impervious surface shall comply with the requirements of this section.
 - c. Change In Use: A change in use or occupancy shall require a parking analysis to be submitted by the property owner demonstrating the site provides parking to meet the requirements of this section.
 - (1) In accordance with Section 10-5-1 (B) of this title, a certificate of occupancy shall be required prior to any new use and/or change in use.
 - (2) Parking Analysis Requirements: A parking analysis shall include the following information and upon approval by the city, shall be kept on file for the property:
 - (A) A site plan drawn to scale showing dimensions, indicating the location and number of off-street parking and loading spaces, the location of snow storage areas, green space and impervious surface and building occupancy on which the parking has been calculated, as well as any other information required by the city to show conformance with this section.
 - (B) The number of parking stalls shall be provided based on the parking schedule in Subsection (F) of this section and the use(s) identified by an architectural code analysis.
 - d. Reduction: A reduction of the drive aisle provisions and parking standards for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

3. General Provisions:

a. Calculating Parking Space:

- (1) Fractions: When the calculation of the number of required off street parking spaces results in a fraction, each fraction of 1/2 or more shall constitute another space.
- (2) Individual Activities Within Use: When computing total number of parking spaces required for a use, individual activities within the use will be calculated separately and added together to arrive at the total required parking spaces for each specific use proposed.
- (3) Places Of Assembly: In stadiums, religious institutions and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facility shall be counted as one seat for the purpose of determining required parking.

b. Maintenance: All parking areas and driveways shall be maintained in a safe and proper manner. The owner shall not allow weeds to grow or surface materials to become deteriorated.

c. Alternative Parking: The city recognizes reuse of sites and that the strict interpretation of the parking standards of this section may not be appropriate for each specific use or lot. Therefore, alternative parking standards may be approved by the development review committee (DRC) provided the applicant can demonstrate, based upon documented parking studies and site specific analysis, that a need exists to provide more or fewer parking stalls than the maximum or minimum parking standards. Factors to be considered in such determination include (without limitation) national parking standards, parking standards for similar businesses or land uses, size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles and appropriate soils and/or site conditions to support pervious paving/paver systems.

4. Design Standards:

a. Access To Parking Areas: Access to parking areas shall provide an adequate means of access to a public street via a driveway.

- (1) Driveway Access: The driveway access shall not exceed 10 percent in grade or 24 feet in width at the public street right of way line and shall be so located so as to cause the least interference with traffic and pedestrian movement.

(A) The City Engineer may approve driveway access exceeding 24 feet and/or to exceed 10 percent up to a maximum of 15 percent provided one or more of the following exist:

- (a) The access is a service entrance for large trucks.
- (b) Topographic constraints exist where the street and property elevations (at the proposed driveway location), are sloped.

- (2) Public Parking Areas: All public parking areas shall provide access to a public street from private driveways. There shall be no direct

access from a parking lot to a public street.

- (3) Driveway Access Points: All driveway access points onto public rights of way shall be allowed only by approval from the appropriate governmental regulating body in accordance with the current standards for driveway locations based upon street classification.
- (4) Driveways And Private Roadways: Minimum widths are as follows:
- (A) Two-way traffic: 24 feet.
 - (B) One-way traffic and fire lanes: 20 feet.
 - (C) Drive-up window lanes not necessary for firetruck access: 14 feet.
 - (D) Private roadways in townhouse developments: 24 feet with no parking and 30 feet with guest parking on one side.
 - (E) Private driveways in townhouse developments: 16 feet at the public or private roadway connection.
- (5) Parking Spaces: All surface parking spaces shall be served adequately by parking lot drive aisles. The standards for parking lot drive aisle width in the following table do not apply to required fire lanes:

Angle	Stall Dimensions	Parking Lot Drive Aisle Width
90 degrees	9' x 18'	24 feet (two-way traffic)
60 degrees	9' x 18'	18 feet (one-way traffic)
45 degrees	9' x 18'	14 feet (one-way traffic)
Parallel	9' x 22'	24 feet (two-way traffic)
Stacking	14' x 18'	20 feet (one-way traffic)
Residential Garage	11' x 20'	14 feet

- b. Parking Area Landscaping And Green Space: To break up the appearance of large impervious areas, all parking lots shall be subject to the following design and landscape standards:

- (1) Landscaped parking lot islands shall be required at the beginning and end of each parking row to break up longer rows.

- (2) Medians shall have a landscaped area at least 9 feet in width.
 - (3) Parking spaces and rows shall be organized to provide consolidated landscaped areas and opportunity for on site stormwater management.
The amount of internal parking lot green space shall comply
 - (4) with the requirements of Section 10-9-13 of this title for the underlying zoning district where the parking area is located. The total area calculated for landscaping within the parking lot is calculated as part of the overall green space requirement for the site.
 - (5) The requirements of Section 10-9-21 screening and buffer areas shall be met.
- c. Pedestrian Circulation: All parking lot designs shall be well planned to minimize conflicts between vehicular and pedestrian traffic.
- (1) Parking areas shall include a direct and continuous pedestrian walkway network within and adjacent to parking lots to connect building entrances, parking courts, public sidewalks, transit stops, and other pedestrian destinations.
 - (2) All pedestrian walkways within a parking lot shall include a clear division from vehicular circulation areas and be delineated by a change in grade, landscaping and/or a change in surface materials. Pavement markings alone shall not satisfy this requirement.
 - (3) Where pedestrian walkways cross access driveways and other major drive aisles, crossings shall be clearly marked and sight distance for both pedestrians and vehicles shall be unobstructed.
 - (4) For projects that propose head-in parking stalls to abut a sidewalk, the minimum sidewalk width shall be 6 feet.
 - (5) Parking stalls shall not be located where they obstruct doorways, driveways, or pedestrian walkways.
 - (6) All handicap stalls shall be located in close proximity to entrance areas and shall not be hindered by inappropriately located curb cuts, catch basins, or other improvements.
- d. Parking Area Requirements:
- (1) Parking areas greater than 50,000 square feet shall be divided both visually and functionally into smaller parking courts.
 - (2) On site snow storage areas shall be identified on all development plans and said area shall not be located within required parking stalls or areas that will destroy required landscaping.
 - (3) Rainwater and snowmelt shall be managed consistent with City stormwater management requirements.
- e. Surfacing: The entire parking area including parking stalls, aisles and driveways shall be surfaced with concrete, bituminous, pavers, or pervious paving/paver systems provided appropriate soils and site conditions exist for the pervious systems to function. The City Engineer shall make the final determination if soils are conducive for use of pervious paving/paver systems. The use of pervious paving/paver systems is encouraged for pedestrian walkways, overflow parking areas, snow storage areas, within

raised medians and islands, emergency vehicle lanes and other low traffic areas. The owner shall provide soils information to demonstrate to the satisfaction of the City Engineer that appropriate conditions exist for the pervious paving/paver systems to function and the owner shall enter into a maintenance agreement to ensure ongoing maintenance and operation of all pervious paving/paver systems. This requirement also applies to open sales lots, open rental lots, and outdoor storage or display areas. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited, except for temporary parking with written City approval as specified in this subsection below:

- (1) Temporary parking on unpaved surfaces such as decorative rock, gravel, Class 5, sand, bare soil or grass is permitted subject to the following provisions:
 - (A) Temporary parking on unpaved surfaces does not apply to outdoor vehicle storage as permitted in Section 10-9-10 (A) of this Chapter.
 - (B) Temporary parking shall not exceed twenty four (24) consecutive hours for a public or a permitted construction project, special event, or programmed park events. Temporary parking exceeding twenty four (24) consecutive hours shall require approval of the City Engineer or designee.
 - (C) Temporary construction parking for private projects shall be identified at the time of building permit or grading permit application. Temporary construction parking for public projects shall be approved by the City Engineer or designee. Temporary parking shall be discontinued upon completion of construction activities.
 - (D) The drive aisles related to the temporary parking shall be a minimum of 20 feet in width.
 - (E) The property owner shall be responsible for dust control.
 - (F) The property owner shall be responsible for erosion control, if determined by the City Engineer or designee.
 - (G) The property owner shall be responsible for site restoration to pre-existing conditions.
- f. Signs And Pavement Marking: Signs located in any parking area necessary for orderly operation of traffic movement are allowed when consistent with chapter 12 of this title.

All parking spaces shall be clearly marked with white paint

 - (1) on the pavement except upon approval of the Community Development Director.
 - (2) Handicap parking must comply with current State requirements. All markings shall be consistent with the "Minnesota Manual On Uniform Traffic Control Devices".
- g. Curbing: All open off street parking areas shall have a 6 inch

nonsurmountable concrete curb around the perimeter of the parking area and driveways with the following exceptions:

- (1) Open sales/rental lots may install 4 inch nonsurmountable concrete curb upon approval of the city engineer.
 - (2) Multi-family and townhome developments: The boundaries of all parking areas shall have a 6 inch nonsurmountable concrete curb. Private roadways may have surmountable curbs. Driveways to individual garages from the roadway in townhouse developments do not require curbing.
 - (3) Driveways for single-family, two-family and manufactured home units do not require curbing.
- h. Lighting: All lighting in an off street parking area shall meet the requirements of Section 10-9-7 of this title.
- i. Screening: Any off street parking area containing more than 6 parking spaces, any part of which is within 30 feet of an adjoining residential zone and any driveway to a parking area containing at least 6 spaces within 15 feet of an adjoining residential zone shall be screened according to Section 10-9-21 of this Chapter.
5. Security: Prior to the installation of bituminous (or other City approved hard surface material), for parking areas and/or driveways, a cash security or letter of credit in an amount established by City Policy 2.050, shall be furnished to the City to guarantee compliance with the paving plan for the property. A final certificate of occupancy will not be issued until the bituminous or other City approved hard surface improvements are installed. In the event the installation is not completed, the City may enter the property, perform the work and apply the cash security toward the cost. Upon satisfactory completion of the installation, the security funds, without interest, less any draw made by the City, shall be returned to the person who deposited the funds with the City.
6. Parking Schedule: The number of parking stalls shall be provided according to the following schedule:
- a. For required parking spaces calculated using floor area, the total floor area shall be reduced by 25 percent to account for spaces such as restrooms, mechanical rooms, hallways and entrance areas.
 - b. For required parking calculated using maximum occupancy load, the maximum occupancy shall be determined by the fire marshal and is based on the number of occupants posted for the building given the building's floor space and function.
 - c. Residential:

Apartment Dwelling Units	1.5 parking spaces per unit, plus 0.25 spaces per unit for guest parking distributed throughout the development. A minimum of 1 of the required parking spaces per unit shall be an enclosed garage space
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Single-family and Two-family Dwelling Units	2 enclosed garage spaces per dwelling unit with a minimum of 220 square feet per space required
Townhouse Dwelling Units	2 enclosed garage spaces and 2 driveway spaces per dwelling unit with a minimum of 220 square feet per space required plus 0.25 spaces per unit for guest parking distributed throughout the development
Assisted Living Facility	0.5 space per unit
Daycare Nursery	1 space per teacher/employee on the largest work shift, plus 1 off street loading space per 6 students
Group Dwellings	1 space per room or for every 4 beds
Monasteries, Convents	1 space per 6 residents, plus 1 space per employee on the largest work shift, plus 1 space per 5 chapel seats if the public may attend services
Nursing Home Other Than Assisted Living Facility	1 space per 6 patient beds, plus 1 space per employee on the largest work shift
Nursing Home Other Than Assisted Living Facility	For apartment dwelling units, 1 space per unit with a minimum of half of the required spaces as enclosed garage spaces. The development shall include a proof of parking area sufficient to meet the parking requirements for apartment buildings in this subsection (F), unless the City Council determines that the development is not likely to be converted to nonage restricted housing in the foreseeable future. Townhouse dwelling units shall comply with the requirements of this subsectal

d. Commercial:

General Standards	Except as specifically designated below: 5 spaces per 1,000 square feet of floor area. Any uses with fleet parking shall require 1 space per company vehicle in addition to the total parking requirement
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Banks	4 spaces per 1,000 square feet of floor area, plus 4 off street stacking spaces per drive-through lane
Car Wash	4 off street stacking spaces per drive-through car wash. The bay inside the car wash shall not be considered a stacking space
Convenience Grocery (with or without gasoline sales)	1 space per 100 square feet of floor area. Spaces at pump island may count toward total parking requirement
Funeral Homes	1 space per 100 square feet of floor area. Spaces at pump island may count toward total parking requirement
Furniture and Applicant Store	1 parking space for each 500 square feet of floor area in the principal structure, plus 1 space per employee on the largest work shift
Gas Station (No Convenience Grocery)	1 space per pump plus 1 space per employee. With service garage, include 3 additional spaces per service bay. Parking areas at the pump islands may be counted as parking spaces
Grocery or Supermarket	6 spaces per 1,000 square feet of gross floor area
Hotel or Motel	1 space per room or suite, plus 1 space per employee on the largest work shift, plus 1 space per 3 persons to the maximum occupancy load of each public meeting and/or assembly room, plus 50 percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
Ministorage	1 parking space for each 50 storage units, evenly distributed throughout storage area; and 1 parking space for every 100 storage compartments must be located at the manager's office for the use of visitors
Outdoor Storage and/or Display	1 space per 2,000 square feet of outdoor storage or display area in

of Retail Merchandise	addition to the total parking required on the site for the individual use
Personal Service	2 spaces per operator
Private Clubs	1 space per 3 persons to the maximum capacity of the facility plus 1 per employee on the largest work shift
Repair Services	1 space per 300 square feet of floor area, plus 1 space per employee on the largest work shift
Restaurant - Accessory	For restaurants that are proposed to be located within an existing shopping center, office or other multiple occupancy building, 0.5 space per the number of patrons at maximum occupancy load of the restaurant, plus 1 space per 100 square feet of floor area or 1 space per 3 patron seats, whichever is greater, plus 1 space per employee on the largest work shift
Restaurant - Fast Food	1 space per 50 square feet of floor area, plus 1 space per employee on the largest work shift, plus 6 off street stacking spaces per drive-through lane
Restaurant - Standard	1 space per 3 patron seats or 1 space per 100 square feet of floor area whichever is greater, plus 1 space per employee on
Taverns, Dance Halls, Nightclubs and Lounges	1 space per 50 square feet of floor area, plus 1 space per employee on the largest work shift
Vehicle Repair and Maintenance Services	1 space per 800 square feet of floor area, plus 1 space per employee on the largest work shift

e. Shopping Center:

1 - 49,999 square feet	Minimum of 5.5 spaces with a maximum of 6 spaces per 1,000 square feet of floor area
50,000 - 100,000 square feet	Minimum of 4 spaces with a maximum of 4.5 spaces per 1,000 square feet of floor area

100,001 square feet and large	Minimum of 4.5 spaces, with a maximum of 5 spaces per 1,000 square feet of floor area
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f. Office:

Office Building and Professional Offices	
Less than 6,000 square feet of floor area	Minimum of 5 spaces, with a maximum of 5.5 spaces per 1,000 square feet of floor area
6,001 square feet or more of floor area	Minimum of 3.5 spaces, with a maximum of 4 spaces per 1,000 square feet of floor area
Medical Offices	6 spaces per 1,000 square feet of floor area
Veterinary Clinic/Hospital	3 spaces per 1,000 square feet of floor area
Medical Marijuana Distribution Facility	3 spaces per 1,000 square feet of floor area

g. Industrial:

General Standard	Minimum of 1 space per 500 square feet of gross floor area, plus 1 additional off-street parking space for each 2,500 square feet of outside storage area. Any uses with fleet parking shall require 1 space per company vehicle in addition to the total parking requirement
Call Center	1 space per employee on the largest work shift
Data Center	1 space per employee on the largest work shift
Manufacturing Use	4 off street parking spaces, plus 1 additional space per each 800 square feet of floor area. 1 additional off street parking space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage

Recycling Centers	1 space per 10,000 square feet of land area, plus 1 space per employee on the largest work shift
Truck Terminals	1 space per employee on the largest work shift, plus 1 space per truck normally parked on the premises, plus 1 space per 3 patrons to the maximum capacity
Warehouse over 15,001 square feet of floor area, storage handling of bulk goods	1 space per 2,000 square feet of floor area
Warehouse under 15,000 square feet	1 space for each 500 square feet of floor area

h. Institutional:

General Standard	1 space per 3 patrons at the maximum occupancy load, plus 1 space per employee on the largest work shift, plus 1 space per fleet vehicle
Camps, Day or Youth	1 space per employee on the largest work shift, plus 1 space per camp vehicle normally parked on the premises
Cemetery	1 space per employee
Community and Recreation Center	1 space per 250 square feet of floor area, or 1 space per 4 patrons at the maximum occupancy load, whichever is greater, plus 1 space per employee on the largest work shift
Hospital	2 spaces per 3 patient beds
Libraries and Museums	1 space per 300 square feet of gross floor area
Religious Institution	1 space per 3 seats of maximum capacity or for institutions without fixed seating, 1 space per 3 persons at the maximum occupancy load
Elementary and Junior High School	1 space per staff member on the largest shift, plus 1 space per 2 classrooms
Senior High School	1 space per staff member on the largest shift, plus 1 space per 5 students

College or Trade School	1 space per staff member on the largest shift, plus 1 space per 2 students of the largest class attendance period
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i. Recreational:

General Standards	1 space per 4 patrons at the maximum occupancy load
Bowling Alley	5 spaces per lane, plus 1 space per employee on the largest work shift
Golf Courses	5 spaces per green, plus 1 space per employee on the largest shift, plus 50 percent of the spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Golf Driving Range	1 space per tee, plus 1 space per employee on the largest work shift
Health Clubs and Athletic Facilities	1/2 space per the number of patrons at maximum occupancy load of the indoor areas, plus 1 space per 500 square feet of designated outdoor activity space, plus 1 space per employee on the largest work shift
Marina	2 spaces per boat slip, plus 1 space per employee. Marinas with launch ramps shall require additional parking consistent with City and DNR approvals which depend upon the size of the facility allowed
Miniature Golf	1.5 spaces per hole, plus 1 space per employee on the largest work shift
Pool Hall and Arcades	1 space per 4 patrons at the maximum occupancy load of the facility, plus 1 space per employee on the largest work shift, plus 1 space per 100 square feet of kitchen, dining, or snack bar area
Skating Rink, Ice or Roller	1 space per 300 square feet of floor area, plus 1 space per employee on the largest work shift

Sports Performance Training Center	1 space per 250 square feet of activity area or 1 space per 4 patrons at the maximum occupancy load, whichever is greater, plus 1 space per employee on the maximum work shift
Swimming Facility	1 space per 75 square feet of water area, plus 1 space per employee on the largest shift
Tennis, Racquetball, Handball Courts	4 spaces per court, plus 1 space per employee on the largest work shift
Theater	1 space per 4 patrons at the maximum occupancy load of the facility inclusive of both indoor and outdoor capacity, plus 1 space per employee on the largest work shift

7. Joint Parking Facilities: Required parking facilities serving 2 or more uses may be located on the same lot or in the same structure except in R-1 Districts provided that the total number of parking spaces furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is used at the same time by 2 or more uses. The Development Review Committee (DRC) may approve a reduction to the number of parking spaces required for joint use facilities provided the applicant can demonstrate through site specific analysis and/or documented parking studies that less parking demand will be generated. Conditions required for joint use are:
- The proposed joint parking space is within 400 feet of the use it will serve.
 - The applicant shall show that there is not substantial conflict in the principal operating hours of the 2 or more buildings or uses for which joint use of off street parking facilities is proposed.
 - A deed restriction or properly drawn legal instrument for joint use of off-street parking facilities shall be executed by all parties, be in a form acceptable to the City Attorney, and be filed in the Recorder's Office of Dakota County.
 - In lieu of a deed restriction or other legal instrument, an application for conditional use permit (CUP) or planned unit development (PUD) shall be submitted to the city and if approved, said CUP or PUD will be filed on all affected properties.
8. Off Premises Parking Facilities: Off premises parking facilities, as a principal use of the property, are allowed in B-3 and B-4 Districts or by PUD. When an off premises parking lot is used in conjunction with the required parking and/or a principal use, the City shall require the owner to maintain the required number of off street parking spaces during the existence of said principal use. No such parking facility at its closest point shall be located more than 100 feet from the site of the principal use nor more than 400 feet from the principal building on the site. Setbacks

for off premises parking lots shall be consistent with setbacks for parking in that district and the total amount of landscaped green area shall also comply with green space area percentages in that district as well.

9. Proof Of Parking: In order to accomplish the Comprehensive Plan's goal of reducing the construction of unnecessary impervious surface, the City may allow reductions in the number of required parking spaces to be installed under one or more of the following circumstances:

- a. The facility is served by mass transit and/or has an organized Car Pool or Vanpool Program; or

- b. The unique characteristics of the proposed use are such that it will generate a need for less parking than the ordinance standard.

All requests for reductions in the amount of required parking to be installed shall be accompanied by a site plan showing where the total required parking spaces can be added on the lot, if necessary, up to the total amount required by the ordinance, without requiring a variance.

10. Parking Ramps: Parking ramps are permitted uses in B-3 and B-4 Commercial Zoning Districts and in all Industrial Zoning Districts. Parking ramps shall comply with the setback requirements for principal structures. Structure design and exterior facade building materials shall be compatible with the surrounding buildings. The city encourages parking ramps in order to reduce large spans of surface parking, to provide additional landscaped areas, and to promote efficient and maximum use of the property.

- a. Parking ramps or enclosed parking lots shall be periodically inspected and maintained by the owner so as to ensure structural integrity and public safety.

- b. Lighting of the interior of the ramp or structure shall meet current standards for parking facilities, and exterior lighting shall comply with city-adopted photometric and glare control requirements.

- c. All ramps and enclosed parking lots shall be in compliance with the Minnesota state fire code and building code regulations. Fire suppression equipment shall include a phone or push button or sound activated alarm on each floor of the parking facility. Such equipment shall be strategically located, visibly marked and be handicapped accessible.

- d. All facilities shall be maintained in a clean and sanitary manner, including the removal of all hazardous and nonhazardous obstacles, so as to avoid the appearance of clutter.

- e. Proper maintenance is essential to security. Therefore, management shall be responsible for checking for abandoned vehicles, or the storage of items such as off season equipment, construction materials, crates or other materials, and the removal of these material.

11. Use Of Parking Area:

- a. Prohibited Uses: Required off street parking space in all zoning districts shall not be used for open storage, or sale of goods, or for the storage of vehicles which are inoperable, for lease, rent or sale, or the stockpiling of snow, debris, or materials. Temporary snow storage is permitted provided a snow removal plan is approved by the City.

- b. Limitations: Off street parking in R-1 One-Family Residential, R-1A One Family Rural Residential, R-2 Two Family Residential, and R-3 Medium Density Residential, R-4 High Density Residential and R-5 Manufactured Housing Districts shall be limited to the following:
 - (1) The use of persons residing on the premises and their visitors.
 - (2) The number of passenger vehicles may not exceed the number that can be garaged and parked off street on driveways.
 - (3) One (1) commercially licensed vehicle of 22 feet or less in length shall be allowed if used by the resident for transportation to their job on a daily basis.
 - (4) The parking and storage of recreational vehicles as regulated by the standards under section 7-1-8 of this chapter.
 - (5) Parking not in compliance with standards in subsections (K)2a through (K)2d of this section may be allowed only by conditional use permit. Under no circumstances shall parking facilities accessory to residential structures be used for open air storage of commercial vehicles.
- c. Parking And Storage Of Certain Vehicles: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Any person guilty of violating this provision shall be guilty of a petty misdemeanor.
 - (1) Automotive vehicles or trailers of any kind or type shall not be parked or stored on any area that is not surfaced with concrete, bituminous, pavers, or pervious paving/paver systems. Parking is prohibited on other materials such as grass, sod, decorative rock, gravel, sand, or bare soil.
 - (A) Trailers and camping vehicles may be parked or stored in a residential district in accordance with section 10-9-8 (C) of this Chapter.
 - (2) The property owner or registered owner of the vehicle or trailer shall be held responsible for parking violations that occur in R residential districts.
- B. Off Street Loading Any of the following uses with a gross floor area of six thousand (6,000) square feet or more which requires deliveries or shipments must provide off street loading facilities in accordance with the requirements specified below unless a conditional use permit is granted:
 - 1. Every retail establishment, industrial or manufacturing use, warehouse, wholesale use, freight terminal, railroad yard, hospital or sanatorium having a gross floor area of six thousand (6,000) square feet or more shall provide off street loading facilities as follows:

Gross Floor Area In Square Feet	Number of Berths
6,000 - 24,999	1

25,000 - 74,999	2
75,000 - 150,000	3

For each additional one hundred thousand (100,000) square feet (or fraction thereof) of gross floor area, one additional space shall be provided.

2. Public places of assembly uses, such as auditoriums, convention halls, exhibition halls, stadiums or sports arenas, with a gross floor area of greater than one hundred thousand (100,000) square feet shall provide a minimum of one off street loading space.
3. Welfare institutions, funeral homes, restaurants and hotels with a gross floor area of greater than thirty thousand (30,000) square feet and offices with a gross floor area of one hundred thousand (100,000) square feet or more shall provide a minimum of one off street loading space.
4. Off street loading space shall be at least ten feet by twenty five feet (10' x 25'), excluding area for maneuvering vehicles.
5. At no time shall any part of a truck or van be allowed to extend into the right of way of a public street while the truck or van is being loaded or unloaded.
6. Whenever loading and service areas are adjacent to or across the street from residential uses, interior parking lot circulation shall be arranged in such a way as to route service vehicle traffic away from residential uses.
7. All loading and service areas shall meet screening requirements of section 10-9-8 of this chapter.

C. Traffic Control

1. Traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas.
2. Traffic into and out of all business and industrial uses or areas shall be forward moving with no backing onto streets or pedestrianways.
3. No access drive to any lot shall be located within twenty feet (20') of any two (2) intersecting street right-of-way lines.
4. A traffic study shall be required under any of the following conditions as directed by the City Engineer:
 - a. A development proposal that generates traffic beyond the existing traffic level and results in more than one hundred (100) trips in any peak hour and is within one-half (1/2) mile of a roadway or intersection with a level of service E or F as determined by the City Engineer.
 - b. A development proposal that generates two hundred fifty (250) trips in the peak hour and/or two thousand five hundred (2,500) trips daily.
 - c. The City Engineer determines a traffic study is necessary to identify potential traffic conflicts or safety impacts.

D. Emergency Vehicle Access

1. Purpose: The purpose of this section is to facilitate the rapid and effective extinguishment of fires and the provision of emergency services by ensuring that all premises that the Fire Department and other emergency public rescue and other safety departments are called upon to protect will be readily accessible for

effective emergency service operations.

2. Required; Exceptions: Every use permitted by this title shall provide access for fire vehicles and emergency apparatus from a public street, except structures with less than three (3) dwellings. Emergency access shall be provided as required by the Burnsville Fire Code and regulations adopted by the City.
3. Fire Lane Standards: A fire lane shall comply with the following standards:
 - a. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.
 - b. Signs prohibiting parking or standing of motor vehicles shall be required.
 - c. Fire lanes shall be at least twenty feet (20') in width. The Fire Chief shall have the authority to require additional width in order to ensure adequate fire or rescue operation.
4. Alternatives To Fire Access Roadways And Fire Lanes: The requirements for fire access roadways and fire lanes may be modified when an approved fire protection system or systems, as defined by the Burnsville Fire Code, are installed if, in the opinion of the Fire Chief, firefighting and rescue operations are not impaired.

10-9-11 : Height Limitations

- A. Height limitations specified elsewhere in this title may be increased fifty percent (50%) when applied to the following structures:
 1. Belfries.
 2. Chimneys.
 3. Church spires.
 4. Cooling towers.
 5. Cupolas and domes which do not contain usable space.
 6. Elevator penthouses.
 7. Fire and hose towers.
 8. Monuments.
 9. Observation towers.
 10. Smokestacks.
 11. Water towers.
- B. Height in excess of those allowed under this section and other sections shall be by conditional use permit.
- C. On any buildable lot situated downhill from the curb line elevation of the adjacent street, the average curb line elevation shall be used in the application of the height limitation provisions of this title.
- D. In the case of any proposal to construct or alter a structure two hundred feet (200') or greater in height (above ground level of the site), or any proposal to construct or alter a structure to a height greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the runway of a public airport, the applicant will notify the commissioner of the Minnesota department of transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the City. The applicant will provide the City Planner with any comments received from the commissioner of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any Federal permit and

review process which may be simultaneously required.

10-9-12 : Incidental Accessory Use Permits

A. Application: Any incidental accessory use of a structure requires prior City review of the health and safety aspects of the temporary use. Applicants must supply information concerning:

1. The type of event.
2. Date/times of events.
3. The number of expected persons attending the event.
4. A plan or plans detailing:
 - a. Fire exits and equipment for the building.
 - b. Restroom facilities.
 - c. Available on site and off site parking.
 - d. Square footage of building and proposed uses.
5. Indication if beer/wine, or liquor will be served or allowed on site.
6. Current contact information.

No fee shall be charged for the permit or review. The permit may restrict the numbers of persons that may use the structure or facilities for the proposed temporary use based on the number/availability of restrooms, building exits, maximum occupants, and/or parking. All trash related to the incidental accessory use must be removed within forty eight (48) hours of the end date of the permit.

B. Parking: The parking required for the incidental accessory use shall be consistent with the requirements of Section 10-7-10 of this chapter for number of stalls required for the temporary use proposed. If adequate parking is not available entirely on site, then shared parking for properties within one hundred feet (100') of the lot may be considered. Written approval from the property owners sharing their parking must be provided. On street parking is not allowed to count toward required parking for the temporary use.

C. Duration: Incidental accessory use permits are valid only for the dates/time set forth in the permit up to three (3) consecutive days (72 hours) for one permit. No more than three (3) permits may be issued for one property during the calendar year. Permits issued throughout the year must be at least thirty (30) days apart.

D. Revocation Or Denial: Violation of the terms and conditions of any permit constitute a violation of the zoning code and may be the basis for revocation of any permit or the denial of future permits for the property or applicant.

10-9-13 : Landscape Requirements

A. Purpose and Intent: The purpose of this chapter is to clearly express the city's intent for all properties to be landscaped and maintained with great care. Properties will be landscaped to express sensitivity to environmental conditions as well as the aesthetic needs of the general public.

1. The requirements of this chapter are intended to guide landscaping within commercial, industrial and residential zoning districts. All plantings installed by property owners in addition to the standards required by this chapter do not need to comply with plant size specifications.
2. All landscaping must be designed to add visual beauty to the property and provide a high level of aesthetic value. The quantity and quality of the design should be

compatible with each zoning district and the intended use of the property. Landscaping shall also be consistent with areas which have established unique design concepts, patterns, and any applicable overlay districts.

3. All new development or full redevelopment of a site must comply with the landscape requirements of this chapter and must incorporate sustainable landscape elements in the planting design, including but not limited to xeriscaping, use of native species, rain gardens/bioretention systems, green rooftops, lakescaping, and aesthetic design elements such as public art, fountains, plazas, and front yard or entrance landscaping.
 4. The preservation of desirable vegetation is a goal which should be addressed prior to the vegetation removal for grading, construction and/or expansion of an existing use.
- B. General Landscape Requirements: General requirements shall apply to all zoning districts and include the following:
1. Landscape Plan: Prior to the commencement of turf removal, digging, grading or planting, a landscape plan shall be submitted to the City providing all information required in this chapter. Color renderings that are drawn to scale shall be provided illustrating the appearance of landscaping and screening at the time of installation. All underground and overhead utilities and other mechanical equipment must be shown on the plan. The contractor is responsible for all damage, repairs and delay of service as a result of damage to any above or below ground utilities.
 2. Areas Disturbed By Grading: All areas disturbed by grading which are not built upon, paved or retained as a natural area shall be sodded, hydroseeded, and/or landscaped, unless specifically approved as part of the overall landscape plan. The provisions of Section 10-8-1, "Controlling Erosion And Sediment From Land Disturbing Activities", of this Title shall also apply.
 3. Nursery Stock Sizing: The following nursery stock standards shall be required at the time of planting. All measurements shall conform to the standards set forth in the current edition of the "American Standard for Nursery Stock". Larger plants may be used or specified at any time. Trunk diameter shall be measured 6 inches above ground level for 4 inch caliper trees or less and measured 12 inches above ground level for 4 inch caliper trees or more.

	Potted	Balled and Burlapped
Overstory (Shade) Trees	2 1/2 inch diameter	2 1/2 inch diameter
Ornamental Trees	6 to 7 feet	2 inch diameter
Evergreen Trees		6 feet
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3 to 4 feet	3 to 4 feet
Low Shrubs, Deciduous	18 to 24 inches	24 to 30 inches
Evergreen	18 to 24 inches	24 to 30 inches

Spreading Evergreens	18 to 24 inches	18 to 24 inches
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- 4. Prohibited Species: Prohibited species that shall not be planted within the City are identified in the Burnsville woodland protection and evaluation packet.
- 5. Topsoil: When topsoil or planting soil is required, the soil is to have a pH range of 5.00 to 8.00 unless otherwise specified. All soil is to be decompacted and free of sticks, stones, and other debris. Soil is to contain no less than 5 percent organic compost and 25 percent sand. For planting of shrubs, perennials, and ornamental grass, a minimum depth of 6 inches of topsoil is to be placed on the affected areas prior to installation. For establishment of turf, a minimum depth of 4 inches of topsoil is to be placed on the affected areas prior to installation of sod or seed.
- 6. Planting Schedules: All plants to be installed shall be identified and approved by the City prior to installation. Plants shall be identified by a planting schedule which includes:
 - a. Quantity of plants to be installed,
 - b. Common name,
 - c. Botanical name,
 - d. Plant size at installation and at full growth,
 - e. Root type (balled and burlapped, container).
- 7. Plant Location:
 - a. No plants except for flowers, ground covers, or vines shall be placed within 2 feet of any building, driveway or parking area unless specifically noted on the landscape plan.
 - b. Trees shall be planted at least 5 feet from the property line.
 - c. The landscape and screening location requirements of this chapter may be modified where existing conditions such as easements, underground pipelines or other circumstance would not allow required landscaping or screening to be installed. In these cases, the required plant or screening materials may be installed elsewhere on site as approved by the Development Review Committee (DRC).
- 8. Staking Of Trees: The owner is responsible for keeping trees in a plumb position. When staking or guying is required, it shall occur so as not to create any hazards or unsightly obstacles. All wires shall be encased in hose to prevent tree damage.
- 9. Plant Hardiness: All plants specified and installed must be nursery grown and identified as hardy plants which are appropriate for all seasonal conditions. Plants must be sound, healthy, vigorous, and free of disease, insect eggs and larvae.
- 10. Plant Diversity: To promote plant diversity in areas of a site where landscaping is proposed, no single variety of plants may constitute more than 25 percent of the plant materials, and the complement of plants used is to provide year-round visual interest. The 25 percent diversity provision does not apply to sod, turf grass, hedges, or wetlands and lake buffers that are subject to other standards in this title.
- 11. Pervious Pavement Systems: In lieu of sod, seed, or other plant materials, pervious pavement systems may be installed up to a maximum of 10 percent of the required green space standard for each zoning district subject to:
 - a. The applicant shall demonstrate to the satisfaction of the Development Review Committee (DRC) that proposed construction techniques, materials,

soil conditions and the location and proposed use of said systems are appropriate for the specific site conditions, and

- b. The landowner shall enter into a maintenance agreement with the City. If the applicant and the Development Review Committee (DRC) cannot agree on the proposed pervious pavement system, the applicant shall be required to make an application for a conditional use permit (CUP) for approval to use the system.

12. Irrigation Requirements: All properties abutting or across the street from Residential Districts and uses shall provide inground irrigation systems to all landscaped and vegetated screening areas.
13. Irrigation Controls: Where irrigation systems are installed, said systems shall have water sensor devices to avoid overwatering and timing devices to ensure irrigation is conducted during the hours permitted by the City watering restriction requirements.
14. Coverage: All landscaped areas shall contain sod, be seeded or defined as a landscape planting bed with approved native vegetation, ground covers, gardens, shrubbery and trees with a mulch cover, water features, or koi ponds.
15. Maintenance: All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size by the property owner. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
 - a. The owner shall be responsible for establishing and maintaining turf grass or sod on all maintained portions of the property within 10 days of the date of occupancy, or by June 18, if occupancy takes place between September 1 and May 31.
 - b. Replacement of landscape materials, plantings and screening shall be consistent with the original landscape/screen design or as approved by the City.
 - c. All repair or replacement shall be done within 45 days of written notification from the City.
 - d. The responsibility for tree and plant growth and maintenance rests upon the property owner.

C. Guarantees And Securities:

1. Guarantee: The owner shall guarantee the growth and maintenance of all plants for a minimum of two (2) growing seasons. The guarantee will be reduced to a one year guarantee if all green areas are properly irrigated with an inground irrigation system. The owner is responsible for contacting the City for a landscape installation inspection of all plantings. The guarantee period will not begin until the landscape installation inspection has occurred and the plantings conform to the approved landscape plan. At the end of the guarantee period, the owner is responsible to contact the City for a final landscape inspection. All plants must be alive and installed per the approved landscape plan. Failure to do so may result in the withdrawal of any or all necessary funds from the letter of credit or cash security by the City to finance the completion of the required landscaping.
2. Letter Of Credit, Cash Security: Prior to the issuance of a building permit, the owner

shall supply the City with a letter of credit or cash security in an amount not less than one hundred percent (100%) of the total estimated landscaped value. At the request of the City, the owner shall supply the installing contractor's official bid as verification for establishing the amount of security. At the owner's discretion, sodding costs may be estimated and secured as part of the letter of credit for erosion control. The security will be held by the city to ensure landscaping is installed as shown on the approved landscape plan and that plant materials survive the guarantee period. Provided landscaping is alive per the approved plan, the security will be returned to the owner at the end of the required guarantee period.

3. Security For Single-Family And Twin Home Lots: Before a building permit is issued for a single-family home or twin home, for a remodeling of a single-family home or twin home that changes the footprint of the home, or for an accessory structure, a cash security or letter of credit in an amount to be set by city policy 2.050, shall be furnished to the city to guarantee compliance with the landscaping (including tree planting) requirements for the lot. A final certificate of occupancy will not be issued until the required landscaping and trees are installed. In the event the landscaping and tree planting is not completed, the city may enter the lot, perform the work and apply the cash security toward the cost. Upon satisfactory completion of the landscaping and tree planting, the security funds, without interest, less any draw made by the

city, shall be returned to the person who deposited the funds with the city.

D. Grading Permit: Any earthwork shall comply with Section 10-10-7 of this title.

E. Erosion Control Guarantee: Prior to the issuance of a grading, filling, or excavation permit, the owner shall supply the city with all necessary information regarding erosion control measures and security in an amount to be set by City Policy Number

2.050. Upon the completion of the project and the determination that all erodible areas have been adequately stabilized, the erosion control escrow, without interest, less any draw made by the city, shall be released to the person who deposited the funds with the city.

If the applicant fails to comply with the approved erosion control plan, or in the event of an emergency, the city may take such action as it deems appropriate to control erosion and charge the costs to the applicant. If the applicant does not reimburse the city for any cost incurred for such work to remedy erosion concerns within ten (10) days, the city may draw down the required cash escrow to pay the costs

F. Landscaping Requirements In Residential Districts:

1. R-1, R-1A And R-2 Residential Districts:

- a. Required Landscaping:

- (1) All front yards, boulevards and side yards to the rear of the structure shall have sod, hydroseeding, or landscaping with mulch cover properly installed within ten (10) days, weather permitting, of the date of occupancy, or by June 18 if occupancy takes place between September 1 and May 31. During winter conditions, when plants cannot be installed due to weather, the city will issue a temporary certificate of occupancy and specify a date for landscaping to be installed during the growing season.

- (2) All erosion control measures shall be installed and maintained pursuant to Section 10-8-1 of this title.

- (3) Two (2) trees per interior lot or 4 trees per corner or through lot shall be installed, in the front yard or side yard if facing a street, concurrently with sodding requirements.
- (4) Each lot shall have one overstory tree and either one ornamental tree or evergreen tree within each yard abutting a street. The lot may have 2 overstory trees within each yard abutting a street as long as they are not identical species. This provision may be waived if existing trees meet the requirements of this section and are shown on the certificate of survey.
- (5) All trees shall be planted on private property at least 5 feet from the property line. All required trees shall be in the front yard or, on a corner lot, they may be located in either the front or street side yard area. On a cul-de-sac lot one may be located in the side yard area.
- (6) In subdivision planting, not less than 2 species of trees shall be planted in any block and not less than 20 percent nor more than 50 percent of the total trees planted in a block may be of the same species. (Ord. 1353, 9-8-2015)

2. MIX, Mixed Use, R-3 Medium Density And R-4 High Density Residential Standards:

- a. At least 50 percent of the total site area shall be landscaped. For the purpose of this section, landscaping may also include prairies, wetlands, woodlands, ponds, pervious outdoor play areas, outdoor tennis courts, and outdoor swimming pools. Woodland areas shall not be decreased below the woodland removal threshold (established in Section 10-8-1(H) of this Title) and reforested off site, and wetland areas shall not be filled and mitigated off site, in order to comply with the landscape area requirement.
- b. All maintained/manicured landscaped areas shall have inground irrigation systems.

3. R-5 Manufactured Homing District:

- a. All areas which are not occupied by the manufactured home site, driveway, parking area, patio or deck area, shall be landscaped or sodded.
- b. A buffer yard of not less than 30 feet in width shall be sodded and landscaped with approved ground cover, shrubbery and trees around the perimeter of the manufactured home park. This buffer yard shall be maintained by the owner of the manufactured home park.

G. Landscaping Requirements In Multiple-Family Residential, Business, Mixed Use And Industrial Districts

1. General Requirements: General requirements that shall apply in all multiple-family residential, business, mixed use and industrial districts include the following:
 - a. Open Area: for the purpose of calculating the required plant diversity in Section 10-9-13 (1)a of this chapter open area shall be the lot area with the following deductions.
 - (1) Storm water ponds:
 - (2) Wetlands:
 - (3) Utility easements containing pipelines or overhead transmission where the planting of trees/shrubs may interfere with the operation

- or maintenance of the in-place utility.
- (4) Steep slopes: slopes having a grades exceeding twelve percent (12%).
- (5) Woodland preservation areas. Areas contain significant tree masses which are in a tree preservation area. Tree preservation areas will be calculated by drawing geometric figure along the edge of the tree canopies of a significant tree preservation area.
- (6) Buildings, parking areas, loading areas sidewalks and other impervious surface.
- b. Plant Diversity: In addition to the twenty five percent (25%) plant diversity requirement, the landscape plan design shall, at a minimum, provide at least three (3) of the following required numbers of trees and shrubs:
 - (1) One overstory tree per three thousand (3,000) square feet of open area.
 - (2) One ornamental tree per one thousand five hundred (1,500) square feet of open space.
 - (3) One evergreen tree per three thousand (3,000) square feet of open area.
 - (4) One deciduous or evergreen shrub per one hundred (100) square feet of open area.
- c. Building Perimeter Landscaping:
 - (1) Multiple Family, Office, Clinic, Daycare, Restaurants and Industrial Uses: At least fifty percent (50%) of the total building perimeter shall be sodded or landscaped with an approved ground cover, shrubbery, and trees in an area of no less than six (6') feet in width. A reduction in the percent of building perimeter landscaping may be allowed with the provision of alternative landscape option; Aesthetic Design in accordance with Section 10-9-13(3)f of this ordinance located within ten (10') feet of the building wall. Multi-tenant Commercial Retail, Retail On-Site Service
 - (2) Businesses and Shopping Center uses: At least thirty percent (30%) of the total building perimeter shall be sodded or landscaped with an approved ground cover, shrubbery and trees in an area of no less than six (6') feet in width. A reduction in the percent of building perimeter landscaping may be allowed with the provision of alternative landscape option; Aesthetic Design in accordance with Section 10-9-13(3)f of this chapter.
- d. Heat Island Reduction: To minimize impact on microclimate, human and wildlife habitat, shading of parking lots is required. At least one overstory tree shall be planted for every ten (10) parking stalls on site. To satisfy this requirement trees must be located at least four feet (4') and within ten feet (10') of a curb adjacent to any internal parking or drive area. Said trees shall count toward meeting the overall site green space and landscaping requirements identified by this chapter for the underlying zoning district.
- e. Buffer Yards:
 - (1) Buffer Yard Location: Where any business or industrial use

(i.e., structure, parking or storage) abuts a residential zone or use, such business or industry shall provide a buffer yard and screening along the boundary of the residential property. The buffer area and screening shall also be provided where a business or industry is across the street from a residential zone or use, but not on that side of a business or industry considered to be the front as defined by the city.

- (2) Buffer Yard Design: Except in areas of steep slopes or where natural vegetation is acceptable, as approved by the city, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer to the following heights:

(A) Plantings: All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the city. Trees and shrubs planted in a buffer yard shall count toward meeting the overall site tree/shrub count requirements identified within Section 10-9-13(1)a of this chapter. All plantings within designated buffer yards shall adhere to the following:

- (a) Planting screens shall be fully irrigated, consist of healthy, hardy plants, a minimum of six feet (6') in height and designed to provide year round visual obstruction of the item(s) to be screened pursuant to Section 10-9-21 of this title.
- (b) Plant material centers shall not be located closer than five feet (5') from the fence line and property line, and shall not conflict with public plantings, sidewalks, trails, etc.
- (c) Landscape screen plant material shall be in two (2) or more rows. Plantings shall be staggered in rows unless otherwise approved by the city.
- (d) Shrubs shall be arranged to lessen the visual gaps between trees. Along arterial streets, all plantings of deciduous trees shall be supplemented with shrubs such that the buffer yard contains a continuous band of plants.
- (e) Deciduous shrubs shall not be planted more than four feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.
- (f) Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted not more than fifteen feet (15') apart.

(B) Walls And Fences: All walls and fences erected within designated buffer yards shall meet the following

conditions:

- (a) A screening fence or wall shall be constructed of attractive, permanent finished materials compatible with those used in construction of the permanent structure. Such screens shall be at least six feet (6') in height and one hundred percent (100%) visual obstruction of the item(s) to be screened pursuant to Section 10-9-21 of this title.
- (b) Fences may be exposed no more than a maximum length of twenty feet (20') between landscaping areas or clusters.
- (c) For interior lots, a gate constructed of the same material as the fence shall be provided in the wall or fence to allow for maintenance of the street side boulevard.
- (d) Fences and landscaping shall not be located within the traffic sight visibility triangle.

(C) Earth Berms: Earth berms shall adhere to the following:

- (a) Except in areas of steep slopes or where other topographic features or physical characteristics will not permit, as determined by the city engineer, an earth berm shall be installed in all designated buffer yards in accordance with the following requirements:
 - A. Berms shall be a minimum of four feet (4') in height.
 - B. The slope of the earth berm shall not exceed a three to one (3:1) slope unless approved by the city engineer.
 - C. The earth berm shall contain no less than four inches (4") of topsoil.

2. Parking Lot Landscaping Requirements: The following shall apply to all new development and redevelopment of parking lots for expansions creating five thousand (5,000) square feet or more of impervious surface or disturbance of one-half (1/2) acre or more of land. Trees and shrubs planted as parking lot landscaping shall count toward meeting the overall site tree/shrub count requirements identified within Section 10-9-13(H)1 of this chapter.

a. Parking Lot Screening: Parking lot screening shall be designed to reduce the visual impact of surface parking lots; mitigate glare from headlights; improve the aesthetic quality of the area for users of the site, adjacent sites, roadways, and sidewalks; and define the perimeter of the parking lot as follows:

- (1) Off Street Parking Containing Six Or More Parking Spaces:
Between those portions of an off street parking area containing six (6) or more parking spaces and a different zoning district or a

public street.

(2) Waiver: Parking lot screening requirements may be waived in circumstances where perimeter screening is provided or where the elevation of the parking area relative to the elevation of the street and sidewalk would make the screening ineffectual as determined by the development review committee (DRC).

(3) Exemption For Display Pads: Items approved by the city council for display on designated display pads are exempt from parking lot screening standards. This exemption shall only apply to items oriented toward the public right of way and not adjacent properties. Display pads shall be physically separated from parking lots and drive aisles and shall comply with the applicable district's parking setback requirements.

(4) Parking Lot Screening Standards:

(A) Parking lot screening must be provided within ten feet (10') of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretention systems, other landscape features, or where the traffic sight visibility triangle may be impacted.

(B) Parking lot screening shall be a minimum of three feet (3') and a maximum of four feet (4') in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2') tall at planting and anticipated to grow to at least three feet (3') tall at maturity.

(C) No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

(D) Screening for a parking lot may be comprised of one hundred percent (100%) evergreen planting materials.

(5) Content: Parking lot screening must consist of at least two (2) of the following:

(A) A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;

(B) A berm with plantings described above;

(C) Transit shelters, benches, bicycle racks and similar features may be integrated as a part of the screen;

(D) Fencing may be integrated as part of the screen. All wood fencing will be stained and sealed with a weatherproof product.

b. Parking Island Design: Off-street parking areas with at least twenty-five (25) parking stalls must include interior landscaped islands. Such islands must be bounded by a raised concrete curb or approved equivalent and must include mulch (wood, bark, or decorative rock) or turf grass to retain soil moisture. This provision does not apply to parking structures. The

standards for landscape islands are as follows:

- (1) Landscape parking lot islands are required at the beginning and end of each parking row and must contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9').
- (2) A minimum of one overstory tree is required for each island. This provision may be waived for islands utilized for stormwater management or other utility or safety issues as determined by the city engineer.
- (3) Shrubs, perennials or ornamental grass must be incorporated in each landscaped island.
- (4) Islands must be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient and moisture retention levels for the establishment of plantings.
- (5) All perimeter and interior landscaped areas in parking lots must be equipped with a permanent irrigation system, unless drought tolerant plant materials are used exclusively. Where drought tolerant plant materials are used, irrigation is required only for the two (2) year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

3. Alternative Landscape Options: The city encourages the use of special design features such as xeriscaping; rain gardens/bioretention systems; landscaping with native species; green rooftops; heat island reduction; and aesthetic design. All site development and redevelopment must include two (2) of the following alternative landscape options:

- a. Xeriscaping: Xeriscaping is landscaping which uses plants that have low water requirements, making them able to withstand extended periods of drought. Xeriscaping landscapes are a conscious attempt to develop plantings which are compatible with the environment and make a conscious effort to minimize use of water.
- b. Rain Gardens/Bioretention Systems: Bioretention systems can be described as shallow, landscaped depressions commonly located in parking lot islands or within areas that receive stormwater runoff. For credit under this section, the rain garden/bioretention system shall be above ground and a visible part of the green or landscaped area. Stormwater flows into the bioretention area, ponds on the surface, and gradually infiltrates into the soil bed. Pollutants are removed by a number of processes including absorption, filtration, volatilization, ion exchange, and decomposition. Filtered runoff can either be allowed to infiltrate into the surrounding soil (functioning as an infiltration basin or rainwater garden), or discharged to the storm sewer or directly to receiving waters (functioning like a surface filter). The use of under drain systems are discouraged unless where infiltration is prohibited by the water resources management plan. Runoff from larger storms is generally diverted past the area to the storm drain system.
- c. Lakescaping: To preserve or restore the natural buffer along a shoreline. The buffer will be at least thirty feet (30') wide and be

planted with native grasses and species of flowering plants.

- d. Landscaping With Native Species: Fifty percent (50%) of the plantings used in the landscape plan shall be of native plant communities of Burnsville on file with the City and approved by the Development Review Committee (DRC). These plant communities include:

- (1) Upland deciduous forest: Oak forest, maple basswood forest, white pine hardwood forest, black ash swamp, and tamarack swamp.
- (2) Brush prairie: Dry oak savannah, oak woodland-brushland.
- (3) Oak openings and barrens: Dry oak savannah, oak forest.

- e. Green Rooftops: Green rooftops are veneers of living vegetation installed atop buildings, from small garages to large industrial structures. Green rooftops help manage stormwater by mimicking a variety of hydrologic processes normally associated with open space. Plants capture rainwater on their foliage and absorb it in their root zone, encouraging evapotranspiration and preventing much stormwater from ever entering runoff streams. What water does leave the roof is slowed and kept cooler, a benefit for downstream water bodies. Green roofs are especially effective in controlling intense, short duration storms and have been shown to reduce cumulative annual runoff by fifty percent (50%) in temperate climates.

- f. Aesthetic Design: Sites are to be designed to include three (3) of the following: public art, fountains, plazas, perennial beds, entrance landscaping, or other amenities reviewed and approved by the Development Review Committee (DRC).

- 4. Compliance: If the applicant and the Development Review Committee (DRC) cannot agree on the proposed landscaping design, the applicant is required to make an application for a conditional use permit to prove compatibility.

- a. A reduction of the perimeter landscaping requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

H. Landscaping Requirements Specific To Business Districts:

1. B-1 Office Business:

- a. At least thirty percent (30%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least eight percent (8%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- c. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

2. B-2 Neighborhood Business:

- a. At least thirty percent (30%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least eight percent (8%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-4-2 of this title.
- c. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

3. B-3 General Business:

- a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- c. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

4. B-4 Highway Commercial:

- a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

5. CRD Commercial Recreation District:

- a. At least twenty five percent (25%) of the land area shall be landscaped with approved ground cover, shrubbery and trees. Artificial turf or areas of athletic fields that do not allow water to percolate through the soil shall not be counted as part of the required twenty five percent (25%) green space standard.
- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- c. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

6. MIX Mixed Use District: Commercial and mixed use sites in a MIX District shall have:

- a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- c. A reduction of the greenspace requirements for the principal use are allowed for outdoor patios per Section 10-6-8 of this title.

I. Landscaping Requirements Specific To Industrial Districts:

1. I-1 Industrial Park:

- a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.

2. I-2 General Industry:

- a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.

- b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- 3. I-3 Office and Industrial Park:
 - a. At least thirty percent (30%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
 - b. At least eight percent (8%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- 4. GIM Gateway Industrial Medium:
 - a. At least thirty percent (30%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
 - b. At least eight percent (8%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.
- 5. GIH Gateway Industrial Heavy:
 - a. At least twenty five percent (25%) of the land area shall be sodded and landscaped with approved ground cover, shrubbery and trees.
 - b. At least three percent (3%) of the internal parking area shall be landscaped. This area is counted as part of the overall required "green area" as defined in Section 10-3-1 of this title.

10-9-14 : Urban Agriculture And Animals

- A. Existing Farms: All farms currently in existence will be permitted to continue operation subject to the following conditions:
 - 1. Any new private stable or other building in which farm animals are kept shall be set back a minimum distance of one hundred feet (100') from any other lot.
 - 2. Limited sales of products produced on a farm or truck farm/garden may be conducted on the premises. To utilize a roadside stand, such stand shall not exceed twelve feet (12') in height or five hundred (500) square feet in floor area, and no portion of any such stand shall be located or erected nearer than fifty feet (50') to any public right-of-way or adjacent lot line.
- B. Farming Uses In Floodplains: Farming uses are permitted in Federal Emergency Management Agency (FEMA) floodplains subject to the requirements of 10-8-2 of this title.
- C. Community Gardens: Community gardens are permitted in all zoning districts except the CD, Conservancy District, and shall be subject to the following requirements:
 - 1. Use: Community gardens may be the principal or accessory use on a parcel.
 - 2. Excavation: No excavation for the garden shall occur until after the property owner has had all underground utilities located on the site and has clearly marked the area where gardening may occur without disturbance to utilities.
 - 3. Location: Community gardens may not be located within any easement without the property owner obtaining written permission from the easement holder.
 - 4. Signs: One informational sign shall be displayed as regulated by Section 10-12-4 of this title.
 - 5. Accessory Buildings: Accessory buildings for community gardens are not

permitted on vacant parcels. Developed parcels may have accessory buildings as allowed in the underlying zoning district.

6. Fences: Fences are allowed as permitted by Section 10-9-21-1 of this chapter and provided they are made of sturdy, rust resistant woven wire and/or rot resistant wood, are well maintained and neat in appearance.
 7. Trees: No living trees that are two and one-half inches (2.5") or greater in caliper shall be removed for the community garden.
 8. Parking: Parking for the garden shall be provided on streets where parking is permitted or on an existing parking surface with the written permission of the owner of the parking surface.
 9. Private Trash And Recycling Containers: Private trash containers may be placed on site provided they meet accessory structure setbacks for the underlying zoning district and are one hundred percent (100%) screened by a solid fence, wall, berm or densely planted evergreen vegetation of sufficient height to screen the containers from view from adjacent properties and right-of-way. All trash shall be removed from the site at least once per week.
 10. Compost Bins: Compost bins are permitted as regulated by title 7, chapter 5 of this Code.
 11. Setbacks: The garden shall be set back a minimum of twenty feet (20') from all property lines in order to provide a vegetated buffer of grass or other plants to minimize the transfer of sediment and to delineate the edges of the garden.
 12. Access: Paths may be installed to access the garden and individual garden plots provided the paths are constructed using natural landscape materials including wood chips, mulch, landscape rock or pea gravel.
 13. Negative Impacts: The site shall be designed and maintained to prevent negative impacts to adjacent properties from individual gardeners and gardening activities including, but not limited to, irrigation, fertilizer, soils, stormwater, cultivated areas, trespassing and garden debris.
 14. Maintenance: Community gardens shall be maintained in a neat and orderly manner. Trash, weeds, dirt piles and debris of any sort shall not be allowed to accumulate on site. Dead garden plants shall be regularly removed and, in any instance, by no later than October 31 of each year.
 15. Site Restoration: Upon cessation of the community garden, the site shall be fully restored to the pregarden status. All aboveground remains of the garden shall be promptly removed and the ground leveled and restored so it can be utilized for uses permitted in the zoning district.
- D. Beekeeping: Beekeeping is a permitted use in the R-1A Zoning District and shall be subject to the following requirements:
1. The hive shall meet the accessory structure setbacks for the R-1A Zoning District.
 2. It shall be the beekeepers' responsibility to manage the hives including providing a water source on site, adequate living space, and management of any unusual aggressive behavior or swarming of the honey bees.
- E. Animals
1. General: Where animals are permitted as provided for in this code, they shall be cared for in a manner where they do not constitute a nuisance and comply with all

other city and state ordinances, laws and regulations, including Chapter 6-2 ANIMALS of this code.

2. Care of Animals: The keeping of animals shall be subject to the following minimum requirements:

- a. The size, number, species, facilities for and location of animals kept shall be maintained so as not to constitute a danger or nuisance by means of noise, odor, or other nuisance characteristics.
- b. Animals kept in pet shops, veterinary clinics/hospitals, or kennels shall be kept in accordance with regulations for such facilities in addition to the regulations provided by this title.

10-9-15 : Moving And Relocating Buildings And Structures

No structure shall be moved into the City or relocated on a lot except under the following conditions:

- A. Any persons desiring to move or relocate buildings or structures into the City shall apply for a building permit and pay fees and charges pursuant to City Council policy.
- B. The applicant shall provide written documentation specifying that the structure or building is constructed in compliance with all applicable Building and Fire Codes and ordinances of the City.

10-9-16 : Nonconformities

- A. Except as otherwise provided by law and this title, any nonconformity, including the lawful use or occupation of land or premises existing upon April 6, 2010, may be continued through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 1. The nonconformity or occupancy is discontinued for a period of more than one year; or
 2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the city council may impose reasonable conditions on a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.
- B. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- C. Nothing in this title shall prevent a property owner from putting a structure in safe condition after the structure has been declared unsafe by the building inspector.
- D. Any structure which will, under this title, become nonconforming but for which a building permit has been lawfully granted prior to April 6, 2010 (the effective date of this title or of amendments thereto), may be completed in accordance with the approved plans, provided construction is started within six (6) months of the effective date of this title or amendment thereof and continues to completion within one year.
- E. A lawful nonconforming use of a structure or land may be changed to a more restrictive nonconforming use. Once a structure or parcel of land has been placed in a more restrictive nonconforming use, it shall not return to a less restrictive nonconforming use.
- F. Alterations may be made to a building containing lawful nonconforming residential units

when they will improve the livability thereof, provided they will not increase the number of dwelling units.

- G. Improvements may be made to existing lawful nonconforming structures, provided that such improvements shall not enlarge the structure by fifty percent (50%) or more and provided the new improvements meet all other performance standards of the building code, fire code and this title.
- H. For structures located outside of a FEMA floodplain, building up above the existing footprint of a structure does not constitute an increase in the nonconformity.
- I. Any expansion of the footprint of a nonconforming structure shall be in conformance with this title.
- J. Parcels with legal nonconforming green space may make improvements and footprint alterations as long as the green space is not further decreased.
- K. A nonconforming use of a structure or land shall not be moved to any other part of the parcel upon which it was conducted or located at the time of adoption or amendment to this title unless the movement will reduce the nonconformity.
- L. For nonconforming uses as a result of some properties zoned I-2, B-3, and B-4 to GIM and GIH (see Chapters 10-7-4 and 10-7-5 of this title).
- M. The city may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety.

10-9-17 : Nuisances

No land, existing building or proposed structure shall be used or occupied in any manner creating dangerous, noxious or otherwise objectionable conditions which could adversely affect the surrounding area.

- A. Noise: Noise shall be muffled or otherwise controlled so as not to become a nuisance. Noise levels shall be regulated by the standards of the Minnesota Pollution Control Agency.
- B. Smoke And Particulate Matter: The ambient air quality standards of the Minnesota Pollution Control Agency shall apply to the release of airborne materials within the City.
- C. Toxic Or Noxious Matter: The Minnesota Pollution Control Agency standards governing toxic or noxious matter shall apply.
- D. Odors And Air Pollution: The Minnesota Pollution Control Agency standards apply.
- E. Radiation And Electrical Emissions: No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment including, but not limited to, radio and television reception other than that of the creator of the disturbance.
- F. Vibration: Any use creating periodic earthshaking vibrations, such as may be created from a drop forge, shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- G. Glare Or Heat: Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located. Lighting in all instances shall be diffused or directed away from R districts and public streets.
- H. Explosives: Any use requiring the storage, use or manufacturing of products which could decompose by detonation shall be located not less than four hundred feet (400') from any R

district line provided that this section shall not apply to the storage or use of liquefied petroleum or natural gas for normal residential or business purposes.

- I. Maintenance: All structures and property shall be maintained in a manner consistent with the goals and objectives of the Comprehensive Plan, Section 4-3-1 of this Code, and as required by this Code. All property owners shall be responsible for keeping their land free of waste material, noxious weeds and other problems potentially detrimental to the general health, safety and welfare. All trees shall be maintained in a healthy condition.

10-9-18 Yards and Lot Provisions

A. Required Yards and Lot Provision:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this title, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open spaces, or minimum lot area requirements for any other building.
3. The following shall not be considered to be encroachments on yard requirements:
 - a. Ornamental Features And Other Extensions: Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2 1/2') into the yard and off street parking as hereinafter regulated.
 - b. Yard Lights And Nameplates: Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right-of-way or adjacent residential property may be located to within five feet (5') of the front lot line.
 - c. Fences: Front yard fences which do not exceed three and one-half feet (3 1/2') in height or as required elsewhere in this title and terraces, steps, stoops and similar structures, which do not extend above the height of the ground floor level of the principal building and extend to a distance of less than two feet (2') from any lot line.
 - d. In Side Or Rear Yards Only: Bays not to exceed a depth of two feet (2') nor to contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3'), fences and walls not to exceed a height of eight feet (8') above grade and open off street parking. In no case shall a deck, balcony, uncovered porch or similar outdoor living space be located nearer than five feet (5') from a side or eight feet (8') from the rear line. Fences and walls in excess of eight feet (8') may be allowed by conditional use permit.
 - e. Rear Yard Only: Balconies, accessory structures except that no structure shall be closer than eight feet (8') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

- f. In Side Yards Only: Accessory structures except that no accessory structure shall be closer than five feet (5') from any side lot line.
4. No accessory equipment such as air conditioning cooling structures or condensers which generate noise shall be located in a required side yard except for side yards abutting streets where equipment is fully screened from view except by conditional use permit.
 5. Through lots in any district shall have a required front yard on each street.
 6. In the B and I districts, where the average depth of at least two (2) existing front yards for buildings within one hundred fifty feet (150') of the lot in question are less or greater than the minimum front yard depth required for the district, required front yards shall not be less than the average depth of such existing front yards; however, the depth of a front yard shall not be less than twenty feet (20') nor be required to exceed fifty feet (50').
 7. In any R district where the average depth of at least two (2) existing front yards for buildings within one hundred fifty feet (150') of the lot in question and within the same block front is less or greater than the minimum front yard depth required for the district, the required front yard shall not be less than the average depth of such existing front yard; however, the depth of a front yard shall not be less than twenty feet (20') nor be required to exceed fifty feet (50').
 8. The maximum driveway and vehicle parking coverage between the front of a dwelling and the front lot line shall be thirty five percent (35%). This applies to any single- or two-family dwelling lots, regardless of the zoning district. The requirement is calculated on the area between the front of the dwelling and the front lot line, regardless of the dwelling's setback. In the situation of a corner lot, through or double fronted lot this applies to any yard area with the driveway access to the street. Lots located within a Shoreland District shall also comply with subsection 10-8-1-(K)5 of this title.
 9. The required interior side yard for the principal structure on a single-family residential lot may be reduced by a residential conditional use permit for a garage stall addition, if the City Council finds that the following standards have been met:
 - a. The reduction of the setback requirement is for the addition of a garage stall to an existing, single stall attached garage of less than four hundred forty (440) square feet in floor area.
 - b. There are no other garage stalls or structures on the lot, and the garage stall addition will bring the existing single stall garage into conformance with the minimum requirements of subsection 10-9-10(4) of this chapter and subsection 10-5-2(G) of this title.
 - c. The side yard may be reduced as follows:
 - (1) The interior side yard setback requirement may be reduced to a minimum of two feet (2') for a single stall addition to an attached single stall garage; provided, that the structure on the adjoining lot will be at least ten feet (10') from the addition, excluding any roof overhangs.
 - (2) If the adjoining structure is also a single stall garage, the setback requirement shall not be reduced to less than five feet (5') to allow

for the future expansion of the adjacent, nonconforming garage.

(3) In no case shall a roof overhang be closer than two feet (2') to the lot line.

- d. The reduced side yard will not interfere with any drainage or utility easement. If the proposed reduction in setback requirements will encroach into an existing drainage or utility easement, the applicant must obtain a vacation of the easement.
- e. The reduced side yard will work toward the preservation of trees or unique physical features of the lot or area, including steep slopes.
- f. The reduced side yard will not obstruct traffic visibility or cause a public safety problem.
- g. The single garage stall addition cannot reasonably be attached to another portion of the existing residence because of the floor plan of the residence.
- h. The reduction of the setback requirement is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this subsection (I).

10. Yard Encroachment Exceptions:

- a. The following shall not be considered encroachments on setback requirements in all zoning districts.
- b. No encroachment shall be permitted in drainage and utility easements, unless approved by the City Engineer.

B. Lot Provisions:

- 1. A lot of record lawfully existing upon the effective date of this title in an R residential district which does not meet the requirements of this title as to area or width may be used for a single-family detached dwelling purpose provided the measurements of both the area and width are each within seventy percent (70%) of the requirements of this title. The lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this title.
- 2. Except by the use of a conditional use permit or planned unit development, not more than one principal structure shall be located on a lot of record.

10-9-19 : Residential Density Calculations/

The purpose of this Chapter is to implement the Land Use Chapter of the Comprehensive Plan by establishing density standards for specific residential zoning districts. The method of calculating density is identified in the definition of Net Density in Chapter 10-3 of this title.

R-1A Zone	0.5 - 1.0 units per acre
R-1 Zone	2.0 - 4.35 units per acre
R-2 Zone	2.0 - 6.0 units per acre
R-3 And R-5 Zone	4.0 - 18.0 units per acre
R-4 Zone	4.0 - 18.0 units per acre

MIX (Residential)	15.0 - 50.0 units per acre
TOD Zone (Residential)	20.0 - 80.0 units per acre

10-9-20 : Clear Traffic Visibility

- A. No structures or landscaping shall exceed thirty inches (30") in height within any front or side yard on a corner lot if they obstruct visibility across the intersection.
- B. A minimum sight triangle shall be established at the corner of each street intersection to provide motorists with a reasonable, unobstructed view.

The sight triangle is defined as a triangle with:

- 1. Two adjacent sides located along the curb line (or gutter line where no curb exists) of the intersecting streets, each measuring fifty feet (50') in length.
- 2. A third side formed by a straight line connecting the endpoints of the adjacent sides.
- C. The City may require the removal of any vision obstruction located within the minimum sight triangle.

10-9-21 : Screening

A. Screening:

- 1. Screening and buffer requirements shall be satisfied through the use of buildings, berms, solid fences, mesh netting or mesh screens affixed to chain link, walls, planting screens, evergreen trees, hedges, grade change or some combination thereof. If the topography, existing vegetation, permanent structure or other features create a barrier which meets the standards of this section, they may be substituted.
 - a. Screening Fences, Walls: A screening fence or wall shall be constructed of attractive, permanent finished materials. Such screens shall be at least six feet (6') in height and provide one hundred percent (100%) obstruction of the view of the item(s) to be screened, when viewed from adjacent properties or lots, and right-of-way or private road.
 - b. Planting Screens: Planting screens shall be fully irrigated, consist of healthy, hardy plants, at least six feet (6') in height and designed to provide one hundred percent (100%) year round obstruction of the view of the item(s) to be screened, when viewed from adjacent properties or lots, and right-of-way or private road.
 - c. Buffer Areas: Buffer areas shall be provided wherever business and/or industrial uses are located adjacent to or across the street from residential uses. Buffer areas shall separate parking areas, driveways and structures from residential uses and contain the following:
 - (1) A berm, fence, mesh netting or screens affixed to chain link, slats with chain link, evergreen trees, hedge, or combination thereof of not less than six feet (6') in height at the time of installation, except adjacent to a street where a landscaped buffer not less than three feet (3') nor more than four feet (4') in height shall be installed and maintained. All landscaped buffer areas shall be irrigated. Buffer areas are designed to partially obscure the appearance but not to one hundred percent (100%) obstruct the view of the item(s) to be

buffered.

- d. Headlight Screening: In business and industrial districts, the view of light from automobile headlights and other similar on site sources shall be one hundred percent (100%) screened whenever it may be directed onto residential windows.
2. Multi-Family, Mixed Use, Commercial, And Industrial Lots: All private trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be screened on three (3) sides pursuant to this section, be screened from public view by the principal building, be stored within the principal building or stored within an accessory structure. A gate is not required. A roof is not required. For the purposes of this section, “trash” means “mixed Municipal solid waste” as defined in Section 7-1-1 of this Code.
 - a. Lots With Two Or More Frontages: In the case of a lot with two (2) or more street frontages, trash enclosure accessory structures are exempt from the requirements of Section 10-9-2(6).
 - b. Single-Family And Two-Family Residential Lots: Residential waste and recycling containers ninety-six (96) gallons or less shall be stored in or within five feet (5') of the primary structure and behind the primary building wall, garage, attached or detached structure facing the primary street.
3. Single-Family And Two-Family Residential Lots: Residential waste and recycling containers ninety-six (96) gallons or less shall be stored in or within five feet (5') of the principal structure and behind the principal building wall, garage, attached or detached structure facing the front street.
4. Maintenance:
 - a. Screen fences, walls and private trash screening which are in disrepair shall be repaired by the private property owner.
 - b. Planting screens shall be maintained in a neat, healthy condition in accordance with Section 10-9-1(C)(15) of this title. Plantings which have died shall be promptly replaced by the private property owner in accordance with a landscape and/or screening plan approved by the City for the site.
5. Compliance:
 - a. All new development or full redevelopment of a site shall comply with the screening requirements of this section.
 - b. All redevelopment that results in disturbance of one-half (1/2) acre or more or the addition of five thousand (5,000) square feet of impervious surface shall comply with the screening requirements of this section.
 - c. Existing uses shall comply with the screening requirements listed in this section within thirty (30) days of notice by the Director of Community Development or designee, and with the maintenance requirements within three (3) weeks of receiving notice. Compliance by existing uses shall not be required if the City determines either that because of the unique character of the existing use compliance is not needed to promote the welfare of the City or that compliance is not reasonably possible because of the existing development.
 - d. The obligation to establish new screening shall be joint when

businesses about multi-family uses and districts.

6. Exceptions: Public trash and recycling containers for the use by the general public including, but not limited to, trash cans in parks, bus stops, gas stations and entrances to commercial, industrial, public and institutional buildings, shall be exempt from the screening and buffer requirements of this section. Dumpsters, trash and recycling containers intended for private collection are not exempt from screening and buffer requirements.

B. Fences: Fences shall be permitted in all yards subject to the following:

1. Permits:
 - a. A Building permit is required for fences that are taller than 7 feet.
2. Locations: Fences shall be located entirely upon the private property of the persons constructing the fence. The City may require the owner of the property with an existing fence to establish the boundary lines of their property with a survey.
3. Construction: Fences shall be constructed in a workmanlike manner and of materials reasonably suited for their intended purpose.
 - a. The "face" side of a fence (i.e., the finished side having no structural supports) shall face abutting the adjacent neighboring property or street right-of-way.
 - b. Fences shall be constructed of a durable and permanent materials suitable for outdoor construction. Chain link fences shall have a weather resistant coating. All exterior wood surfaces of any fence, other than decay resistant woods, shall be protected from the elements by paint, stain or other protective surface covering or treatment.
4. Maintenance: Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any fence which is, or has become dangerous to the City health or welfare is a public nuisance, and the City may commence proper proceedings for the abatement thereof.
 - a. Peeling, flaking and chipped coating shall be eliminated and surfaces recoated. The property owner shall be responsible for maintaining the area between the property line and the owner's fence.
5. Electric Fences: Electric fences shall not be permitted except for agricultural purposes and for the control of deer in residential gardens, provided that garden fencing shall comply with the following standards:
 - a. The fence shall be electrified using only a UL listed fence controller, or an equivalent approved by the City electrical inspector.
 - b. The fence may consist of multiple strands of electrified wire, but at least one strand shall be installed at a height between 30 inches and 36 inches above the ground and marked with warning signs that are no less than 8 square inches in size and that are attached to the wire no less than 10 feet apart.
 - c. The fence shall not be located in the front yard as defined in Section 10-3 of this title.
 - d. The fence shall be located only around the perimeter of each garden or freestanding flowerbed to be protected, up to the property line, and shall in no instance be used as perimeter fencing for the property.

- e. The fence, including the wires, shall not exceed the height limitations of subsections (7)a and (7)2 of this section.
6. Barbed Wire Fences: Barbed wire fences shall only be permitted on farms or for special security requirements by conditional use permit.
7. Residential Fencing And Screening:
 - a. Except as provided herein, fences outside the buildable area of a lot may not exceed 6 feet in height.
 - b. Except as provided herein, fences within the buildable area of a lot or in the case of the rear lot line at least 10 feet from the rear lot line, may not exceed 8 feet in height.
 - c. Fences extending across front yards shall not exceed 42 inches in height and shall be at least 75 percent open space for passage of air and light.
 - d. In the case of a through or double frontage lot, fences within the front yard abutting the rear of the principal structure:
 - (1) Fences within 20 feet from the additional front lot line may not exceed 8 feet in height.
 - (2) Fences within 10 feet from the additional front lot line may not exceed 6 feet.
 - e. Slats within chain link fences shall be prohibited.
8. Swimming Pool Protection: Pool barrier and screening requirements shall comply with Title 4, Chapter 2 of this Code.
9. Business And Industrial Fencing:
 - a. Business and industrial fences may be erected up to 8 feet in height. Fences in excess of 8 feet shall require a conditional use permit.
 - b. Business and industrial fences with barbed wire security arms a minimum of 6 feet in height (measured without the security arm) may be allowed by conditional use permit. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Such security fencing shall not be located along a property line abutting a residential use.
 - c. Slats within chain link shall be allowed by conditional use permit.
10. Mixed Use Districts Fencing: Unless otherwise stated, Mixed Use Zoning Districts (MIX and TOD) are considered Commercial Zoning Districts for purposes of this section.
11. Special Purpose Fences: Fences for special purpose and fences differing in construction, height or length may be permitted in any district by conditional use permit. Findings shall be made that the fence is necessary to protect, buffer or improve the premises.

10-10 SPECIAL ZONING PROVISIONS

10-10-1 : Accessory Car Wash

Accessory car wash uses shall be allowed only if permitted in the underlying zoning district and are subject to the following provisions and restrictions:

- A. Car wash stacking requirements shall be regulated as provided in Section 10-9-10 of this chapter.
- B. No more than one car wash bay shall be allowed.

- C. The car wash shall be designed to be an integral part of the principal building or if freestanding shall be designed with the same materials as the principal structure.
- D. Accessory car washes shall not be installed within existing multi-tenant buildings.
- E. Neither the car wash or accessory vacuum shall be located within three hundred feet (300') of any residential use unless one hundred percent (100%) screened pursuant to Section 10-9-21 of this chapter, or located across an arterial or major collector roadway from the residential use.
- F. Accessory car washes shall meet the screening requirements of Section 10-9-21 of this chapter.

10-10-2 : Accessory Dwelling Units (ADU)

- A. Purpose: The City recognizes the need to encourage alternate housing types based on current housing trends. There is an increased desire to support multi-generational housing. This provision is intended to accommodate single family residential property owners who wish to invest in their homes and add value while providing alternative housing options within the City. The purpose of this subdivision is to permit and regulate permanent accessory dwelling units (ADU) only as a permitted accessory use subject to the regulations set forth herein. The minimum lot size in R-1 and R-1A Zoning Districts ensures that additional housing will have less impact on neighboring properties. By allowing only those accessory dwelling units that are in compliance with all of the performance standards of this subdivision, the character and quality of existing neighborhoods will be protected.
- B. Performance Standards: No property within a Single-Family Residential District shall have more than one dwelling unit, except an ADU may be permitted as an accessory use to a single family dwelling when the following requirements are met:
 - 1. The primary residence must be located on a lot within an R-1 or R-1A Zoning District.
 - 2. All applicable state and shoreland and watershed district requirements are met.
 - 3. Attached ADUs shall meet the principal structure setback requirements for the underlying zoning district.
 - 4. Detached ADUs shall meet the accessory building setback requirements for the underlying zoning district.
 - 5. Detached ADUs shall not count towards the maximum number of accessory buildings and structures allowed on a property as outlined in Section 10-9-2 of this chapter.
 - 6. The property owner must reside in either the primary residence or the ADU as their permanent residence. The property owner must reside in the home not less than one hundred eighty five (185) days per calendar year, and during which period the subject property continues to be the applicant's legal and principal residence.
 - 7. An ADU may not be subdivided or otherwise segregated in ownership from the primary residence structure.
 - 8. The primary single family dwelling unit shall meet Section 10-5-1 of this title related to minimum dwelling size.
 - 9. ADUs in combination with the associated single family dwelling unit shall comply with all City Code requirements for single-family dwellings.
 - 10. An ADU's footprint and total floor area shall be no more than fifty percent (50%) of the primary dwelling unit footprint or total floor area. An ADU's total floor area shall not be less than three hundred (300) square feet.

11. An ADU shall be designed and maintained as to be consistent and with the architectural design, integrated materials, style, appearance and character of the primary residence as a single-family residence.
 12. An ADU may be located within or attached to the primary residence on lots ten thousand (10,000) square feet or greater.
 13. The ADU shall contain no more than two (2) bedrooms.
 14. One off-street parking space (enclosed or on a driveway) shall be required for the ADU. A minimum garage of four hundred forty (440) square feet shall be maintained for the primary residence as required by Section 10-9-10 of this chapter.
 15. No more than one ADU shall be permitted on a lot or parcel and only one address per parcel.
 16. If the exterior door for the ADU is on the same wall as the primary residence front door then the two (2) doors shall be separated a minimum of twenty feet (20') apart.
 17. ADUs shall be constructed on a permanent foundation with no wheels.
 18. The primary residence and ADU shall be constructed and maintained in compliance with the property maintenance regulations set forth in this Code.
 19. The primary residence and ADU shall be served by one shared Municipal water, sanitary sewer, gas and electric utility service. Except in the RR-1 Zoning District, if not served by sewer and water the primary residence and ADU shall meet the private well and septic requirements according to Section 10-5-2 of this title.
- C. Permit And License Requirements: It is unlawful for a property owner to construct or allow occupancy within an ADU that does not comply with all of the foregoing requirements:
1. Building Permit Required: An ADU as permitted in this chapter shall be constructed and maintained in accordance with all State laws, State Building, Plumbing, Electrical, Mechanical, and Fire Code regulations and City Code requirements.
 2. Rental License Required: If the ADU is rented or leased then the property owner shall be responsible for meeting the requirements in Title 3, of this Code.

10-10-3 : Adult Use Cannabis

A. Purpose And Authority:

1. Purpose: To implement the provisions of Minnesota Statutes, Chapters 342 and 412, which authorizes the city to protect the public health, safety, welfare of residents by regulating cannabis businesses within the city.
2. Authority: The city has the authority to adopt this section pursuant to:
 - a. Minnesota Statute, Section 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
 - b. Minnesota Statute, Section 412.221 subd. 32 and 462.357, regarding the authority of a local authority to adopt zoning ordinances regarding general welfare.

B. License And Registration Required

1. Minnesota State License Required: It is unlawful for any person or legal entity to operate or permit the operation of a cannabis business or hemp business without

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first obtaining a license from the Office of Cannabis Management for a cannabis business or hemp business.

2. City Registration Required: Cannabis and hemp retail businesses shall register with the City as required in Title 3 of this Code.

C. Ventilation Required: Cannabis facilities shall be equipped with ventilation and filtration systems that prevent cannabis odor from escaping the premises.

D. Zoning:

Cannabis businesses licensed or endorsed are permitted in the following districts:

	Commercial						Industrial				
Zoning District	B-2	B-3	B-4	MIX	TOD	CRD	I-1	I-2	I-3	GIM	GIH
Cannabis Retailer	P	P	P	P	P	P					CUP
Cannabis Microbusiness	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Cannabis Mezzobusiness							CUP	CUP	CUP	CUP	CUP
Cannabis Cultivator (Indo or only)							CUP	CUP			
Cannabis Manufacturer					CUP		P	P	P	P	P
Cannabis Wholesaler		P	P				P	P	P	P	P
Cannabis Testing Facility							P	P	P	P	P
Medical Cannabis Cultivator (Indo or only)							CUP	CUP			
Medical Cannabis Processor							P	P	P	P	P
Medical Cannabis Retailer	P	P	P	P	P	P					

Medical Cannabis Combination Business	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Lower-potency Hemp Edible Manufacturer							P	P	P	P	P
Lower-potency Hemp Edible Retailer	P	P	P	P	P	P					CUP

Notes: P means Permitted Use; CUP means Conditional Use Permit

10-10-4 : Animals

- A. General: Where animals are permitted as provided for in this code, they shall be cared for in a manner where they do not constitute a nuisance and comply with all other city and state ordinances, laws and regulations.
- B. Care Of Animals: The keeping of animals shall be subject to the following minimum requirements:
 1. The size, number, species, facilities for and location of animals kept shall be maintained so as not to constitute a danger or nuisance by means of odor, noise or other nuisance characteristics.
 2. Animals kept in pet shops, veterinary clinics/hospitals or kennels shall be kept in accordance with regulations for such facilities in addition to the regulations provided by this title.

10-10-5 : Automobile Dealership Remote Storage

- A. Purpose: Automobile dealership remote storage is intended to modify the parking regulations in the B-3, B-4, CRD, I-3, GIM, GIH, and MIX districts to create temporary storage areas for automobile dealerships to store consumer vehicle inventory, at existing parking lots where there is sufficient excess capacity. Remote storage is only intended to accommodate consumer vehicles on a temporary basis during periods when automobile manufacturer deliveries exceed automobile dealership sales lot capacity.
- B. Permit Required: A permit is required for consumer vehicle storage. The applicant for a remote storage permit must be the automobile dealership requesting the storage.
- C. Application Materials: The following materials shall accompany a complete permit application.
 1. Proof of dealership licensure.
 2. A written explanation detailing the purpose of the remote storage facility, proposed operations, number and types of vehicles stored.
 3. Site plan identifying where the consumer vehicles will be stored.
 4. Written confirmation from the property owner allowing use of parking surfaces for the applicant's vehicle storage.
- D. Duration: Permits issued under this section shall be valid for up to 12 months.
- E. Responsibilities: The property owner is responsible for the actions of the automobile

dealership and the conditions of the permit.

F. Performance Standards: A permit shall be issued by the City provided the applicant demonstrates that the following performance standards will be met:

1. Off street parking and loading areas must comply with the general parking requirements of Section 10-9-10 of this chapter. Parking stalls shall be striped.
2. Storage items shall be limited to new consumer vehicles belonging to and sold at automobile dealerships only located within City boundaries.
3. No sales and leasing of consumer vehicles shall be conducted on the property.
4. The storage of vehicles shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
5. No inoperable or junk vehicles shall be parked at the remote storage location.
6. No signage relating to an automobile dealership or the sale or leasing of a vehicle shall be permitted.
7. No fencing, barriers or obstructions of any kind shall be used to contain or screen vehicles.
8. No structures or outbuildings shall be permitted in relation to the storage of vehicles.
9. No display pads relating to the sale or leasing of a vehicle shall be permitted at the remote vehicle storage site.
10. No other site improvements related to the storage of vehicles, including additional lighting shall be permitted.
11. The storage of vehicles shall not result in a parking deficiency or increase on street parking.
12. Within the Mixed-Use district, consumer vehicle remote storage may occur at properties under common ownership of a regional shopping center or on properties within 350 feet of a regional shopping center with sufficient excess parking available.
13. Storage of used vehicles at remote storage sites is prohibited.

G. Approval Process

1. Permit applications shall be reviewed administratively by planning staff.
2. Permits may be denied or conditioned to ensure compliance with zoning, public safety, and aesthetic considerations.

H. Denial Of Permit: No permit shall be issued if the applicant or property owner fails to comply with one or more of the required performance standards.

I. Denial For Noncompliance: If the City staff denies a permit, it shall notify the applicant in writing, stating the ways in which the proposed use does not comply with the standards required by this title.

J. Revocation: The Zoning Administrator may revoke an administrative zoning approval under the following circumstances:

1. Noncompliance: The use or development is not in substantial conformance with the approved plans, permit conditions, or applicable zoning regulations.
2. Violation of Law: The use is being conducted in violation of applicable local, state, or federal regulations.
3. Failure to Act: The permit has not been exercised, implemented, or maintained within the time period specified in the approval.

4. Public Nuisance or Safety Hazard: The use creates a public nuisance or constitutes a hazard to public health, safety, or general welfare.

K. Revocation Procedure:

1. The Director of Community Development shall provide written notice to the permit holder identifying the specific reasons for revocation and any corrective actions that may be taken.
2. The permit holder shall have a minimum of 15 calendar days to respond or remedy the issue, unless an immediate threat to public safety warrants a shorter period.
3. If the issue is not adequately resolved within the prescribed timeframe it shall constitute sufficient cause for the termination of the permit by the city council following a public hearing. The permit holder may appeal the revocation in accordance with the procedures outlined in Section 10-2-1 (C).

10-10-6 : Home Occupations

- A. Purpose: The purpose of this chapter is to maintain the character and integrity of residential areas and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood. This chapter also distinguishes between special sales events and continuous business.
- B. Home Occupation: A home occupation, including short term home rentals permitted under Title 3 of this Code, may be conducted in a residential dwelling in any residential zoning district subject to the following requirements:
 1. Exterior Parking:
 - a. Exterior parking of vehicles in excess of twenty two feet (22') in length is prohibited.
 - b. No more than four (4) vehicles related to the home occupation, including customer vehicles, may be parked on the property outside a garage. Vehicles parked outside a garage may only be parked on driveways surfaced with concrete, bituminous, or brick pavers.
 - c. Exterior parking of trailers, bobcats, landscaping equipment, cement mixers, and other similar types of equipment used in the home occupation is prohibited.
 2. Employees: Only residents of the dwelling may engage in or conduct the home occupation in the home except:
 - a. One nonresident if, by reason of physical or medical condition, the owner would not, in the absence of such assistance, be able to conduct the home occupation, or
 - b. One nonresident individual.
 3. Accessory Use Of The Property: The home occupation shall be conducted entirely within the principal dwelling. Occasional use may be made of a backyard for activities not involving manufacturing, assembly, or fabricating if such use does not create a nuisance or violate the City's noise standard. The home occupation may not be conducted in accessory buildings or in attached or detached garages. Exterior storage is prohibited. Garages may be used for storage if sufficient room is

maintained for the number of vehicles for which the garage is designed.

4. Appearance:

- a. Except for customer and delivery vehicles, and one nonilluminated nameplate sign not larger than two (2) square feet affixed to the dwelling immediately adjacent to the entrance used for business access and except as otherwise expressly authorized by this chapter, there shall be no evidence of the occupation, activity, or business use visible, audible, or with an odor detectable from the exterior of the dwelling.
- b. No structural changes to the dwelling or residential driveway shall be permitted which are inconsistent with the residential use and appearance of the property.

5. Public Health: The use of dumpsters in conjunction with the home occupation is prohibited.

6. General Restrictions:

- a. Except for short term home rental to transients, customer visits related to the home occupation shall be allowed only during the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. Monday through Saturday. Deliveries and pickups related to the home occupation shall only be allowed during the hours of eight o'clock (8:00) A.M. to six o'clock (6:00) P.M. Monday through Saturday.
- b. Sales of goods shall be allowed only if incidental to, and made at the time of, the primary provision of a business service.
- c. Deliveries may not be made by semitrailer truck.
- d. No business activity may be conducted which is illegal or prohibited under any other City ordinance or applicable law.

C. Special Sales Events: Special sales events may be conducted from a residential dwelling in any Residential Zoning District subject to the following requirements:

1. General Requirements:

- a. At least five percent (5%) of the items being sold must be owned by a resident of the dwelling.
- b. No more than two (2) sales events may take place in a twelve (12) month period. Each sales event may be one, two (2), three (3), or four (4) consecutive days.

2. Signage: A special sales event may be advertised with the use of not more than six (6) temporary signs which may be displayed on the residential premises where the event is being held or within a one mile radius of such premises. Permitted signs shall be subject to the requirements in section 10-30-4 of this title.

3. Hours Of Operation: A special sales event may be operated only between the hours of nine o'clock (9:00) A.M. and nine o'clock (9:00) P.M. on weekdays, and the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on weekends.

4. Use Of Garage: A special sales event may use a garage located upon the residential premises in connection with the event for purposes of display of goods or merchandise, or for access.

5. Additional Requirements: Except as specifically modified by this section the requirements in subsections 10-10-6(C), (D), (E) and (F) of this chapter shall apply.

D. Registration Of Nonconforming Home Occupations: All home occupations rendered

nonconforming by this section shall register with the City Inspections Department within one year of the effective date hereof.

- E. Exemptions: This chapter does not apply to garage sales and to daycare and residential facilities licensed by the State.

10-10-7 : Land Reclamation, Mining, Soil Processing And General Earthwork

A. Land Reclamation, Mining And Soil Processing; Interim Use Permit

1. Permit Required: No person shall open, operate or maintain any land reclamation, mining and/or soil processing use without an interim use permit authorizing such operation, unless such use involves earthwork as defined under section 10-9(B) of this chapter. In the review of proposed permits, an agreement shall be prepared and executed holding the city free and harmless from any suit or claims for damage resulting from the negligent excavation, removal or storage of rock, sand, dirt, gravel, clay or other material.
2. Permit Issuance: An interim use permit shall be issued only after a public hearing by the planning commission and approval by the city council. In this review and approval process, the planning commission may recommend and the city council shall establish the term of the permit and the dates for its periodic review, renewal, and/or termination consistent with Section 10-2-5 of this title.
3. Soil Remediation In The Minnesota River Quadrant (MRQ): To encourage the soil remediation and redevelopment of properties within the MRQ, as identified in the comprehensive plan, mining, excavation and soil stockpiling is an allowable interim use for properties that contain poor soils. Interim use permits approved in the MRQ (for the purpose of remediating poor soils) shall terminate no later than January 1, 2027. In addition to the requirements of Section 10-2-5, "Interim Uses", of this title, interim use permits shall be subject to a development contract with specific conditions established for the particular permit and for the following general conditions:
 - a. Storing, stockpiling, mining, excavating or selling soil for remediation in the MRQ is permitted.
 - b. Contractor trailers and heavy equipment ancillary to the mining is permitted on the subject site.
 - c. The submittal requirements of subsection (5) of this section shall apply.
 - d. Of the poor soils remediated within the property, a minimum percentage shall be removed each year the interim use permit is in effect. The specific percentage shall be determined by the city council and incorporated in the development agreement.
 - e. A maximum of ten percent (10%) of imported soils may be stored on the subject site for the purpose of selling to customers.
 - f. There shall be no limit imposed on the amount of soil stored on site for the purpose of combining with excavated site soils as part of the remediation process.
4. Termination: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
 - a. The date stated in the permit.
 - b. A violation of conditions under which the permit was issued.

- c. A change in the city's zoning regulations which renders the use nonconforming.
5. Interim Use Permit Application: The application for an interim use permit shall be consistent with the requirements of Section 10-2-5 of this title and shall contain the following:
- a. A legal description of the lands from which it is proposed to remove earth and where it is to be deposited or processed.
 - b. The name and address of the applicant and of the owner(s) of the land.
 - c. Copies of any portions of agreements indicating the duration of any lease if applicable.
 - d. The purpose of the removal.
 - e. The estimated time required to complete the removal.
 - f. The highways, streets or other public ways within the city upon and along which the material removed shall be transported.
 - g. The plan of operation, including soil processing (any operation other than direct mining and removal, and not specifically addressed in Section 10-9(B) of this chapter), nature of the processing and equipment, the area, depth and grade of such processing, the estimated quantity of earth deposits to be added to or removed from the premises, location of the plant, source of water, disposal of water and reuse of water. In the event that water is used in the operation of a pit, approval from the state department of natural resources and other appropriate state or federal agencies shall be obtained as to the type, location and depth of such well and contained with such application.
 - h. A development plan of the property where the mining is to occur. Such plan shall contain site analysis information such as trees, depth of topsoil, soil type, adjacent and on site buildings and land uses, a map or plan of the proposed excavation showing the confines or limits thereof, together with the proposed finished elevations based on sea level readings. Elevations and percent slope within one hundred feet (100') beyond the perimeter of the excavation and other such information necessary to analyze the site shall be provided by the applicant. United States geological survey data shall be used for all topographic mapping where feasible.
 - i. A comprehensive restoration and end use plan. These plans shall show suitable provisions for the restoration of the excavated area to a usable condition compatible with adjacent properties. Such plans should include anticipated final elevations throughout the site area, a landscape plan showing the replacement of ground covers, shrubs, trees, etc., and a plan for the return of subsoil and topsoil. Where the city council deems it practical and necessary, such plan shall include adjoining related areas where excavations have previously been made and remain under the control of the same owner, or under the control of the same person other than the owner to whom the permit is to be issued.
6. Special Requirements: As part of the original or periodic review of an interim use permit, the council may impose one or more of the following restrictions and requirements, either as a prerequisite to the granting of such permit or after such

permit has been granted:

- a. The owner or applicant shall properly fence any pit so that such pit or any standing waters therein may not be a hazard to the general public or the applicant or owner shall slope the banks and otherwise guard and keep any pit in such condition as not to be dangerous to persons or property; provided, that the maximum slopes shall be as follows: a three foot (3') horizontal to one foot (1') vertical slope must be regraded prior to the end of each season's operations or after the pit has ceased to be operated for a period of thirty (30) days or more.
 - b. The owner or applicant shall prevent water runoff damage, including erosion on adjacent property and the deposit of material by water runoff on adjacent property.
 - c. The applicant or owner shall submit a landscape screening plan consisting of suitable trees which shall be placed to eliminate unsightly view of the operations.
 - d. On completion of the operation, the applicant shall properly drain and level off any pit and restore the contour of the site of the operation to a condition as indicated on the end use plan or to such contour as recommended by the city engineer.
 - e. Upon closing operations or leaving any particular excavation or area in the site, the applicant shall regrade the area which he has excavated or disturbed in order that no slopes are steeper than three feet (3') horizontal to one foot (1') vertical.
 - f. The operation of the gravel pit shall not affect the safety or quantity of any well within one-fourth (1/4) mile from the pit. Proof that the hydraulic or static effect is not detrimental to any such well shall be provided by the applicant.
 - g. The council may, at its discretion, attach such other additional conditions to such permits as they may deem necessary in the interest of the public health, welfare and safety of the community.
Within a period of three (3) months after the termination of a sand and
 - h. gravel operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after the expiration of a sand and gravel permit, the operator or owner shall dismantle or remove buildings and structures incidental to such operation and shall grade the site to the specifications of the final grade plan, as well as complete all reclamation on the site as proposed by the reclamation plan.
7. Inspections: The council may require periodic inspections of operations as a condition of approval.
 8. Security Requirement: The council shall require the applicant, owner or user of the property on which the proposed operation is located, to post a letter of credit acceptable to the city or cash escrow in such form and sum as the council shall determine, conditioned to pay the city the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from the hauling and removal of material from any operation; the amount of such cost and expense to be

determined by the city engineer; and conditioned further to comply with all the requirements of this chapter, and the particular permit, and to pay any expense the city may incur by having to do anything which the applicant fails to do to comply with the terms of the conditional use permit.

9. Insurance Requirement: The contractor or lessor of the land involved shall secure and maintain such insurance from an insurance company acceptable to the city and authorized to write casualty insurance in the state as will protect himself, his agents and the city from claims for bodily injury, death or property damage which may arise from operations under a gravel permit issued under this chapter. A gravel contractor shall not commence work until he has obtained all insurance required under this section and shall have filed a certificate of insurance or a certified copy of an insurance policy within the city. Each insurance policy shall contain a clause providing that it shall not be canceled by the insurance company without ten (10) days' written notice to the city of intention to cancel. The amounts of such insurance shall not be less than the following:
 - a. Workers' compensation and employer's liability which shall be secured and maintained as required by the state.
 - b. Public liability, personal injury and property damage:
 - (1) Injury or death of one person: Two hundred fifty thousand dollars (\$250,000.00).
 - (2) Injury to more than one person in a single accident: Five hundred thousand dollars (\$500,000.00).
 - (3) Property damage: Two hundred thousand dollars (\$200,000.00).
 - c. Automobile and truck public liability, personal injury and property damage, including owned and nonowned vehicles:
 - (1) Injury or death of one person: Two hundred fifty thousand dollars (\$250,000.00).
 - (2) Injury to more than one person in a single accident: Five hundred thousand dollars (\$500,000.00).
 - (3) Property damage: One hundred thousand dollars (\$100,000.00).
10. Application Of Chapter: All provisions of this chapter shall apply unless otherwise stipulated in a development contract with the city of Burnsville.

B. Earthwork

1. Intent: Earthwork not specifically associated either with land reclamation, mining or soil processing as a long term operation or with the operation of a business, shall be regulated under this section.
2. Scope: Earthwork which involves ninety (90) or more cubic yards of material for the excavation, filling, grading, shaping, moving or general soil disruptions for the purpose of making improvements to the property or facilitating development of the property is allowed when reviewed by the development review committee, found to be in keeping with the goals, policies, and general intent of the city, and found to be in compliance with all applicable city, county, state, or federal regulations. Earthwork which involves less than ninety (90) cubic yards for excavation, filling, grading, shaping, moving or general soil disruptions is allowed by the city without

review or a permit when all work is performed consistent with city goals and policies.

3. Application For Permit: Prior to the start of any earthwork involving ninety (90) or more cubic yards of material, approval is required by the development review committee, and an earthwork permit must be issued by the protective inspections department. A woodland identification survey must be completed as required in Section 10-8-1 of this title. Erosion and sediment control information must be provided pursuant to Section 10-8-1 of this title.
 4. Issuance Of Permit: The development review committee may authorize the issuance of an earthwork permit if the requirements of this section are met and the applicant submits surety for the following work:
 - a. Construction or improvement of a roadway.
 - b. Excavation or filling in accordance with an approved site plan or preliminary plat.
 - c. Excavation or filling for the purpose of preparing land which in its original condition cannot be developed according to the designated zoning.
 - d. Decorative landscaping when the reshaping or contouring of land does not disrupt surrounding properties or create drainage problems.
 5. Security: Prior to the issuance of an earthwork permit, the owner shall supply the city with security in an amount to be set by City Policy 2.050.
 6. Completion Cleanup: Upon completion of all earthwork, all excess soil, paving materials, sticks, stones, trees, stumps, and any other debris shall be promptly removed.
 7. Compliance: The development review committee cannot authorize the issuance of an earthwork permit to any owner if the proposed plans cannot or do not comply with current environmental requirements, i.e., shoreland, woodland, severe slope, wetlands regulations or any other pertinent city, state or federal requirements, until the plans have been reviewed and approved by the city and all other applicable regulating authorities.
- C. Minimum Requirements: The following minimum requirements shall apply to all land reclamation, mining, and soil processing operations, and all earthwork operations that require a permit under Sections 10-9 (A) and 10-9- (B) of this chapter:
1. The outer limit or edge of any mining operation shall not be closer than one hundred feet (100') to any abutting property line. Soil excavation may occur within one hundred feet (100') of any property line when the proposed grading plan has been approved by the city engineer.
 2. Finished slopes or any edge contiguous to property owned by others shall not be less than a ratio of three feet (3') horizontal to one foot (1') vertical, or as approved by the appropriate regulating authority.
 3. All trees, stumps and debris must be disposed of within thirty (30) days in a manner which complies with current regulations and which is consistent with the proposed end use plan.
 4. No mining operations shall be closer than one hundred feet (100') to the right of way line of any existing street, road or highway, except upon approval by the city council.
 5. The operator shall be responsible for lowering any well so as to provide potable water for each individual whose well is affected by the proposed

operations.

6. All rocks which are not crushed and which are one foot (1') or larger in size shall be removed from the site, buried after termination of operations, or used on site as a landscape feature.
7. Any storm or surface water cast into the excavation shall be the responsibility of the operator.
8. The operator shall operate and maintain all equipment in such a manner as to minimize air pollution. Any emission which can cause any damage to health, animals or vegetation or other forms of property or which can cause an excessive silting at any point or any emission of any solid or liquid particles in concentrations exceeding air quality regulations shall be prohibited.
9. Upon termination of the operation, any pit or excavation created shall be regraded or modified according to the end use plan.
10. All excavated materials shall be removed from the premises especially within highways, streets or other public ways as the council shall order and direct.
11. No noise resulting from the excavation use shall exceed the most current noise control regulations.
12. Any vibration resulting in any combination of amplitude and frequencies beyond the "safe" range of the most current standards of the United States bureau of mines for any equipment or structure shall be prohibited.
13. The slope of banks during the excavation of material shall be kept in such a condition so as not to be dangerous because of overhangs, sliding or caving banks. Such dangerous conditions shall be declared to be a nuisance and the city may give notice to the operator or owner to abate the same.
14. The removal of natural vegetation shall be restricted to prevent erosion into water bodies, to consume nutrients in the soil and to preserve shoreland aesthetics. Removal shall be restricted within a strip paralleling a lakeshore, river or stream and shall extend inland a minimum distance of one hundred feet (100') from the normal high water mark as determined by the point where the natural vegetation changes from predominately aquatic to predominately terrestrial. The owner or operator shall be required to comply with the environmental elements established in Chapter 8 of this title.
15. The hours of operation shall be limited from seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. daily, provided that no excavation, crushing, processing or trucking shall be conducted on Saturdays, Sundays or legal holidays with the exception of Columbus Day and Veterans Day except upon approval by the city council. Certain activities such as loading, maintenance and repair of equipment and hauling by barge may be allowed; provided that these activities do not cause undue noise or disturbances to adjoining property or facilities and that these activities are specified in the operations plans and approved by the municipality at the time of issuance of the permit.
16. All fill material shall be clean, compactible fill, and shall not contain refuse, construction debris, or any other items (tires, barrels, furniture, etc.) not found in soils. The fill material must be approved by the city engineer and protective inspections division if the fill area will be used for a road or building construction site.

17. Any of these provisions may be waived by the city council when determined that a complete and proper showing in the plan of operation and/or end use plan that other provisions would be more suitable.

10-10-8 : Opt. Out Of Minnesota Statutes Section 462.3593

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subd. 9, the City of Burnsville opts out of the requirements of Minnesota Statutes, Section 462.3593.

10-10-9 : Sexually Oriented Businesses

- A. Purpose: The purpose of this section is to establish provisions for the opportunity as well as the regulation of sexually oriented businesses within the City.
- B. General: "Sexually oriented businesses" as defined in Title 3 of this Code shall be subject to the following general provisions:
 1. Activities classified as obscene as defined by Minnesota Statutes, Section 617.241 are prohibited.
 2. Sexually oriented businesses shall be prohibited from locating in any building which is also used for residential purposes.
 3. Sexually oriented businesses shall be prohibited from locating in any building which is also licensed to sell intoxicating liquor, 3.2 percent malt liquor or wine.
 4. Sexually oriented businesses shall prohibit minors on the licensed premises.
 5. Sexually oriented business activities that include a sale or display of instruments, devices or paraphernalia used or designed for use in connection with specified sexual activities, shall be prohibited at any public show, movie, caravan, circus, carnival, or exhibition presented to the general public where minors are admitted.
- C. Location; Sexually Oriented Businesses:
 1. A sexually oriented business shall be located at least seven hundred feet (700'), as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented business is located, from the property line of residentially zoned property or residential uses. For purposes of this section, residential use shall include assisted living and congregate care facilities (such as nursing home, memory care or hospice facilities).
 2. A sexually oriented business shall be located at least one thousand feet (1,000') as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented business is located, from the property line of:
 - a. Youth centers.
 - b. Schools.
 - c. Religious institutions.
 - d. Daycares.
 - e. Another sexually oriented business.
 3. No two (2) sexually oriented businesses may be located in the same building or upon the same property and each business shall be subject to Subsection (C)2e of this section.
- D. Not Applicable: Minnesota Statutes, Section 617.242 shall not apply.
- E. Retail Of Merchandise Permitted: Establishments that devote less than a substantial or significant portion of floor area to sexually oriented business merchandise is permitted anywhere retail is otherwise permitted.

10-10-10 : Solar Energy Systems

- A. Purpose And Intent: A goal of the comprehensive plan is to encourage sustainable practices and construction techniques that promote energy conservation. In accordance with this goal, the city finds that it is in the public interest to promote the use of alternative energy systems such as solar, because of the positive impact on energy production and conservation, to reduce carbon production, and promote efficient use of existing and new energy resources in a manner that does not have an adverse impact on the community.
- B. Applicability: A solar system is considered an accessory solar energy system only if it supplies electrical or thermal power primarily for on site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company.
- C. Scope Of Regulations: Solar systems may be erected, relocated, enlarged, structurally changed or altered in accordance with the provisions of this section.
- D. Accessory Solar Energy Systems (SES): Accessory solar energy systems constructed and placed in accordance with the standards in this section are allowed as a permitted accessory use in all residential, commercial, industrial and park zoning districts and on City owned property.
- E. General Provisions:
 1. System Location: An accessory SES shall be located where the lot or building has a solar resource and may be mounted on poles, light poles, the ground, the roof or a wall of a building.
 2. Easements: SES shall not encroach on public drainage, utility, right-of-way or trail easements unless installed by the government agency with jurisdiction over said easement or right-of-way.
 3. Earth Disturbances: Any earth disturbance that results from installation, maintenance or removal of an SES or its components shall be graded and the turf reestablished as approved by the City.
 4. Impervious Surface: Fifty percent (50%) of surface area of solar panels shall be considered impervious surface.
 5. Tree Removal: Tree removal shall be minimized to only that which is required for the system to operate and any removal shall be mitigated in accordance with the woodland preservation requirements of section 10-8-1(G) of this title.
 6. Installation Prohibited In Certain Areas: SES shall not be installed within the floodway, flood fringe, floodplain, shore impact zone, bluff impact zone, wetlands, wetland buffers, public waters, or stormwater ponds.
 7. Guywires: Poles or structures requiring guywires are not permitted.
 8. Power Transmission Lines: All power transmission lines from the SES to any building or other structure shall be located underground.
 9. Finish Used: With the exception of the solar collector surface, all surfaces and associated mechanical equipment, devices and meters shall use nonreflective finishes such as an anodized finish.
- F. Exemptions:
 1. Passive and building integrated SES are exempt from the requirements of this section and shall be regulated as any other building element.

2. Solar energy collector devices less than one (1) square foot in area and generally used for garden decoration, exterior accent lighting for residential homes, lawns, and flagpoles are exempt from the requirements of this section.
3. Accessory SES installed by a government agency on light poles, signs, transit shelters, within public right of way, easements and city owned property are exempt from the provisions of this section.
4. Accessory SES not visible from ground level view from adjacent right of way or from abutting properties are exempt from Subsections (H)1, (H)2, (H)5 and (H)6 of this section provided the view is obstructed by existing buildings, fences, walls or topography.

G. Aesthetics: Accessory SES shall be designed and installed in a manner to complement and not detract from the character of the site and neighboring properties. All SES are to be designed to minimize visual impacts, provided that mitigating for visual impacts will allow the system to function within expected industry standards. The city development review committee (DRC) will determine if the proposed design and installation complements or detracts from the character of the site and neighboring property, buildings and structures. Any person aggrieved by the determination of the DRC may file an appeal to the city council pursuant to Section 10-2-1 (C) of this title or file an application for a conditional use permit pursuant to Section 10-2-4 of this title.

1. Accessory SES shall be designed to blend into the architecture of the building, structure and property landscape.
2. All structures associated with the SES system shall be neither visually intrusive nor inappropriate to their setting.
3. Building integrated and roof mounted SES are allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use and performance standards for the district in which building is located.
4. Solar collection device(s) shall be designed and located to avoid solar glare or reflection onto adjacent properties and right of way and shall not interfere with traffic or create a safety hazard. The property owner shall be responsible to ensure reflection angles from collector surfaces are oriented away from neighboring windows. Where necessary, buffering may be required to address glare.
5. In all zoning districts other than residential, ground, pole and wall mounted SES that are visible from public right of way shall include buffering features such as landscaping, fences, walls, parapet walls or other building integrated architectural or other features approved by the DRC, to soften the appearance of the system and improve visual aesthetics.
 - a. SES on nonresidential property that abuts a residential zone or dwelling shall be set back at least fifty feet (50') from all adjoining residential property lines.
6. In residential zones, ground and wall mounted SES on nonresidential buildings or property that abuts or is across the street from residential dwelling(s) shall be set back at least fifty feet (50') from adjoining property lines and include buffering features pursuant to Subsection (H)5 of this section.

H. Performance Standards:

1. Ground Mounted Solar Energy Systems:

- a. In the R-1 and R-2 zoning districts, ground mounted SES shall be limited to a maximum area of two hundred (200) square feet and may only be located in a rear yard.
- b. In commercial and industrial zoning districts, ground mounted SES are permitted in the front yard, side yard and rear yard.
- c. In the park zoning district and property owned by the city, there shall be no limit on the size or location of the ground mounted SES.
- d. In all other zoning districts ground mounted SES shall be limited to no more than twenty five percent (25%) of the rear yard.
- e. Ground mounted SES shall not exceed fifteen feet (15') in height when solar panels are oriented at maximum tilt.
- f. Ground mounted SES including any appurtenant equipment may not extend into the required accessory structure setback and shall meet the accessory structure setbacks of the underlying zone and be located a minimum of thirty feet (30') from all dwellings located on adjacent lots.
- g. The area below ground mounted SES is to be kept neat, clear, uncluttered and be covered with landscape rock, mulch or other material approved by the DRC.

2. Pole Mounted Solar Energy Systems:

- a. One pole mounted SES is allowed per nonresidential lot.
- b. Pole mounted SES shall not exceed fifteen feet (15') in height when solar panels are oriented at maximum tilt, and shall meet the accessory structure setbacks of the underlying zoning district.
- c. Pole mounted solar collectors shall be limited to an area no larger than two hundred (200) square feet in area.

3. Building Mounted Solar Energy Systems:

a. Roof Mounted:

- (1) Roof mounted SES and mounting devices shall comply with all building setbacks of the underlying zoning district and shall not extend beyond the exterior perimeter of the building on which it is mounted.
- (2) Exterior piping for solar hot water systems may extend beyond the perimeter of the side or rear of a building and shall be painted to blend in with adjacent surfaces.
- (3) Solar panels are to be located in a manner that does not change a roofline or obscure the relationship of a roof to character defining features such as dormers and chimneys.
- (4) Placement of panels should be uniform on the roof or wall.
- (5) Systems shall not be attached to the front of parapet walls or any extension of a front wall of a building that is visible from public right-of-way.
- (6) Systems shall be set back from the edge of a flat roof, so as not to be visible from the public right-of-way or be screened by a parapet wall.
- (7) Roof mounted systems shall meet the following criteria:
 - (A) Be surface mounted parallel to the plane of a pitched roof

- and be no higher than ten inches (10") above the roof.
 - (B) Be installed below the ridgeline of a pitched roof.
 - (C) Systems shall be set back from the edge of a flat roof or be screened by a parapet wall so as not to be visible from the public right-of-way
 - (D) Shall cover no more than eighty percent (80%) of the total south facing roof.
- b. Wall Mounted Solar Energy Systems:
 - (1) Shall comply with the required principal structure setbacks if located on the principal building or if mounted on an accessory building, shall comply with the required accessory structure setbacks of the underlying zoning district.
 - (2) Shall not cover more than fifty percent (50%) of the wall to which it is attached.
 - (3) Shall be surface mounted parallel to the wall of the building.
- c. Building Integrated Solar Energy Systems:
 - (1) No size or area limitations apply to building integrated SES.
 - (2) Systems shall comply with the required principal structure setbacks if located on the principal building or if located on an accessory structure, shall comply with the required accessory structure setbacks of the underlying zoning district.
- I. Utility Notification: All on grid SES shall comply with the interconnection requirements of the electric utility. The applicant shall provide written authorization from the local utility company to the City acknowledging and approving such connection to the grid. Off grid systems are exempt from this requirement.
- J. Identification: SES may be labeled to include:
 - 1. The name or logo of the manufacturer and/or installer.
 - 2. The make, serial number, and other pertinent information about the solar energy system.
- K. Standards And Certification: All solar energy systems shall meet all applicable codes and ordinances.
- L. Unsafe Or Inoperative Systems:
 - 1. Any SES found to be unsafe by the building official or designee shall be repaired by the owner to meet all code requirements or removed as directed.
 - 2. If any SES remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after any required permits have been obtained. Removal includes the entire structure including transmission equipment and footings.
- M. Disconnecting SES During Emergencies Or Utility Maintenance:
 - 1. The City shall have the right to disconnect SES during emergencies, such as fire or other catastrophe, or when utility maintenance is to be performed.
 - 2. SES shall include an emergency disconnect that is clearly labeled, easily accessible and in a location to be approved by the City.
- N. Permits: A building permit, electrical permit, and if required a conditional use permit, shall be obtained prior to installation of an SES.

O. Conditional Use Permit: Any variation from the required standards of this section may be allowed through a conditional use permit in accordance with Section 10-2-4 of this title.

1. Conditional Use Permit: Variations to the standards in this section may be permitted as a conditional use permit in accordance with section 10-2-4 of this title. In granting a conditional use permit, the City Council shall consider the criteria in said Section 10-2-4 of this title and the following additional criteria unique to solar energy systems:

- a. That the variation is required to allow for the improved operation of the SES;
- b. That the SES has a net energy gain;
- c. That the SES does not adversely affect solar access to adjacent properties;
- d. That the SES complies with all other engineering, building, safety and fire regulations; and
- e. That the SES is found to not have any adverse impacts on the area, including the health, safety and general welfare of occupants of neighboring properties and users of public rights-of-way

10-10-11 : Temporary/Seasonal Outdoor Sales Uses(Added)

A. Requirements: Temporary/seasonal outdoor sales uses shall be allowed only when permitted in the underlying zoning district and shall meet the following requirements:

1. Permit Required: No person shall conduct temporary/seasonal outdoor sales, without first having received a permit as provided in this section.

2. Permit Application: The application for a permit shall include the following information:

- a. A list of vendors;
- b. A list of all the products to be sold;
- c. A list of all the materials and their quantities to be sold or displayed;
- d. The intended dates, times, and the duration of the sales;
- e. The name and contact information of the person or organization managing the temporary/seasonal outdoor sales event; and
- f. A site plan illustrating the sales arranged in as compact a manner as possible demonstrating vehicle and pedestrian access, circulation and safety, traffic flow, and parking. Access must safely function and not interfere with the operation of the principal use of the site. The site plan shall include the following information:
 - (1) Vendor stalls, location, arrangement and their dimensions;
 - (2) Promenade aisle width;
 - (3) Setbacks from property lines;
 - (4) On-site parking and traffic circulation patterns;
 - (5) Pedestrian access and circulation patterns;
 - (6) Service vehicle access and staging areas;
 - (7) Trash and waste handling equipment;
 - (8) On-site lighting;
 - (9) Proposed signs, location, size, and height;
 - (10) Restroom availability;

(11) Seating areas; and

(12) Proposed signs.

3. Permit Types: A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.
4. Permit Fee: The applicant shall pay the new or renewal permit fee as established annually by the city council. The fee for new and renewal permits shall also include the cost of a sign permit. The permit fee shall be paid in full with the application.
5. Duration: Permits issued under this section shall be valid for the dates and times approved with the permit; no permit shall exceed ninety (90) days. No more than two (2) permits shall be issued to the same applicant or property in any calendar year.
6. With the exception of a flea/antique/farmer's market, the permit is good for one (1) vendor per property. A property may not hold more than one (1) permit at a time.

B. Exemptions:

1. Schools, academies, universities, libraries, churches, hospitals or similar institutions are not required to obtain a temporary/seasonal outdoor sales permit, when the sale is conducted on their own property.
2. Organizations identified in Title 3 of this code shall not be required to obtain a temporary/seasonal outdoor sales permit.

C. Permit Applicant: The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the city of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.

D. Performance Standards: A new or renewal permit shall be issued by the city provided the applicant demonstrates that the following performance standards will be met:

1. Off street parking and loading areas are provided where required.
2. No public address system shall be used.
3. The number, area, bulk, height, location, frequency, and duration of temporary/seasonal outdoor sales uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
4. Vendor stalls and display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe. No person or display shall obstruct any municipal or private fire hydrant, or any fire protection device affixed to a building. Additionally, the obstruction of posted fire lanes shall be prohibited, and no public right-of-way (ROW) shall be occupied without a ROW permit.
5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right of way or other public property.

6. Signage shall be limited to one sign not to exceed thirty two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles. The sign may be illuminated but must comply with all requirements of 10-12 of this title.
7. All lighting shall comply with the lighting standards of section 10-9-7 of this chapter.
8. The sale area and associated parking and loading areas shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed.
9. No portion of the use or event shall take place within one hundred feet (100') of any residential buildings. No sales events with twenty (20) or more vendors shall take place within one hundred and fifty feet (150') of any residential building.
10. An antique/flea/farmer's market sale shall provide one parking stall per one hundred (100) square feet of vendor display area plus one parking stall per vendor. All parking shall be on site or on an adjacent parcel when approved as part of the initial review.
11. An antique/flea market sale shall be limited to only one day per calendar week during a consecutive ninety (90) day permit period, and shall not exceed fourteen (14) days throughout the ninety (90) day period.
12. Antique/flea market sales are limited to the B-2, B-3, and B-4 zoning districts only.
13. Farmer's markets shall be allowed to operate up to three (3) days per week during the months of April through November.
14. Hours Of Operation:
 - a. Antique/flea/farmer's markets shall be limited to operating between the hours of 8:00 A.M. and 7:00 P.M.
 - b. Farmer's markets that are located in the R-1 District or within one hundred fifty feet (150') of an R-1 zoned property shall not allow vendors to begin setup until 7:00 A.M. on the day of the farmer's market.
 - c. All sales merchandise shall be unloaded prior to the opening of the market and confined to the off-street parking lot area. No on street parking or unloading shall be allowed.
- E. Denial Of Renewal Permit: No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a previously issued new or renewal permit, except upon the approval of the planning commission.
- F. Denial For Noncompliance: If the city staff denies a permit, it shall notify the applicant in writing, stating the ways in which the proposed use does not comply with the standards required by this title.
- G. Permittee: A temporary/seasonal outdoor sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the city. However, such consent by the city shall not be unreasonably withheld.
- H. Revocation: Failure to comply with any performance standard or any other violation of this title, shall be a misdemeanor and shall also constitute sufficient cause for the termination of the permit by the city council following a public hearing.

10-10-12 : Towers And Antennas

- A. Purpose: In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the council finds that these regulations are necessary to:
 1. Maximize the use of existing and approved towers and buildings to accommodate new personal wireless service antennas in order to reduce the number of new towers necessary to serve the community;
 2. Ensure antennas and towers are designed, located, and constructed in accordance with all applicable code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements;
 3. Require antenna and tower sites to be secured in order to discourage trespassing and vandalism;
 4. Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to complement existing structures to minimize adverse visual effects of antennas and towers; and
 5. Establish criteria under which wireless communication providers may utilize public utility structures within city controlled public right of way and drainage and utility easements adjacent to public right of way for collocation of antennas.
- B. Height Restrictions
 1. Height Determination: The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure at the tower's point of attachment and tower must meet the height restrictions of this section.
 2. Maximum Height: Except as provided in Subsection (C) of this section, maximum heights for towers are as follows:
 - a. In all protected residential property, the maximum height of any tower, including all antennas and other attachments, shall be thirty feet (30'), except that no tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five feet (5').
 - b. In residential zoned property other than protected residential property, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot (1') for each two feet (2') the tower is set back from protected residential property up to a maximum height of seventy five feet (75') for towers and antennas located on property developed for apartment buildings and one hundred fifty feet (150') in all other cases, except that no tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five feet (5').
 - c. In all nonresidential zoning districts, the maximum height of any tower,

including all antennas and other attachments, shall not exceed one foot (1') for each two feet (2') the tower is set back from protected residential property, up to a maximum height of one hundred fifty feet (150'). The city council may allow towers up to two hundred feet (200') high if the applicant can demonstrate, based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, that off site views of the tower will be minimized. Owners of certain antenna structures more than two hundred feet (200') above ground level at the site must notify the federal aviation administration and register with the federal communications commission.

- d. In the case of any proposal to construct or alter a structure of two hundred feet (200') or greater in height (above ground level of the site), or any proposal to construct or alter a structure to a height greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the runway of a public airport, the applicant shall notify the commissioner of the Minnesota department of transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the city. The applicant shall provide the city planner with any comments received from the commissioner of the Minnesota department of transportation as part of the required applicable permit request. This local reporting is in addition to any federal permit and review process which may be simultaneously required.

3. Exceptions: The following are exceptions to the maximum height restrictions for towers:

- a. Multiuser Towers: Multiuser towers may exceed the height limitations of this section by up to twenty feet (20'), provided that if only the antennas of a single personal wireless service provider will be attached to the tower at the time of application, the additional twenty feet (20') will not be used but will remain vacant for use by a second personal wireless service provider.
- b. Amateur Radio Antenna: In accordance with the preemption ruling PRB1 of the federal communications commission, towers supporting amateur radio antennas that comply with all other requirements of this section are exempted from the height limitations of this section up to a total height of seventy feet (70'), provided that such height is technically necessary to receive and broadcast amateur radio signals.
- c. Attached To Structures: Towers and other antenna devices which are attached to a structure and not freestanding may be located in residential zoned districts under the following conditions:
 - (1) The towers and antennas are located upon existing or proposed structures allowed as principal or conditional uses in the underlying zoning district and/or upon public structures; and
 - (2) The towers and antennas are limited to a height of fifteen feet (15') projecting above the structure. The city council may permit antenna heights of up to twenty five feet (25') above the structure if the applicant can demonstrate that, by a combination of antenna

design, positioning of the structure and/or by screening erected or already in place on the structure, off site views of the antenna are minimized to accepted levels.

- d. Public Utility Structures: Public utility structures, including, but not limited to, water towers, antennas, lights and signals, power and telephone poles, and poles supporting emergency warning devices.
- e. Wireless Antennas Attached To Public Utility Structures: Wireless antennas located on or attached to public utility structures within public right of way or in drainage and utility easements adjacent to public right of way allowed pursuant to a lease or master agreement with the city providing for review of the location, height and safety of the structure and antenna.

C. Setbacks: Towers shall conform with each of the minimum setback requirements:

- 1. Principal Structure Setbacks: Towers shall meet the principal structure setbacks of the underlying zoning district except that towers may be located five feet (5') from the rear property line, provided that the rear property line abuts industrially zoned property and the tower does not encroach upon any easements.
- 2. Protected Residential Property: For protected residential property, the required setback for an antenna and tower not rigidly attached to a building shall be equal to the height of the antenna and tower. Those antennas and towers rigidly attached to a building, and whose base is on the ground, may exceed this required setback by the amount equal to the distance from the point of attachment to the ground.
- 3. Public Rights Of Way And Roadway Easements: Towers shall be set back from all public rights of way and roadway easements by a minimum distance equal to one-half (1/2) of the height of the tower including all antennas and attachments.
- 4. Location Between Principal Structure And Public Street: Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- 5. Setback Reduction: A tower's setback or its location in relation to a public street may be reduced through a conditional use permit, at the sole discretion of the city council provided ground equipment is screened.
- 6. Exceptions: The setbacks in this section shall not apply to antennas collocated on existing buildings, towers or structures or public utility structures, including, but not limited to, water towers, antennas, light poles, signals, power and telephone poles, and poles supporting emergency warning devices that are located within public rights of way or in drainage and utility easements adjacent to public rights of way

D. Towers In Residential Zoning Districts: Towers in the residential zoning districts are subject to the following restrictions:

- 1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this code shall be allowed only in the rear yard of residentially zoned parcels.
- 2. Towers supporting personal wireless service antennas and conforming to all applicable provisions of this code shall be allowed only in the following

residentially zoned locations with a conditional use permit:

- a. Church sites;
 - b. Park sites, when compatible with the nature of the park;
 - c. Sites guided under the city's comprehensive plan as commercial recreational business sites;
 - d. Apartment complex or development; and
 - e. Government, school, utility, and institutional sites.
3. Public utility towers supporting wireless antennas and conforming to all provisions of this code allowed pursuant to a lease or master agreement with the city shall be permitted in public rights of way and in drainage and utility easements adjacent to public rights of way.
 4. Only one tower shall exist at any one time on any one residential parcel, unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support device, or similar structure. This provision shall not apply to public utility towers supporting wireless antennas and conforming to all provisions of this code located in public rights of way and within drainage and utility easements adjacent to public rights of way that are allowed pursuant to a lease or master agreement with the city.
- E. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the federal aviation administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- F. Signs And Advertisements: No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
- G. Accessory Utility Buildings: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements for accessory structures of the underlying zoning district. Ground mounted equipment shall be screened pursuant to Section 10-9-21 of this title, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood. The setback provision shall not apply to public utility towers supporting wireless antennas and conforming to all provisions of this code that are located in public rights of way or in drainage and utility easements adjacent to public rights of way that are allowed pursuant to a lease or master agreement with the city.
- H. Design Standards: Proposed or modified towers and antennas shall meet the following requirements:
1. Towers and antennas (including antenna cables) shall be designed to blend into the surrounding environment to the maximum extent possible as determined by the city through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration;
 2. Personal wireless service towers shall be of a monopole design unless the city council determines that an alternative design would better blend into the

surrounding environment. This provision shall not apply to public utility towers supporting wireless antennas and conforming to all provisions of this code that are located in public rights of way or in drainage and utility easements adjacent to public rights of way that are allowed pursuant to a lease or master agreement with the city.

- I. Tower Collocation Requirements: All personal wireless service towers erected, constructed, or located within the city shall comply with the following requirements:
1. A proposal for a new personal wireless service tower shall not be approved unless the city council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building, that is greater than seventy five feet (75') in height, within a one-fourth (1/4) mile search radius for towers less than one hundred twenty feet (120') in height or a one-half (1/2) mile search radius for towers equal to or greater than one hundred twenty feet (120') in height of the proposed tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer.
 - c. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 2. The applicant must demonstrate that a good faith effort to collocate antennas on existing towers and structures was made, but an agreement could not be reached.
 3. Proposed personal wireless service towers shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred feet (100') in height or for at least one additional user if the tower is over seventy five feet (75') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- J. Tower Construction Requirements: All towers erected, constructed, or located within the city, and all wiring therefor, shall comply with the following requirements:
1. Building Permit: It shall be unlawful for any person, firm, or corporation to erect, construct, place or reerect, replace, or make structural repairs to any tower without first making application for and securing a building permit as provided in title 4 of this code, except as provided in subsection (C) of this section.
 2. Professional Engineer's Report: The applicant shall provide a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with all applicable structural and electrical, but not radio frequency, standards, including, but not limited to, the Minnesota state building code, and includes the engineer's certification.

3. Exceptions: Building permits are not required for:
 - a. Adjustment, repair, or replacement of existing antennas or the elements of an antenna array affixed to a tower or antenna; provided, that adjustments or replacement does not reduce the safety factor.
 - b. Routine maintenance (e.g., painting) and other nonstructural related repairs of towers.
 - c. Antennas and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick up operations, provided that all requirements of subsection (5) of this section are met, with the exception of subsection (5)H of this section (regarding corrosive material) which is waived. Temporary antennas shall be removed within seventy two (72) hours following installation, unless additional time is approved by the chief building official. Temporary towers erected for emergency purposes may be exempt from setback requirements of this chapter as determined by the chief building official.
 - d. Public utility structures supporting wireless antennas and conforming to all provisions of this code that are located within public right of way allowed pursuant to a lease or master agreement with the city providing for review of the location, height and safety of the structure and antenna.
4. Fee: The fee to be paid is that prescribed under building permit fees, Title 4-1-3 of this code.
5. Construction Requirements: All antennas and towers erected, constructed, or located within the city, including all necessary wiring, shall comply with the following requirements:
 - a. Applicable Provisions: All applicable provisions of this code.
 - b. Certification: Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform with the latest structural standards and wind loading requirements of the Minnesota state building code adopted in title 4 of this code, the Electronics Industry Association, the requirements of the federal aviation administration, federal communications commission and all other applicable reviewing agencies or that the tower is exempt from those regulations.
 - c. Extension Over Public Right Of Way Prohibited: With the exception of necessary electric and telephone service and connection lines approved by the city and public utility towers supporting wireless antennas and conforming to all provisions of this code and allowed pursuant to a lease or master agreement with the city, no part of any antenna or tower, nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.
 - d. Electrical Engineering Methods And Practices: Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the national electrical code.
 - e. Occupational Safety And Health Administration Requirement: All towers shall be constructed to conform with the requirement of the occupational

safety and health administration.

- f. Protection Against Unauthorized Climbing: All towers shall be reasonably protected against unauthorized climbing.
- g. Zoning Restrictions: Antennas and towers may only be erected in accordance with applicable zoning restrictions.
- h. Corrosive Resistant Metal Material: Towers shall be constructed of corrosive resistant metal material.
- i. Insurance: Persons responsible for all communication towers and their antennas shall maintain a general liability insurance policy that provides coverage from any damage to property or injuries to persons caused by collapse of the tower. Said insurance policy shall provide coverage on an occurrence basis in an amount no less than one million dollars (\$1,000,000.00).
- j. Inspections: All towers may be inspected at least once each year by an official of the building and inspection services division to determine compliance with original construction standards. Deviations from original design for which a permit is obtained constitutes a violation of this chapter.

- (1) Notice of violations shall be sent by registered mail to the owner of the property and the owner shall have thirty (30) days from the date the notification is issued to make repairs. The owner shall notify the building and inspection division that the repairs have been made, and as soon as possible thereafter, another inspection shall be made and the owner notified of the results.

K. Antenna Collocation Requirements:

- 1. Requirements: In all zoning districts except the TOD district, the placement of personal wireless service antennas on roofs, walls, and existing towers may be approved by the city, with a building permit.
 - a. In addition to the submittal requirements required elsewhere in this code, an application for a building permit for antennas to be mounted on an existing structure shall be accompanied by the following information:
 - (1) A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this code.
 - (2) A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this code.
 - (3) Certification by a qualified and licensed professional engineer indicating the existing structure's or tower's ability to support the antennas.
 - b. Antenna collocation requirements for TOD zoning districts are regulated by Section 10-6-7 of this title.
- 2. Exceptions: No building permit shall be required for:
 - a. Personal wireless service antennas located on or attached to public utility structures within public right of way and allowed pursuant to a lease or master agreement with the city that provides for review of the location, height and safety of the structure and antenna. The requirements of title 8,

chapter 14, "Right Of Way", of this code shall be met.

b. Antennas that meet the exemptions under subsection 10-10-12(A) of this chapter.

L. Existing Antennas And Towers: Antennas and towers in existence as of the effective date hereof which do not conform or comply with this chapter are subject to the following provisions:

1. Towers may continue in use for the purpose used and existing as of the effective date hereof, but may not be replaced or structurally altered without complying in all respects with this chapter.
2. If such towers are subsequently damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit for the repair or restoration, but without otherwise complying with this chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be fifty percent (50%) or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this chapter.

M. Abandoned Or Unused Towers Or Portions Of Towers: All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the city. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property. After the facilities are removed, the site shall be restored to its original or an improved state.

N. Interference With Public Safety Telecommunications: No new or existing telecommunications service shall interfere with public safety telecommunications.

O. Additional Submittal Requirements: In addition to the information required elsewhere in this title, an application for a building permit or conditional use permit for towers and antennas shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which does the following:
 - a. Describes the tower height and design including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
 - c. Describes the tower's capacity, including the number and type of antennas that it can accommodate; and
2. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, so long as there is no negative structural impact upon the tower and there is no disruption to the service provided.

P. Exemptions:

1. Exempt: The following antennas are exempt from the requirements under this chapter except as otherwise provided in subsection (B) of this section:

- a. Satellite earth station antennas that are two meters (2 m) or less in diameter and located or proposed to be located in a business or industrial district.
 - b. Except as otherwise provided under subsection (A)3 of this section, antennas designed to receive signals as follows, provided the mast supporting the antennas does not extend more than fifteen feet (15') above the roofline of the building:
 - (1) Antennas that are one meter (1 m) or less in diameter and that are designed to receive direct broadcast satellite service, including direct to home satellite services, or to receive or transmit fixed wireless signals via satellite;
 - (2) Antennas that are one meter (1 m) or less in diameter and that are designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite; or
 - (3) Antennas designed to receive television broadcast signals.
 - c. The exception provided for antennas designed to receive or transmit fixed wireless signals under subsection (1)a of this section applies to "customer end antennas", which are antennas placed at a customer location for the purpose of providing service to customers at that location, but does not apply to hub or relay antennas, which are antennas used to transmit signals to and/or receive signals from multiple customer locations.
2. Requirements: Antennas exempted under subsection (1)a of this section are subject to the following requirements:
 - a. Antennas (including antenna cables) shall be designed to blend into the surrounding environment through the use of appropriate colors, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration;
 - b. No lighting, signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities;
 - c. Antennas and any guywires or guywire anchors shall not be erected within a public or private utility and drainage easements, and shall be set back a minimum of five feet (5') from all lot lines. This provision shall not apply to public utility towers supporting wireless antennas and conforming to all provisions of this code that are located in public right of way or in drainage and utility easements adjacent to public right of way that are allowed pursuant to a lease or master agreement with the city;
 - d. Antennas shall meet the setback requirements specified under this chapter and, to the extent feasible, placed in a position that is not visible from the street, unless placement in accordance with these requirements would impair reception of an acceptable signal;

- e. Antennas shall meet the height limitations in this chapter, unless the applicable height limitation would impair reception of an acceptable signal; in which case, antennas shall be limited to the maximum height necessary to obtain an acceptable signal;
 - f. Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons;
 - g. With the exception of necessary electric and telephone service and connection lines approved by the city and public utility towers supporting wireless antennas and conforming to all provisions of this code that are located in public rights of way or drainage and utility easements adjacent to public rights of way allowed pursuant to a lease or master agreement with the city, no part of any antenna nor any lines, cable, equipment, or wires or braces in connection with the antenna shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line;
 - h. Antennas, masts, and supporting cables shall conform with the latest structural standards and wind loading requirements of the building code and the Electronics Industry Association and any other applicable reviewing agencies.
3. Residential District Standards: Satellite earth station antennas in excess of one meter (1 m) in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter may be allowed as a conditional use within the residential zoning districts of the city and, in addition to the requirements of this chapter, shall comply with the following standards:
- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction free receive window can be maintained within the limits of the property ownership;
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the receive window;
 - c. The antenna is not greater than three meters (3 m) in diameter; and
 - d. The conditional use permit provisions of this chapter are considered and determined to be satisfied.
4. Business District Standards: Satellite earth station antennas in excess of two meters (2 m) in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter are allowed as a conditional use within the B-1, B-2, B-3, and B-4 districts of the city and, in addition to the requirements of this chapter, shall comply with the following standards:
- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction free transmit-receive window or windows can be maintained within the limits of the property ownership;
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of

the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window; and

- c. The conditional use permit provisions of this title are considered and determined to be satisfied.

5. Industrial District Standards: Satellite earth station antennas in excess of two meters (2 m) in diameter and antennas designed to receive direct broadcast services or multichannel multipoint distribution services in excess of one meter (1 m) in diameter may be allowed as a conditional use within the I-1, I-2, I-3, GIM and GIH districts of the city and, in addition to the requirements of this chapter, shall comply with the following standards:

- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction free transmit-receive window or windows can be maintained within the limits of the property ownership;
- b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window; and
- c. The conditional use permit provisions of this title are considered and determined to be satisfied.

Q. Violations: Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor.

10-10-13 : Warehouse, Wholesale Showroom, And Multi-Tenant Warehouse Facilities

Warehouse, wholesale showroom and multi-tenant warehouse facilities shall be allowed only if permitted in the underlying zoning district and are subject to the following provisions and restrictions:

- A. No such use shall be allowed in a warehouse or tenant space of a warehouse facility where noise associated with loading activities or business operations will have an adverse impact on adjacent residential uses.
- B. Each warehouse or wholesale showroom building shall be architecturally designed and constructed with permanent finished building materials so as to be compatible with adjacent development and the city's building standards. The overall appearance of the building shall be that of an office rather than a warehouse.
- C. The allowable percentage of floor area devoted to the office function shall be established at the time of approval and ample space shall be allotted on the site to accommodate the parking area required to service it.
- D. All loading and service areas shall meet the screening requirements of Section 10-9-21 of this chapter.
- E. Whenever such developments abut or are across the street from residential uses, their interior road patterns shall be arranged in such a way as to route service vehicle traffic away from residential uses.

10-10-14 : Wind Energy Conversion Systems (WECS)

- A. Permit Required: WECS shall be considered accessory uses in all zoning districts, except as further limited in this section, and require a conditional use permit. The CUP may address,

but is not limited to: height of the system, length of blades, speed of rotation, blade arc and arc setbacks, provisions and sureties for removal, tower access limitation, and shadowing.

- B. Districts Permitted: WECS are permitted in any zoning district except residential districts, conservation districts and park districts.
- C. Ornamental Wind Devices: Ornamental wind devices that are not WECS shall be exempt from this section but shall conform to all other provisions of this Code.
- D. Interconnection With Utility Company: No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.
- E. Warranty: The applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Burnsville. The WECS shall be warranted against any system failures reasonably expected in severe weather conditions.
- F. Design Standards:
 - 1. All WECS shall comply with all applicable State and Federal regulatory standards including the State Building Code and Federal Aviation Administration (FAA) requirements; and Minnesota Pollution Control Agency (MPCA) and Environmental Protection Agency (EPA) regulations. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
 - 2. Any WECS utilizing a tower, pole or self-supporting structure shall be sited so that the tower is located a distance equal to or greater than its height from the nearest property line. If attached to a roof and/or building, the WECS apparatus shall be sited a distance equal to or greater than the height of the building plus the height of the WECS apparatus. In no instance shall a WECS encroach on the minimum principal structure setbacks.
 - 3. No more than one WECS shall be permitted per lot or parcel.
 - 4. Freestanding and/or tower WECS shall only be permitted on a lot/parcel with a minimum lot size of five (5) acres. WECS may be placed on the roof of any principal structure on a lot with a minimum lot size of two (2) acres.
 - 5. WECS shall not encroach on public drainage, utility, roadway or trail easements.
 - 6. Maximum height shall be fifteen feet (15') if attached to or placed on a roof of the principal structure and one hundred twenty feet (120') if freestanding wind turbine/tower.
 - 7. WECS shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules, chapter 7030 (as amended) at all property lines.
 - 8. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
 - 9. The following design provision shall also apply to all freestanding WECS:
 - a. Freestanding WECS structures shall be of monopole tower design only.
 - b. Blade arcs created by the WECS shall have a minimum of thirty feet (30') of clearance over any structure or tree within a two hundred foot (200') radius.
 - c. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

- (1) Tower climbing apparatus (on the tower) shall not be located within twelve feet (12') of the ground.
- (2) A locked anticlimb device shall be installed on the tower.
- (3) Tower shall be enclosed by a locked, protective fence at least six feet (6') in height.

G. Abandoned Towers: Any WECS tower, turbines or apparatus which is not used for six (6) successive months shall be deemed abandoned and shall be removed, including accessory facilities, from the property at the expense of the property owner.

SECTION 17: “CHAPTER 10-27 PLANNED UNIT DEVELOPMENT (PUD)” of the Burnsville Municipal Code is hereby repealed in its entirety.

SECTION 18: “CHAPTER 10-11 PUD PLANNED UNIT DEVELOPMNT” of the Burnsville Municipal Code is hereby amended to add the following :

CHAPTER 10-11 PUD PLANNED UNIT DEVELOPMNT

A. Purpose and Authorization: The purpose of a Planned Unit Development (PUD) is intended to allow flexibility in the zoning process to encourage innovative design and development. Utilization of a PUD shall meet the goals and policies of the comprehensive plan, while preserving the health, safety, and welfare of its residents. Pursuant to meeting the purpose(s) listed below, this article may allow modification to zoning and subdivision requirements.

1. Planned unit developments are intended to allow for flexibility in land development and redevelopment in order to utilize new techniques of building design and construction, and site design including clustering of buildings and land uses.
2. Planned unit developments allow provide flexibility from of standard traditional zoning requirements to maximize the development potential of land while remaining sensitive to the development sites unique and valuable natural features.
3. Planned Unit Developments shall promote efficient, sustainable development that maximizes land use by promoting a mix of compatible land uses, preserving open space, and supporting innovative site and building design.
4. Density Transfer: The relocation of housing units or square footage of building area computed on part of a building site to another part of the same site resulting in an increase in density to the transfer area for the purpose of preserving open space, forested areas, environmental or terrain features deemed worthy of preservation by the City Council.
5. District Integration: The combination of uses which are allowed in separate zoning districts, such as:
 - a. Mixed residential allows both densities and unit types to be varied within the project.
 - b. Mixed residential with increased density acknowledging the greater sensitivity of PUD projects, regulation provides increased density on the property if a PUD is utilized.

- c. Mixed land uses with the integration of compatible land uses within the project.
- B. Uses: The provisions of this article apply to any zoning district established within the City. Within the PUD, uses are determined by the underlying zoning district and must be in harmony with the Comprehensive Plan.
- C. Required Standards: In reviewing a proposed PUD, the City shall consider its consistency with the Comprehensive Plan and evaluate site design, compatibility with adjacent uses, natural features, stormwater management, infrastructure, and the adequacy and arrangement of buildings, circulation, parking, and open space, as necessary to protect the public health, safety, and welfare.
- D. Coordination With Subdivision Regulations: Subdivision review pursuant to title 11 of this code may be carried out simultaneously with the review of the development stage PUD. A plat shall be submitted if required by title 11 of this code, or if required as a condition of concept stage PUD approval, or as otherwise directed by the City Council. The plans required under this chapter shall be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for preliminary and final plat.
- E. Amendments:
 - 1. Minor Alterations Prior To Certificate Of Occupancy: Minor alterations to the location, placement and height of structures may be authorized by the Development Review Committee (DRC) if required by engineering or other circumstances not foreseen at the time the development stage PUD was approved.
 - 2. Public Hearing: With the exception of minor changes permitted in Subsection (A) of this section, changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved development stage PUD may be made only after a public hearing is held pursuant to the requirements of Section 10-5-6 of this title and the changes are approved by the City Council. All changes shall be recorded as amendments to the recorded development stage PUD.
 - 3. Applicability: All of the provisions of this title applicable to the original underlying zoning district within which the PUD Zoning District is established shall apply to the PUD Zoning District except as otherwise provided in approval of the development stage PUD.
 - 4. Review: If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.
- F. Phasing And Guarantee Of Performance:
 - 1. The Planning Commission shall compare the actual development accomplished in the various PUD Zones with the approved development schedule.
 - 2. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the City Council may extend the limits of the development schedule.
 - 3. The construction and provision of all of the common open space and public and recreational facilities shown on the development stage PUD must proceed at the same rate as the construction of dwelling units, if any. The Planning Department

shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Planning Department shall forward this information to the City Council for possible action.

G. Control Of PUD Following Completion

1. A. Approved Development Stage PUD: The use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the approved development stage PUD.
2. Minor Changes After Issuance Of Certificate Of Occupancy: No changes shall be made in the approved development stage PUD except upon application as provided below:
 - a. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee (DRC) if they are consistent with the purposes and intent of the development stage PUD. No change authorized by this section may increase the footprint of any building or structure by more than thirty percent (30%).
 - b. Changes to exteriors of buildings and building materials, construction of accessory trash enclosures and sheds, changes to signage, lighting, parking, landscaping and adding or altering sidewalk/trails are permitted to the extent there are no specific conditions in the approving PUD documents and any such changes are in compliance with this title.
 - c. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the development stage PUD unless an amendment to the development stage PUD is approved under Section 10-2-2 of this title.
 - d. Any other changes in the development stage PUD must be authorized by an amendment to the development stage PUD pursuant to the public hearing process outlined in Section 10-2-2 of this title.

H. Procedure for Processing a PUD

1. Application Conference: Prior to filing an application for PUD, the applicant should contact the Planning Department to arrange for and attend a conference with the DRC. The primary purpose of the conference is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which the PUD is contemplated and its conformity to the provisions of this title before incurring substantial expense in the preparation of plans, surveys and other data.
2. Concept Stage PUD:
 - a. Purpose: The concept stage PUD provides an opportunity for the applicant to submit a plan to the city showing his basic intent and the general nature of the entire development without incurring substantial cost. The plan shall include the following:
 - (1) Overall maximum PUD density range.
 - (2) General location of major streets and pedestrian ways.

- (3) General location and extent of public and common open space.
 - (4) General location of residential and nonresidential land uses with approximate type and intensities of development.
 - (5) Staging and time schedule of development.
 - (6) Other special criteria for development.
- b. Schedule:
 - (1) The applicant should meet with a planner to discuss the proposed development.
 - (2) The applicant shall file the concept stage PUD application together with all supporting data.
 - (3) The application shall be processed pursuant to Section 10-2-2 of this title.
 - (4) The city may request additional information from the applicant or retain expert testimony at the expense of the applicant concerning operational factors.
- c. Development Stage PUD: Following concept stage PUD approval, the applicant shall submit the development stage PUD application and may also submit preliminary and final plat. The application shall be processed in accordance with Section 10-2-2 of this title. If appropriate due to the limited scale of the proposal, the concept stage PUD and development stage PUD may proceed simultaneously.
- d. Application: A development application and supporting materials shall be submitted to the planning department and as outlined for each stage of the PUD as follows:
 - (1) Concept Stage PUD:
 - (A) General Information:
 - (a) The landowner's name and address and interest in the subject property.
 - (b) The applicant's name and address if different from the landowner.
 - (c) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
 - (d) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidence as the city may require to show the status of title or control of the subject property.
 - (B) Present Status:
 - (a) Address And Legal Description: The address and

legal description of the property.

- (b) Zoning Classification And Use Of Property: The existing zoning classification and present use of the subject property and all lands within one thousand feet (1,000') of the property.
- (c) Map: A map depicting the existing development of the property and all land within one thousand feet (1,000') thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the property.
- (d) Written Statement: A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's comprehensive plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
- (e) Site Conditions: Graphic reproductions of the existing site conditions at a scale of one inch equals one hundred feet (1" = 100'). All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.
 - A. Contours; minimum two foot (2') intervals.
 - B. Location, type and extent of tree cover.
 - C. Slope analysis.
 - D. Location and extent of water bodies, wetlands, and streams and floodplains within three hundred feet (300') of the property.
 - E. Significant rock outcroppings.
 - F. Existing drainage patterns.
 - G. Vistas and significant views.
 - H. Soil conditions as they affect development.
- (f) Schematic Drawing: Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
- (g) Estimated Dwelling Units; Tabulation Of Land Use

Allocation: A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- A. Area devoted to residential uses by building type.
- B. Area devoted to private common open space.
- C. Area devoted to public open space.
- D. Area devoted to streets.
- E. Area devoted to, and number of, off street parking and loading spaces and related access.
- F. Approximate area, and floor area, devoted to commercial, industrial and/or office uses.

- (h) Construction Schedule: When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- (i) Care And Maintenance Of Open Space And Service Facilities: When public or private common open space or service facilities are proposed, a statement describing how care and maintenance of such open space or service facilities shall be provided.
- (j) Schematic Utility Plans: Schematic utility plans indicating placement of water, sanitary and storm sewers.
- (k) Waivers: The city may waive a submittal requirement, specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- (l) Additional Information Or Documentation: The city may require the submittal of any additional information or documentation which it finds

necessary or appropriate to
conduct a complete review of the proposed PUD.

- (m) Pervious Paving/Paver Systems: The city will consider the use of pervious paving/paver systems as a benefit to the PUD and encourages their use for parking lots, pedestrian walkways, overflow parking areas, within raised medians and islands, emergency vehicle lanes and other low traffic areas. The city may require the submittal of soils information for review by the city engineer to identify whether appropriate conditions exist for proper function of pervious paving/paver systems on site. A maintenance agreement shall be required to ensure ongoing maintenance and operation of all pervious paving/paver systems.

- (C) Development Stage PUD: Development stage PUD submittals should depict and outline the proposed implementation of the concept stage PUD. Information from the concept stage PUD should be included for background and to provide a basis for the development stage PUD application. The development stage PUD submittals shall include, but not be limited to:

- (a) A preliminary plat and supporting information as required by title 11 (subdivision regulations) of this code, or a condition of concept stage PUD approval or as otherwise directed by the city council.
- (b) The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including temporary sales offices, model homes, and existing buildings proposed to remain, if any.
- (c) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
- (d) Location, designation and total area of all common open space.
- (e) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
- (f) Any other information that may have been

required by the planning commission or city council in conjunction with the approval of the concept stage PUD.

- (g) An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
- (h) A tabulation indicating the number of residential dwelling units and expected population.
- (i) A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drugstore, dry cleaning, supermarket).
- (j) Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings.
- (k) A detailed site plan showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including model homes, temporary sales offices, and all other uses.
- (l) Any restrictive covenants that are to be recorded with respect to property in the proposed PUD.
- (m) A stormwater pollution prevention plan pursuant to Section 10-8 of this title.
- (n) Final plat and all supporting documents, as required by title 11 of this code, or as required as a condition of concept stage PUD approval, or as otherwise required by the city council.

SECTION 19: "CHAPTER 10-30 SIGNS" of the Burnsville Municipal Code is hereby repealed in its entirety.

SECTION 20: "CHAPTER 10-12 SIGNS" of the Burnsville Municipal Code is hereby *added* as follows:

CHAPTER 10-12 SIGNS

- A. Purpose: Signs have an impact on the character and quality of the environment as a prominent part of the scenery; they attract or repel the viewing public and affect the safety of vehicular traffic. Their suitability or appropriateness helps to set the tone of the neighborhood. The purpose of this section shall be to regulate the placement, erection and maintenance of signs in the City so as to promote the health, safety, aesthetics, economic

welfare and general welfare of the community. The following standards in this chapter are, therefore, adopted to regulate signs.

B. General Provisions:

1. Hazard To Traffic: No sign permitted by this title shall, by reason of its location, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", etc., unless such sign is needed to direct traffic on the premises.
2. Maintenance: All signs and sign structures shall be properly maintained in a safe, orderly condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet (10') shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
3. Construction: All signs shall be constructed in accordance with the Minnesota State Building Code and the National Electrical Code. No changeable copy, illuminated architectural feature or dynamic display billboard sign shall exceed five hundred (500) nits (candelas per square meter) at night or seven thousand five hundred (7,500) nits during the day.
4. Location: No sign shall be erected, placed or maintained on, fences, trees, power and light poles or the supports thereof, except as allowed at special events or as a temporary banner. Signs on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
5. Electricity: All signs utilizing electricity shall be subject to the State's Electrical Code and electrical service wiring shall be buried or concealed.
6. Placement In Right-Of-Way: No signs other than governmental signs shall be erected or temporarily placed within any street rights-of-way or upon any public lands or easements or rights-of-way, except by conditional use permit or otherwise provided in this chapter.
7. Obstruction: No sign or sign structure shall be erected or maintained if it prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
8. Address Signs: A minimum of one address sign identifying the correct property number as assigned by the City shall be required on each principal building in all districts. Such sign shall be of sufficient size to be legible from the nearest street yet shall not exceed nine (9) square feet in area. The numbers shall be metal, glass, plastic or durable material and the numbers shall not be less than four inches (4") in height, in a contrasting color to the base or made of some reflective material and so placed to be easily seen from the street.
9. Seasonal Decoration: No seasonal/holiday decoration shall be allowed on or within the right-of-way.
10. Message: Commercial message of the sign shall be neat and orderly and not obscene. The signs shall be professionally prepared.
11. Illumination In B-1 And B-2: Signs in all B-1 and B-2 Districts may only be illuminated during business hours, or until eleven o'clock (11:00) P.M., whichever is later.

12. External Lighting: Signs with external lighting shall have no exposed light sources or fixtures unless decorative fixtures are utilized and the light source is fully concealed and diffused. If a wall sign is mounted above the first floor of a building, the illumination, if any, shall be internal. Dynamic display billboards shall be exempt from this section and shall be subject to the provisions of Section 10-12-8(P) of this chapter.
13. Angle Between Faces: The maximum angle permitted between faces of a double face freestanding sign is sixty degrees (60°), anything less is one sign, anything more is two (2) signs.
14. Illuminated Architectural Features: Illuminated architectural features or portions thereof, not defined as signage or a canopy sign, shall be applied at the rate of one-third (1/3) the architectural feature area toward the maximum allowable sign area permitted in Section 10-12-14, table A of this chapter. Illuminated architectural features shall include, but not be limited to, wall, roof and window mounted linear lighting, the wall surface between multiple rows of linear lighting, illuminated sign bands, backlit canopies, awnings or wall banding features, strings of light bulbs, etc. The color, illumination or intensity of these features shall not change more frequently than one time for every thirty (30) second interval. No scrolling, flashing, continuous movement or other motion shall be permitted. Each illuminated architectural feature must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
15. Banner Sign Standards: All temporary banner signs allowed within this chapter for more than ten (10) days shall meet the following design standards:
 - a. Banners shall be constructed with top and bottom ropes seamed into the banner.
 - b. Minimum twelve (12) ounce weight vinyl material.
 - c. Minimum two hundred forty (240) pounds per square yard of tensile strength.
 - d. Minimum one hundred ten (110) pounds per square yard of tear strength.
 - e. Banner signs located on buildings shall be stretched taut and securely attached.

C. Allowable And Prohibited Signs

1. Allowable Signs: The following signs are allowed without a permit unless otherwise specified. These signs, if placed in accordance with the following standards, will not apply toward the maximum allowable sign area, but shall comply with all other applicable provisions of this title:
 - a. Governmental Signs: Signs of a public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, directional signs, public transit signs, signs indicating scenic or historical points of interest, memorial plaques and temporary signs and banners, when these signs are erected by or on order of a public officer or employee in the performance of official duty. These may be on or off premises.
 - b. On Premises Directional Signs: Shall not exceed six (6) square feet in area.
 - c. Integral Signs: Shall not exceed nine (9) square feet in area.
 - d. Campaign Signs: Shall not be placed upon public right-of-way or property.

Campaign signs erected on private property should be erected with permission of the property owner or lessee. Those installing campaign signs shall comply with the Fair Campaign Practices Act contained in State of Minnesota Statutes Chapter 211B.

- e. Window Signs: Window signs shall not cover more than thirty five percent (35%) of the window area on each elevation of a building. All window signs shall be placed on the inside surface of the glass, except for a window sign of paint or decal application applied directly to the glass surface.
 - f. Informational Signs: Shall not exceed six (6) square feet.
 - g. Sandwich Board Signs: Sandwich board signs may be no more than three feet (3') in width and four feet (4') in height and must be located within twenty feet (20') of the main entrance to the business they advertise. Sandwich board signs must be placed upon private property, leaving a minimum of four feet (4') of clearance for pedestrian access. Sandwich board signs may not be placed upon the public sidewalk. Sandwich board signs may be used only during business hours and must be removed daily.
 - h. Original Art Murals: Original art murals.
 - i. Non-Commercial Signs: Non-commercial signs.
2. Allowable Temporary Banners: The following signs are allowed with a permit unless otherwise specified. These signs if placed in accordance with the following standards, will not apply toward the maximum allowable sign area, but shall comply with all other applicable provisions of this title:
- a. A permit is required and shall be valid for ninety (90) days. A maximum of two (2) permits are allowed per year. One permit is allowed per street frontage per property or in the case of a multi-tenant property one permit per tenant.
 - b. Temporary banner signs shall be securely attached to the building or fence in such a manner that no portion of the sign will be allowed to blow around freely in the wind. Temporary banner signs shall not cover or block ingress or egress from any door, window or fire escape. Shall not be located in required yards.
 - c. Temporary banner signs shall not be used in place of permanent signage.
 - d. There shall be no additional sign lighting allowed in addition to that which has been approved for the building.
 - e. Temporary banner wall signs shall comply with the performance standards of Section 10-12-3(O) of this chapter.
 - f. The size and location of these types of signs shall be determined as if the sign were a permanent wall sign as regulated in this chapter or no greater than three hundred (300) square feet, whichever is less.
 - g. Special event banners that are subject to the requirements of Title 3, Chapter 32 of this Code are exempt from these requirements.
3. Temporary Freestanding Signs: The following signs are allowed with a permit unless otherwise specified. These signs, if placed in accordance with the following standards, will not apply toward the maximum allowable sign area for permanent signs, but shall comply with all other applicable provisions of this title:

- a. A permit is required and shall be valid for ninety (90) consecutive days. A permit may be renewed once every ninety (90) days. A maximum of two (2) permits are allowed per year. One permit is allowed per property or in the case of a multi-tenant property one permit per tenant.
- b. One sign is allowed per street frontage with a maximum total square footage according to the chart below:

Zoning Districts	Property Size	Temporary Freestanding Sign Square Footage	Height	Permit Required
R1, RR-1, R2, R-5	N/A	12 square foot maximum	6 feet	No
Conditional uses in the R1, RR-1, R-2, and R-5	N/A	100 square foot maximum	8 feet	Yes
R-3, R-4, B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM and MIX	0 - 2 acres	100 square foot maximum	8 feet	Yes
R-3, R-4, B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM and MIX	2 - 10 acres	200 square foot maximum	12 feet	Yes
R-3, R-4, B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM and MIX	10 or more acres	300 square foot maximum	12 feet	Yes

- c. The sign(s) shall be located on private property.

- d. Such signs shall be professionally designed and painted on all sides, including support posts. Freestanding signs shall be properly anchored into the ground using posts with minimum dimensions of four inches (4") square or three inches (3") in diameter.
 - e. The sign shall be set back from the front property line no less than one foot (1') per one foot (1') of sign height.
 - f. Special event signs that are subject to the requirements of Title 3, Chapter 32 of this Code are exempt from these requirements.
4. Prohibited Signs: The following signs are prohibited in all zoning districts:
- a. Any sign which obstructs or impairs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device.
 - b. Any sign which contains or imitates an official traffic sign or signal, except for private, on premises directional signs.
 - c. Off premises advertising and directional signs except as permitted in Sections 10-12-4, 10-12-8 of this chapter and Section 3-32-4 of this Code.
 - d. Business signs on or attached to equipment, such as semitruck trailers, being used in such a manner that advertising is a principal use of the equipment.
 - e. Animated signs.
 - f. Projecting signs.
 - g. Roof signs.
 - h. Any sign which contains or consists of banners, bannerettes, pennants, ribbons, streamers, strings of light bulbs, balloons and hot or cold air inflatable devices, spinners or similar outdoor advertising devices, except as otherwise permitted in this chapter or may be approved by a special event permit in accordance with the provisions as set forth in Title 3, Chapter 32 of this Code.
 - i. Wall graphics, except for original art murals.
 - j. Beacons.
 - k. Multifaced signs.
 - l. Signs supported by guywires.
 - m. Cabinet signs on buildings, except as allowed in Section 10-12-6(E) of this chapter.
 - n. Portable signs, except for sandwich board signs and community event signs.
- D. Signs Allowed by Permit: Signs will be allowed by permit in R-1, RR-1, R-2, R-3, R-4, R-5 Districts and residential uses in a MIX District.
1. Nameplate Signs: Any nameplate signs over two (2) square feet shall be set back at least ten feet (10') from any property line. No sign shall exceed twelve (12) square feet in area or ten feet (10') in height above the average grade level. Signs may be illuminated, but such lighting shall be diffused or indirect and not illuminate beyond any lot line.
- a. Approved home occupations or in home daycare facilities shall be permitted one non-illuminated nameplate sign provided:
 - (1) The sign shall not exceed two (2) square feet in area.
 - (2) The sign is affixed to the dwelling immediately adjacent to the entrance used for business access.

2. Ground Or Monument Signs: Ground or monument signs shall be allowed for the purpose of permanent identification of residential areas. Signs shall be set back a minimum of five feet (5') from all property lines. At each principal entrance to such an area, a maximum of two (2) signs, not to exceed twenty (20) square feet per sign (of actual sign area exclusive of walls or supports), shall be allowed. Larger signs may be allowed as part of a planned unit development or conditional use permit.
3. Freestanding And Wall Signs: Freestanding and wall signs shall be allowed for conditional uses and subject to the following requirements:
 - a. The cumulative total wall sign area, when added to the gross sign area of all freestanding signs on the site, except for wall and freestanding signs that do not count toward the maximum allowable sign area pursuant to Section 10-12-4(A) of this chapter, shall not exceed the maximum allowable sign area set forth in Section 10-12-14, table A of this chapter.
 - b. The gross area and total height of a freestanding sign shall be limited by the formula and regulations set forth in Section 10-12-14, table B of this chapter.
 - c. Freestanding signs up to six feet (6') in height shall be located no closer than five feet (5') from a street right-of-way.
 - d. Freestanding signs over six feet (6') in height shall be located no closer than twenty feet (20') from the front street right-of-way. In the case of a corner lot, all sides fronting on a public right-of-way shall be deemed the front.
 - e. No part of a freestanding sign, except for an on premises directional sign, shall be located closer than five feet (5') from any driveway or parking space.
 - f. All or portions of the permitted freestanding sign area may be comprised of changeable copy signage. Color, illumination or intensity shall not change more frequently than one time for every eight (8) second interval. No scrolling, flashing, continuous movement or other motion shall be permitted.
- E. Wall Signs Allowed by Permit: Wall signs will be allowed by permit in B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM Districts and commercial uses in a MIX District.
 1. Maximum Number; Placement: The maximum number of wall signs for any business in a single occupancy or multiple occupancy building shall be between zero (0) and two (2) signs. On a single occupancy building, the signs shall be placed on a separate building facade, with or without street frontage. The number and placement of wall signs may exceed two (2) provided a Comprehensive Sign Plan is approved meeting the requirements of subsection (B) of this section.
 2. Comprehensive Sign Plan: Multiple occupancy buildings and single occupancy with more than two (2) signs shall submit and receive City approval of a Comprehensive Sign Plan that illustrates the number, size and location of all wall signs and awning signs for the building. The Comprehensive Sign Plan shall be current within five (5) years and meet the following standards:
 - a. Through an approved Comprehensive Sign Plan, the site may have building identification wall signs, individual tenant wall signs, awning signs, and

freestanding signs. The cumulative total sign area per site shall not exceed the maximum allowable sign area in subsection (C) of this section.

- b. Within multiple occupancy buildings, individual tenant signs shall meet the following standards:
 - (1) Tenants having a separate exterior entrance shall be eligible for exterior wall signs. The property owner may identify up to four (4) tenants per building through the Comprehensive Sign Plan that may be eligible for additional exterior wall signs.
 - (2) The total wall, awning, and banner sign areas for individual tenant bays shall not exceed the maximum allowable sign area as identified in Section 10-12-14, table A of this chapter, as applied to the front exterior facade of the individual tenant bay. No individual wall sign shall exceed three hundred (300) square feet.
 - (3) Except for subsection (B)2d of this section, tenant wall, awning, and banner signs shall be located on or above the building facades of the tenant bay occupied by the business.
 - (4) The property owner may identify through a Comprehensive Sign Plan up to four (4) tenants per building within the multiple occupancy building that will be eligible to locate wall signs on the building at locations beyond their occupied tenant bays.
- c. The location of all wall signs and awning signs shall be established through an approved Comprehensive Sign Plan. No illuminated wall signs shall be located on the side of a building, where the lot directly abuts a Residential Zoning District. Illuminated wall signs located on the side of a building directly across the street from a Residential Zoning District require a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- d. All wall signs shall be constructed in a manner that meets the standards of subsections (E) and (F) of this section. Installation of wall signs shall comply with all Building and Electrical Code requirements of this Code.
- e. Individual sign permits shall be required prior to the installation of any wall signs or awning signs.
- f. Awning signs shall meet the performance standards of subsection (N) of this section.
- g. Multiple-story/multiple occupancy buildings with tenants served by a common building entrance may have, in addition to the wall signs, one tenant directory sign as either a wall sign or freestanding sign located at each common entrance provided the tenant directory sign meets the following standards:
 - (1) Individual tenant directory sign shall not exceed one hundred (100) square feet in area.
 - (2) The cumulative total sign area for the entire site shall not exceed the provisions of subsection (C) of this section.
 - (3) The tenant directory sign shall be located within fifty feet (50') of the common building entrance.
 - (4) A freestanding tenant directory sign shall not exceed ten feet (10') in

height. Wall tenant directory signs shall not be located above the building floor where the common entrance is located.

3. Sign Area: The cumulative total wall, awning, and banner sign areas, when added to gross sign area of all freestanding signs on the site, except for wall and freestanding signs that do not count toward the maximum allowable sign area pursuant to Section 10-12-4(A) of this chapter, shall not exceed the maximum allowable sign area in Section 10-12-14, table A of this chapter.
4. Sign Area Calculation: The total sign area shall be calculated by applying the percentages of Section 10-12-14, table A of this chapter to the building facades that front on public streets.
5. Construction: Wall signs shall be constructed as individual raised mounted letter signs, and may be mounted on exposed raceways that are painted to match the sign band area. Raised letters shall have a depth from the wall or background surface not less than one inch (1"). No cabinet signs are allowed except for logo signs and descriptive tag lines. The logo and tag line shall be subordinate to the individual letters. The descriptive tag line may be constructed in a cabinet form with a maximum height of eight inches (8"). Stand alone cabinet signs are prohibited except as architecturally integrated into the building design and approved through a conditional use permit.
6. Materials: Wall signs shall be constructed with a maintenance free/permanent finish material. Wall signs shall not be painted.
7. Signs On Building Facing Two Or More Streets: Signs may be placed on the side of a building or tenant bay not facing a street. No building side may have signage in excess of the signage allowed for that side of the building based upon the maximum allowable sign area of that building facade. No illuminated wall signs shall be located on the side of the building where the lot directly abuts a Residential Zoning District.
8. Parapet Wall Signs: A sign that is above the highest roofline of a building but on a parapet wall that does not extend all the way around the building shall be architecturally integrated into the building design and comply with applicable architectural performance standards of Sections 10-19-1 and 10-23-1 of this title. This type of sign shall not be considered a roof sign.
9. Maximum Size: The maximum size for any one wall sign shall be three hundred (300) square feet.
10. Changeable Copy Signs: Changeable copy signs shall not be allowed as a wall sign, except as may be approved by a conditional use permit.
11. Transient Merchant Signage: Signage for transient merchants as defined and regulated in title 3 of this Code, shall be limited to one (1) 32-square foot temporary sign.
12. Temporary/Seasonal Outdoor Sales Uses: Shall be subject to the requirements of Section 10-7-48 of this title.
13. Awning/Canopy Signs: Awning/canopy signs may be allowed in addition to wall signs allowed in subsection (A) or (B) of this section provided they meet the following standards:
 - a. The lowest part of the awning/canopy shall be not less than eight feet (8') above the sidewalk or above the centerline of the adjacent street or drive aisle.

- b. Awnings/canopies shall be located over a window or door feature.
 - c. No awning/canopy signs shall be permitted on windows above the first floor.
 - d. Awning/canopy signs shall count against the total allowable sign area per Section 10-12-14, table A of this chapter.
 - e. Awning and canopy signs shall require a sign or building permit prior to installation.
- F. Permanent Freestanding Signs Allowed by Permit: Freestanding signs will be allowed by permit in B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM Districts and commercial uses in a MIX District.
- 1. Freestanding Signs Within B-2 District: Within the B-2 Neighborhood Business District, freestanding signs shall be limited to monument signs not to exceed six feet (6') in height.
 - 2. Monument Sign Street Setback: Monument signs up to six feet (6') in height shall be located no closer than five feet (5') from a street right-of-way.
 - 3. Freestanding Signs: Freestanding signs over six feet (6') in height shall be located no closer than twenty feet (20') from the front street right-of-way; however, the freestanding sign front setback limitation of twenty feet (20') may be decreased where a corresponding decrease in the sign height occurs. The formula for determining the height and setback variation shall be established at or below a diagonal plane beginning at the point twenty feet (20') back from the front property line and rising to the corresponding height limitation set forth in Section 10-12-14, table B of this chapter. From that point, the plane descends to a second point five feet (5') back from the front property line at a height of six feet (6'). In the case of a corner lot, all sides fronting on a public right-of-way shall be deemed the front.
 - 4. Freestanding Sign Locations: Freestanding signs except for an on premises directional sign and signs accessory to drive-through service lanes, shall be located no closer than five feet (5') from any driveway or parking space.
 - 5. Pylon Signs: Pylon signs shall be located no closer than fifteen feet (15') to the front property line.
 - 6. Pylon Sign Height: The minimum pylon sign height clearance to the bottom of the sign, including the cross bracing, framing or sign enclosure shall be eight feet (8').
 - 7. Number Of Freestanding Signs: One freestanding sign is allowed upon any single lot. Additional freestanding signs may be allowed provided they are in compliance with the following standards:
 - a. The signs are constructed as a monument sign and shall not exceed a height of six feet (6').
 - b. Within the B-1, B-2, B-3, B-4 Districts up to two (2) monument signs shall be allowed for lots under ten (10) acres in lot size. Up to four (4) monument signs shall be allowed for lots over ten (10) acres in lot size.
 - c. Within the B-1, B-2, B-3, B-4 Districts a maximum of four (4) freestanding signs, which include monument signs, shall be allowed per property. Additional signs may be allowed with approval of a CUP or PUD.
 - d. Within the B-1, B-2, B-3, B-4 Districts in no case shall any freestanding sign, monument sign or pylon sign be closer than three hundred feet (300')

to any other freestanding sign, monument sign or pylon sign. The distance between signs shall be measured from the edge of the sign face via a straight line. Menu boards and directional signs are exempt from this requirement.

- e. Decorative shrubbery and flowers must be incorporated as a part of the monument design and are maintained on a regular basis.
 - f. The signs, if illuminated, may be either internally or externally lighted in accordance with these regulations.
 - g. The gross area of the signs, when added together with all other freestanding and wall sign areas, does not exceed the maximum allowable sign area established for the lot.
 - h. Monument signs may incorporate additional berming on a slope of three to one (3:1) where the berming is incorporated into an overall landscaping design plan. Landscaping shall be provided on the slopes of the berm in an interesting and varied appearance. Where a planter box is incorporated, the landscaping shall occur in and around the planter with a similar attractive design. In both cases, the height of the sign, including the planter box shall not exceed six feet (6').
 - i. Signs allowed pursuant to Section 10-12-4(A) of this chapter.
8. Freestanding Sign Area And Height: The gross area and total height of a freestanding sign shall be limited to the maximums prescribed in Section 10-12-14, table B of this chapter. The maximum size and height of each sign shall be determined by the classification of the street toward which the sign is oriented, provided that the property on which the sign is to be located either fronts on the street or is part of a planned unit development that fronts on the street.
 9. Signs For Multiple Occupancy Buildings: In the case of a multiple occupancy building, which is a center for industrial, commercial or retail purposes on properties over ten (10) acres, a freestanding sign larger than that provided for in Section 10-12-14, table B of this chapter may be approved by conditional use permit.
 10. Monument Signs: For monument signs, the copy and graphic area shall not exceed the maximum square feet permitted under Section 10-12-14, table B of this chapter.
 11. Cumulative Gross Sign Area: The cumulative gross sign area of all freestanding signs, except as provided for in Section 10-12-4 of this chapter, when added to the total wall sign area, shall not exceed the maximum allowable sign area under Section 10-12-14, table A of this chapter.
 12. Changeable Copy Signs: In all Commercial, CRD and MIX Districts and approved retail businesses and retail showroom businesses in Industrial Districts, one changeable copy sign per street frontage may be incorporated as part of a freestanding sign. Changeable copy sign approvals will be granted only upon the elimination of all existing illegal temporary signage. Changeable copy signs may not exceed the brightness or illumination set forth in Section 10-12-3(C) of this chapter. The following criteria will be applied when reviewing changeable copy sign applications:
 - a. The signs shall be attached to the pylon sign beneath the business name or

- incorporated into an alternative freestanding sign proposal. The design of the sign shall complement other existing signage on the site.
 - b. The background color shall complement other existing signage on the site.
 - c. Changeable copy signs on the same lot shall maintain a separation between signs equal to one-half (1/2) the required lot width within the respective district.
 - d. The gross area of the changeable copy sign shall be limited to the maximums prescribed for freestanding signs under Section 10-12-14, table B of this chapter and the maximum allowable sign areas specified in Section 10-12-14, table A of this chapter.
 - e. The lower portion of the changeable copy sign shall meet the eight foot (8') minimum height clearance requirement. If the bottom of a changeable copy sign is proposed at a height below eight feet (8'), the message board shall be enclosed within a vandalproof encasement and shall be designed as a ground sign.
 - f. Color, illumination or intensity shall not change more frequently than one time for every eight (8) second interval. No scrolling, flashing, continuous movement or other motion shall be permitted.
 - g. Changeable copy signs may not operate at brightness levels that exceed five-tenths (0.5) foot-candle measured on the property line when adjoining Residential Zones and one (1.0) foot-candle measured on the property line when such line adjoins a similar zone and land use.
 - h. Each changeable copy sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
13. Grade Difference: Where there is a grade difference of more than four feet (4') between the proposed location of a freestanding sign and the higher grade of the street frontage toward which the sign is oriented, the sign height base elevation may be established at the centerline of the street, provided that the property on which the sign is to be located either fronts on the street or is part of a planned unit development that fronts on the street.
14. Drive-Through Signs: Signs accessory to drive-through service lanes are permitted in addition as allowed wall signs or freestanding signs provided the following conditions are met:
- a. One sign is allowed per approved drive-through service lane.
 - b. No sign shall exceed thirty two (32) square feet in area.
 - c. No sign shall exceed eight feet (8') in height.
 - d. Signs with speakers or intercoms shall be designed and located in a manner to direct noise away from adjoining properties.
 - e. One additional sign per approved drive-through service lane may be allowed provided the sign shall not exceed twenty-four (24) square feet in area.
15. Off Premises Freestanding Signs: In a multiple lot planned unit development (PUD) that includes shared driveways and parking areas among the lots, a sign directing traffic from one lot of the PUD to a business on another lot in the same PUD shall not be considered to be an off premises directional sign. Each such sign shall not exceed ten (10) square feet in area, shall be included in the total allowable sign area

for the building to which the traffic is being directed, and shall be compatible with the other signs in the PUD.

G. Billboards:

1. Billboards are permitted only in I-1 and I-2 Districts and only where the adjacent streets are intermediate arterial or interstate freeway roadways, as shown in the Burnsville comprehensive plan.
2. A conditional use permit shall be required for approval of a billboard pursuant to Section 10-5-5 of this title.
3. Upon obtaining a conditional use permit for a billboard, the company or person obtaining the permit shall file with the City a letter of credit in the minimum amount of ten thousand dollars (\$10,000.00) to guarantee compliance with the terms and conditions of the permit. The ten thousand dollars (\$10,000.00) shall cover one through five (5) signs.
4. The maximum sign size shall be seven hundred fifty (750) square feet. Billboards may incorporate cutouts protruding beyond the framed perimeter of the sign face providing the total sign area not exceed seven hundred fifty (750) square feet.
5. The maximum sign height to the uppermost portion shall be forty five feet (45'). The building setback limitation for the zoning district in which the sign is located shall apply to principal structure setbacks for billboards.
6. The minimum radius distance between billboards shall be two thousand feet (2,000').
7. No billboard shall be constructed within two thousand feet (2,000') of the City's corporate limits.
8. No billboard shall be constructed within one hundred fifty feet (150') of the point of tangency of the entrance or exit ramp on any intermediate arterial or interstate freeway or within one hundred fifty feet (150') of the intersection of the nearest right-of-way lines of any other class of street. The point of tangency shall be measured from the point where the off ramp meets the adjacent traffic lane. No billboard shall be constructed between ramps of an interchange.
9. Billboards shall be a single support, metal structure free of any supports or guywires. The metal shall be either painted or treated in such a manner as to prevent deterioration.
10. Billboards shall have a maximum of two (2) faces.
11. Billboard signs or portions thereof shall not change in content, color, illumination or intensity more frequently than eight (8) times per day, except as allowed in subsection (P) of this section. No scrolling, flashing, or continuous movement is permitted.
12. All electrical wiring shall be underground and concealed.
13. The lot on which a billboard is located shall be improved by landscaping and must be maintained in an acceptable manner.
14. Billboards are a principal use of property. Notwithstanding Section 10-7-3(B) of this title, a billboard shall not be erected on the same lot with a building, and billboards shall be removed from a lot before any other building or structure is erected on the lot.
15. In B-3 Districts, a billboard or off premises advertising sign may be proposed as a second principal use of a lot only pursuant to a planned unit development plan which is consistent with the comprehensive plan, meets the requirements of this title, and is

approved by the City Council in compliance with the following additional standards:

- a. The billboard or sign must be a preexisting, nonconforming use.
 - b. The owner of the billboard or sign must hold an ownership interest or easement in the underlying real estate where the billboard or sign is located.
 - c. The billboard or sign must be located adjacent to a minor arterial or principal arterial roadway.
16. The following standards shall apply to converted dynamic display billboards, as defined in Section 10-12-2 of this chapter, unless otherwise noted:
- a. Message Standards:
 - (1) Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure. Each static message shall not include flashing, scintillating lighting or the varying of light intensity. No scrolling, flashing, or continuous movement is permitted.
Each image and message shall be displayed with minimum time duration of eight (8) seconds before changing to the next image and message.
 - (2) The change of message shall appear to be instant to the human eye.
 - b. Design Requirements:
 - (1) All visible sign support columns shall be concealed with an architectural treatment approved by the City DRC, primarily consisting of natural stone, manufactured stone, brick, masonry panels, stucco, architectural metal or other materials.
 - (2) Ground equipment and facilities shall be screened from public view utilizing planting screens outlined in Section 10-7-18(B) of this title.
 - (3) Any dynamic display billboard may include the name or logo of the City of Burnsville on the sign frame or support column as a City gateway amenity. The introduction of the City name or logo to a dynamic display billboard shall not count against the maximum allowed sign size outlined in subsection (D) of this section. The City shall approve the size, configuration, and design of the City name or logo included on any dynamic display billboard.
 - c. Brightness Requirements:
 - (1) All dynamic display billboards shall be equipped and operated with an ambient light monitor or a mechanism that automatically adjusts the brightness level of the sign in response to light conditions.
Dynamic display billboards shall be equipped with a means to immediately turn off the display or lighting in the event of a sign malfunction. The dynamic display billboard sign and all associated lighting shall be turned off within one hour or as soon as reasonably possible after receiving notification by the City that the sign does not meet the standards of this section.
 - (2) No dynamic display billboard sign shall exceed five hundred

(500) nits (candelas per square meter) at night or seven thousand five hundred (7,500) nits (candelas per square meter) during the day.

- (3) Dynamic display billboards shall not operate at brightness levels of more than three-tenths (0.3) foot-candle above ambient light, as measured using a foot-candle meter at a preset horizontal distance of two hundred fifty feet (250') from the nominal size (14 feet x 48 feet) sign face.

d. Conversions Of Existing Billboards: A person may only obtain a permit for a dynamic display billboard for an existing lawful nonconforming off premises billboard provided the following requirements are met:

- (1) The applicant will into an agreement regarding the design and operation of the new dynamic display billboard which shall include the requirement for use of the billboard for public service announcements as provided in subsection (P)5 of this section.
- (2) Provided the applicant complies with the permit requirements of this chapter, a dynamic display billboard sign permit for the designated off premises sign will be issued. Said permit will allow a dynamic display billboard to occupy one hundred percent (100%) of the potential copy and graphic area and to change not more frequently than one time for every eight (8) second period. The dynamic display billboard sign shall meet all other requirements of this chapter.
- (3) Provided the applicant complies with the permit requirements of this chapter the applicant is permitted 2 dynamic display signs, 1 on each face on the same billboard structure.

e. Public Service Announcements:

- (1) Dynamic display billboard owners shall display public service announcements on behalf of the City, if the City chooses to participate (at no cost to the City) under the following parameters:
 - (A) No more than two thousand two hundred fifty (2,250) 8-second public service messages shall be utilized per month per face.
- (2) Dynamic display billboards shall be part of the State of Minnesota's public safety alert system. Owners of dynamic display billboards shall coordinate with law enforcement and emergency management authorities to display, when appropriate, regional emergency information important to the traveling public including, but not limited to, "Amber alerts" or emergency management information.
- (3) Regional emergency information shall be displayed in accordance with the established protocols of local and State authorities. Emergency communications shall travel through established protocols set up by the division of emergency management or first responders.

17. Existing legal nonconforming billboards are subject to the general requirements of Section 10-12-12, "Nonconforming Signs", of this chapter.
- H. Temporary Decal Installation: Temporary Decal Installations shall be allowed by permit in B-1, B-2, B-3, B-4, CRD, I-1, I-2, I-3, GIM, GHM Districts, commercial uses in a MIX or TOD District and conditional uses in R Districts.
1. Wall Type And Composition: Temporary decal installations shall be allowed on permitted major exterior materials as referenced in Sections 10-19-1-(A)3 and 10-23-1-(A)3 as applicable.
 - a. 1. Proof of manufacturer's specifications shall be supplied prior to issuance of a sign permit.
 2. Temporary Decal Installation Standards: These signs if placed in accordance with the following standards, will not apply toward the maximum allowable sign area, but shall comply with all other applicable provisions of this title:
 - a. A permit is required and shall be valid for three (3) years. A maximum of one (1) permit is allowed per street frontage per property. In the case of multiple buildings on one (1) lot, the frontage standard shall apply to each separate structure.
 - b. Temporary decal Installations shall not be used in place of permanent signage.
 - c. When a temporary decal installation is used to wrap the façade of a structure, the window signage allowance referenced in Section 10-12-4-(A)5 shall not apply.
- I. Permit and Fee Required: Except as otherwise provided in this chapter, no sign or structure shall be erected, constructed, altered, rebuilt or relocated until the required fee as determined by City policy has been paid and a permit has been issued by the City.
- J. Removal Of Unsafe And Illegal Signs: If the City finds that any sign or sign structure is unsafe or in violation of the provisions of this chapter, the chief building official, or his/her designee, shall give written notice to the owner and/or party responsible for the sign to comply with the standards required by this chapter in a prescribed time frame and manner. The removal of the signs shall be done in the following manner:
1. Permanent Illegal Signs: The chief building official, or his/her designee, shall order the removal of any permanent sign erected or maintained in violation of this title. Thirty (30) days' notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to either comply with this title or remove the sign. The owner of the sign, building, structure, or premises shall also, upon removal of any sign, be fully responsible for repairing, replacing and returning the ground, building wall or other mounting surface to its original condition or to a proper condition consistent with the present appearance of the area, building wall or surface.
 2. Temporary Or Illegal Signs: The City may impound signs which have been illegally installed upon public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
 - a. Fee Payment: For impounded signs there shall be an impoundment and storage fee as may be approved from time to time by Council resolution.
 - b. Retrieval Of Sign: The sign shall be retrieved from a designated

impound area during routine business hours and within fifteen (15) days from the date of impounding. After fifteen (15) days, the City will dispose of the sign.

c. Liability: The City shall not be held liable for any damage to impounded signs.

3. Closed Business Signs: Signs not used for signing when a business closes or leaves the tenant space for twelve (12) consecutive months shall be addressed in the following manner:

a. Wall signs (individual letters): Shall be removed.

b. Wall signs (cabinet): A blank face shall be inserted in the cabinet.

c. Freestanding signs: The sign area shall be totally covered.

K. Nonconforming Signs: Any sign legally existing on the effective date of this chapter which does not conform to the requirements set forth in this chapter shall become a legal nonconforming use. Except as specified elsewhere, legal nonconforming on premises signs shall be allowed to be maintained, repaired and refaced, but shall not be expanded without being brought into compliance with all the requirements of this chapter. No maintenance, repair, refacing or alteration of any nonconforming sign is permitted if the maintenance, repair, refacing or alteration involves a change that incorporates any element or display prohibited by this chapter. The addition of any changeable copy technology to an existing fixed sign shall be considered an expansion of the use and function of the sign. A sign may not be changed, maintained, repaired or altered from one type of nonconformity to any other type of nonconformity.

L. Banners on Light Poles:

1. In order to provide unity and identity for multiple building planned unit developments, decorative banners may be installed for year round or seasonal display on privately owned light poles in any zoning district by a sign permit, provided that the banners comply with the following standards and requirements:

a. Banners may be approved only for developments with multiple principal buildings and multiple businesses, such as a multi-building retail or service center, a mixed use campus, or an office/industrial park. In no case shall banners be approved for a single principal building development, a single business development, or a residential development that is not part of a mixed use commercial development.

b. All banners shall be constructed of high quality, durable, fade resistant cloth.

c. The banners may be of various colors and designs, provided that the banners are consistent with an approved Comprehensive Design Plan. The banners may contain the name and logo of the development and seasonal or special event greetings. In no case shall a banner advertise a business name, a product name, or a service.

d. The top and bottom of each banner shall be mounted to the light pole by appropriate brackets. Banners may be mounted only on light poles owned by the applicant, and shall be mounted to provide a minimum of fifteen feet (15') of clearance between the bottom of the banner and the ground adjacent to the light pole. No more than two (2) banners, on opposing sides, may be mounted to each light pole, and banners shall not be attached to more than seventy five percent (75%) of the light

- poles on the site.
- e. Each banner shall not exceed a maximum size of two and one-half feet (2 1/2') in width and five feet (5') in length.
 - f. The banners shall be included in the total allowable sign area for the buildings in the development, consistent with Section 10-12-14, table A of this chapter.
- 2. The applicant for a sign permit shall provide to the City a color drawing of the proposed banner design or designs, fabric samples, a site plan showing all light poles and noting the proposed banner locations, and mounting details.
 - 3. A banner that has become torn, faded, loose, or otherwise in disrepair shall be promptly replaced or removed.

M. Sign Tables

1. TABLE A: MAXIMUM ALLOWABLE SIGN AREA

- a. In the table below column A is the allowable sign area regardless of building facade.
- b. In the table below column B is the maximum allowable sign area based on percentage area of building facade.

	A		B
B-1 and TOD Districts	50 sq. ft.	or	10%
CUPs in R Districts	50 sq. ft.	or	12%
CUPs in R Districts	50 sq. ft.	or	14%
B-3 and CRD Districts and commercial uses in a MIX District	100 sq. ft.	or	16%
B-4, I-1, I-2 and GHM Districts	125 sq. ft.	or	18%

2. TABLE B: FREESTANDING SIGN STANDARDS EXCEPT AS OTHERWISE SPECIFIED

- a. Street classifications are defined by the official Comprehensive Plan as adopted and amended. Signs on directly adjoining frontage roads may use the standards for the adjoining street classification.

Street Classification	Speed (mph)	Area (Sq. Ft.)	Height (Ft.)
City	30	20	6

Collector	30	25	16
	35	50	20
	40	100	24
Principal and Minor Arterials	30	50	18
	35	100	22
	40	125	24
	45	150	26
	50+	175	28
	65	200	32

N. Substitution Clause: The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

SECTION 21: “CHAPTER 10-11 (RESERVED)”, “CHAPTER 10-22B HOC HEART OF THE CITY DISTRICT (RESERVED)”, and “CHAPTER 10-31 PENALTIES” are hereby repealed in their entirety.

SECTION 22: This ordinance shall be effective immediately upon its passage and publication.

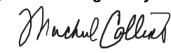
PASSED AND ADOPTED by the City Council of the City of Burnsville this 19th day of May, 2026.

DocuSigned by:

 87F692077A7D426...

Elizabeth B. Kautz, Mayor

ATTEST:

DocuSigned by:

 2653343AA9B84D9...

Macheal Collins, City Clerk