

ORDINANCE NO. 1491

CITY OF BURNSVILLE, MINNESOTA

AN ORDINANCE AMENDING TITLE 10, ZONING, CHAPTER 4, CHAPTER 7, CHAPTER 10, CHAPTER 12, CHAPTER 12A, CHAPTER 13, CHAPTER 18, CHAPTER 19, CHAPTER 20, CHAPTER 21, CHAPTER 22A, CHAPTER 22B, CHAPTER 22C, CHAPTER 23, CHAPTER 26, CHAPTER 26A, AND CHAPTER 30A OF THE BURNSVILLE CITY CODE TO UPDATE REGULATIONS TO BE CONSISTENT WITH CURRENT POLICIES, CORRECT LANGUAGE AND DEFINITIONS, ADD CODE CITATIONS AND CROSS REFERENCES, ADD LANGUAGE TO CLARIFY STANDARDS AND REQUIREMENTS AND UPDATE THE FLOODPLAIN ORDINANCE TO INCORPORATE THE 2016 FLOOD INSURANCE STUDY FOR DAKOTA COUNTY AND LETTERS OF MAP AMENDMENT APPROVED SINCE 2011.

CASE FILE NO. DEV2019-0012

The City Council of the City of Burnsville, Minnesota ordains as follows:

**Section 1.** Title 10, Chapter 4 DEFINITIONS, Section 2: DEFINITIONS of the Burnsville City Code is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

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.

FAMILY: An individual or two (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 four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities; or a residential program (group home) for six (6) or fewer persons as defined and licensed by the state of Minnesota ~~department of human services.~~

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

**Section 2.** Title 10, Chapter 7: GENERAL PROVISIONS, Section 4 ACCESSORY BUILDINGS AND STRUCTURES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(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 lot yard setback abutting the rear of the principal structure may be reduced by up to ten (10) feet.

(H) No ~~cellar, basement,~~ tent, trailer or accessory building shall at any time be used as an occupied dwelling. (Ord. 1397, 9-20-2016)

1. Accessory Dwelling Units in the R-1 and R-1A Districts are exempt from this standard subject to the requirements of 10-7-52 of this title.

**Section 3.** Title 10, Chapter 7: GENERAL PROVISIONS, Section 8 URBAN AGRICULTURE Subsection (C) Community Gardens is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

4. Signs: One (1) ~~community garden identification informational~~ sign shall be displayed as regulated by section 10-30-4 of this title.

**Section 4.** Title 10, Chapter 7: GENERAL PROVISIONS, Section 19 FENCES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(G) Residential Fencing And Screening:

4. In the case of a through or double frontage lot, fences within the front yard abutting the rear of the principal structure:

i Fences within twenty feet (20') from the additional front lot line may not exceed eight feet (8') in height.

3.ii Fences within 10' from the additional front lot line may not exceed six feet (6').

4.5. Slats within chain link fences shall be prohibited. (Ord. 1466, 9-18-2018)

(J) Unless otherwise stated, Mixed use zoning districts (MIX and HOC) are considered commercial zoning districts for purposes of this section.

~~(J)~~(K) 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. (Ord. 673, 6-2-1997)

**Section 5.** Title 10, Chapter 7: GENERAL PROVISIONS, Section 45 OPEN STORAGE LOT Subsection (A) is hereby amended by deleting the ~~striketrough~~ language as follows:

Open storage lots ~~shall be~~ allowed ~~only if permitted~~ in the underlying zoning district ~~and~~ are subject to the following provisions and restrictions:

**Section 6.** Title 10, Chapter 10: FLOODPLAIN REGULATIONS, Section 2 GENERAL PROVISIONS, Subsection (B) Official Zoning Map is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

The official zoning map, together with all ~~materials~~ attached material thereto ~~are-is~~ hereby adopted by reference and declared to be a part of this chapter. The attached material ~~shall~~ includes Letter of Map Amendment (LOMR) case #17-05-5338P dated April 9, 2018, including all attached maps, tables, and flood profiles; and the Flood Insurance Study for, Dakota County, Minnesota, and ~~incorporated~~ Areas, ~~Volumes 1, 2, and 3, dated March 16, 2016~~ and flood insurance rate map panels therein numbered 27037C0060E, 27037C0065E, 27037C0070E, 27037C0080E, 27037C0090E, 27037C0177E, 27037C0179E, 27037C0181E, 27037C0182E, 27037C0183E, 27037C0184E, 27037C0201E, and 27037C0203E, all dated December 2, 2011, ~~and all~~ prepared by the ~~federal~~ Emergency Management Agency. The official zoning map shall be kept on file in the community development department.

**Section 7.** Title 10, Chapter 12: R-1 ONE-FAMILY RESIDENTIAL DISTRICT, Section 3 PERMITTED ACCESSORY USES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

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.

Home occupations.

~~Horticultural uses where no sale of products is conducted on the premises.~~

**Section 8.** Title 10, Chapter 12: R-1 ONE-FAMILY RESIDENTIAL DISTRICT, Section 5 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS is hereby amended by adding the underlined language as follows:

(E) In the case of a through or double frontage lot, the front yard setback for an accessory structure can be reduced by ten feet (10') in the front yard abutting the rear of the primary structure.

**Section 9.** Title 10, Chapter 12A: RESIDENTIAL BUSINESS REQUIREMENTS, Section 3 SPECIAL SALES EVENTS is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(B) 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 ~~not be in excess of four (4) square feet in size and may be located upon public rights of way, provided that they do not present any hazard to public safety, or upon private property with the permission of the owner thereof. Signs may be placed the day prior to the commencement of the event and must be removed on the day the event concludes~~ be subject to the requirements of in section 10-30-4 of this title.

~~(C) — Permit: At least five (5) days prior to the event, a resident of the residential premises upon which the event is to be held shall obtain from the Inspections Department a permit. Issuance of the permit shall be conditioned upon a showing by the applicant that the event will comply with the requirements of this section and upon the payment of a twenty five dollar (\$25.00) fee to defray administrative costs. If the event is not conducted in conformity with this section, the permit may be revoked in which case the event shall immediately be suspended.~~

~~(D)~~(C) 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.

~~(E)~~(D) 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.

~~(F)~~(E) Additional Requirements: Except as specifically modified by this section the requirements in subsections 10-12A-2(C), (D), (E) and (F) of this chapter shall apply. (Ord. 752, 5-17-1999)

**Section 10.** Title 10, Chapter 13: R-1A ONE-FAMILY RURAL RESIDENTIAL DISTRICT, Section 5 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS is hereby amended by adding the underlined language after the tables as follows:

Notes: 1. The front yard setback for an accessory structure can be reduced by ten feet (10') on a through or double frontage lot in the front yard adjacent to the rear of the primary structure.

**Section 11.** Title 10, Chapter 18: R-3D MANUFACTURED HOUSING DISTRICT, Section 2 PERMITTED ACCESSORY USES is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

Within any R-3D manufactured housing district, the following uses shall be permitted accessory uses: no structure or land shall be used as an accessory use except for those accessory uses permitted in an R-1 district and except farmers' markets. (Ord. 1397, 9-20-2016)

Accessory solar energy systems pursuant to section 10-7-29 of this title.

Animals as regulated herein.

Home occupations

Horticultural uses where not sale of products is conducted on the premises

Private garages and parking space

Sheds

Private swimming pool and tennis court

Signs as regulated in chapter 30 of this title.

**Section 12.** Title 10, Chapter 18: R-3D MANUFACTURED HOUSING DISTRICT, Section 4 INTERIM USES is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

~~Interim uses permitted in the R-1 district. (Ord. 1397, 9-20-2016)~~

Private and public outdoor sports and recreational uses such as:

Archery, driving, target, and trap and skeet shooting ranges.

Athletic fields, not including stadiums and sports arenas.

Boat launch ramps.

Fishing, hunting and swimming areas, not including swimming pools.

Horseback trails.

Provided that any required structures shall be accessory structures not designed for human habitation, and that any uses that include the shooting of firearms, bows, and other weapons shall not be permitted on property of less than ten (10) acres.

**Section 13.** Title 10, Chapter 18: R-3D MANUFACTURED HOUSING DISTRICT, Section 5 MANUFACTURED HOME SITE AND YARD REQUIREMENTS is hereby amended by adding the underlined language and deleting the ~~strike through~~ language as follows:

Home site area (interior)	3,600	square feet
Home site area (corner)	4,500	square feet
Home site width (interior)	40	feet
Home site width (corner)	50	feet
Setback - principal structure:		
Front yard	<del>10</del> <u>15</u>	feet
Side yard	10	feet
Side yard (street)	15	feet
Rear yard	10	feet
<del>Setback - shed:</del> <u>Buffer Yard:</u>	<u>30</u>	<u>feet</u>
<del>Front yard-</del>	<del>15</del>	<del>feet-</del>
<del>Side yard-</del>	<del>5</del>	<del>feet-</del>
<del>Side yard (street)-</del>	<del>10</del>	<del>feet-</del>
<del>Rear yard-</del>	<del>5</del>	<del>feet-</del>
Setback - parking:		

Front yard		0	feet
Side yard		5	feet
Side yard (street)		10	feet
Rear yard		5	feet

**Section 14.** Title 10, Chapter 18: R-3D MANUFACTURED HOUSING DISTRICT, Section 6 PERFORMANCE STANDARDS FOR MANUFACTURED HOME PARKS is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(A) Sheds: Each manufactured home site may have one (1) shed in addition to the manufactured home subject to the following standards: ~~provided the following standards are met:~~

1. All sheds 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. A zoning permit shall be required for sheds larger than fifty (50) square feet.

2. ~~The A~~ shed shall not exceed ~~one hundred (100)~~ two hundred (200) square feet in area.

3. ~~The shed shall not exceed the height of the manufactured home. The maximum height of the shed shall not exceed twelve feet (12').~~

4. The shed shall not be located closer to the internal home park private street road than the front of the manufactured home. (Ord. 1397, 9-20-2016)

5. ~~The shed shall not be located within the thirty foot (30') buffer yard described in section 10-18-6 (F) of this Code.~~

(B) Carport: Each manufactured home site may have one (1) carport subject to the following standards:

1. The carport shall be on the site that is constructed of permanent materials and methods in accordance with the Building Code adopted in section 4-1-1 of this Code. ~~meeting Building Code standards~~

~~for residential roofing and exterior construction.~~ No temporary material such as canvas or plastic shall be permitted.

2. ~~The Ccarports may be up to~~ shall not exceed four hundred forty (440) square feet in area and shall have with four (4) open sides.

3. ~~The carport and~~ shall not exceed the height of the manufactured home.

4. ~~The Ccarports~~ 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. (Ord. 1424, 6-20-2017)

5. A Building Permit from the City may be required.

6. The carport shall not be located within the thirty foot (30') buffer yard described in section 10-18-6 (F) of this Code.

(C) Garages: Garages are permitted in the R3-D zoning district subject to the following standards:

1. 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.

2. 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.

3. The garage height shall not exceed the height of the manufactured home.

4. A garage shall not be located closer to the internal home park private street than the front of the manufactured home.

5. A Building Permit from the City is required for a grage that is two hundred (200) square feet or larger.

6. The garage shall not be located within the thirty foot (30') buffer yard described in Title 10-18-6(F).

(D) Decks, Covered Decks, Walkways and Stairways: Decks, covered decks, walkways and stairways shall be constructed of permanent materials and methods in accordance with the Buliding Code adopted in section 4-1-1 of this Code, unless specifically exempted.

~~(G)~~ (E) Streets: The minimum street width within R-3D 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.

~~(D)~~ (F) 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.

~~(G)~~ (G) Screening and Outdoor Storage: With the exception of the buffer yard, no additional screening requirements of Title 10, Zoning shall apply within the R3D zoning district.

~~(H)~~ (H) All exterior structures shall be maintained to prevent deterioration.

~~(E)~~ (I) 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 Title 7-1-10-2. Construction materials shall not impair the movement of emergency vehicles or public safety personnel at any time. ~~, or materials not currently in use for construction shall be stored indoors, or one hundred percent (100%) obstruction of the view of said materials shall be provided from adjacent manufactured homes, properties or lots, and right of way or private road.~~

~~(F)~~ (J) Central Community Building: All manufactured home parks shall have a central community building with laundry areas and washing machines.

~~(G)~~ (K) Parking:

1. Each manufactured home site shall have off street parking space surfaced with concrete, bituminous or City approved equivalent for two (2) automobiles.

2. Each manufactured home park shall maintain a hard surfaced off street parking lot for guests of occupants of at least one (1) space for each five (5) manufactured home sites.

3. Access drives from roads to all parking spaces and manufactured home sites shall be surfaced with concrete, bituminous or City approved equivalent.

~~(H)~~ (L) Utilities:

1. All manufactured homes shall be served by a public water and sanitary sewer system.
2. All utilities shall be underground. There shall be no overhead wires or supporting poles except for those essential for street or other lighting purposes.
3. Access shall be provided to allow the inspection of plumbing, electrical facilities and related manufactured home equipment.

~~(H)~~ (M) 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.

~~(H)~~ (N) 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, ~~manufactured homes, right of way and private roads~~. Said common storage area(s) shall be secured by a fence and be surfaced with concrete, bituminous or City approved equivalent. (Ord. 1397, 9-20-2016)

(O) Exterior Alterations, Attachments and Additions: Only those exterior alterations, attachments and additions to manufactured homes allowed by Minnesota Rules Chapter 1350 shall be permitted.

**Section 15.** Title 10, Chapter 19: SPECIAL REQUIREMENTS FOR ALL BUSINESS, CRD AND MIX DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL BUSINESS AND MIXED USE DISTRICTS, Subsection A Building Design And Materials, Number 3. Major Exterior Materials is hereby amended by deleting the ~~striketrough~~ language as follows:

~~Stucco, synthetic stucco or fiber cement vertical panel siding shall not be allowed within twenty four inches (24") from grade.~~

**Section 16.** Title 10, Chapter 19: SPECIAL REQUIREMENTS FOR ALL BUSINESS, CRD AND MIX DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL BUSINESS AND MIXED USE DISTRICTS, Subsection A Building Design And Materials, Number 4. Limited Exterior Materials is hereby amended by adding the underlined language as follows:

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.

**Section 17.** Title 10, Chapter 19: SPECIAL REQUIREMENTS FOR ALL BUSINESS, CRD AND MIX DISTRICTS, Section 2 HEIGHT STANDARDS IN B-1, B-3, B-4 AND CRD DISTRICTS, Subsection (A) is hereby amended by adding the underlined language as follows:

1. 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.

**Section 18.** Title 10, Chapter 20: B-1 OFFICE BUSINESS DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language as follows:

Adult daycare.

Instruction/Learning Center.

**Section 19.** Title 10, Chapter 21: B-2 NEIGHBORHOOD BUSINESS DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language as follows:

Pet grooming.

**Section 20.** Title 10, Chapter 22A: B-4 HIGHWAY COMMERCIAL DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

Adult daycare.

~~Childeare.~~

Daycare nursery.

Instruction/Learning Center.

Pet grooming.

**Section 21.** Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language as follows:

<u>Instruction/Learning Center</u>	<u>X</u>	<u>X</u>
<u>Pet grooming</u>	<u>X</u>	<u>X</u>
<u>Pet shop, provided the operation shall not include maintaining of pens or cages outside the building or the creation of an offensive odor or noise</u>	<u>X</u>	<u>X</u>

**Section 22.** Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(L) Height Limit: In the HOC district the minimum ~~and maximum~~ building height shall be governed by the building types described below and identified on the drawings on file in the office of the city clerk. There is no maximum height limit in the HOC Districts, except where Environmental Overlay Districts and Floodplain regulations may apply. (Ord. 764, 8-18-1999)

**Section 23.** Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 8 BUILDING TYPES is hereby amended by deleting the ~~striketrough~~ language as follows:

(A) Building Type A, Mixed Use: Type A buildings may include retail, office, or residential uses on the first floor and on upper floors. Parking may be included on a level belowground. Type A buildings may have a flat or pitched roof. Minimum height shall be twenty five feet (25') ~~and the maximum height shall be fifty feet (50')~~.

(B) Building Type B, Apartments Or Condominiums: 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 on a level belowground. Type B buildings may have a flat or pitched roof. Minimum height shall be thirty feet (30') ~~and the maximum height shall be fifty feet (50')~~.

(C) Building Type C, Townhomes: 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. ~~Maximum height shall be thirty five feet (35').~~ Maximum depth of buildings perpendicular to a street shall be forty feet (40'). Minimum width of lots shall be twenty five feet (25').

(D) Building Type D, Office/Retail: Type D buildings shall include office or retail uses on the first floor, and office uses on upper floors. Parking may be included on two (2) levels belowground. Type D buildings may have a flat or pitched roof. Minimum height shall be thirty feet (30'). ~~For areas in HOC 2 north of Burnsville Parkway, there is no maximum height requirement. For areas south of Burnsville Parkway in HOC 2, the maximum height shall be fifty feet (50').~~

**Section 24.** Title 10, Chapter 22C: MIX MIXED USE DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language as follows:

Instruction/Learning Center.

Pet grooming.

Pet shop, provided the operation shall not include maintaining of pens or cages outside the building or the creation of an offensive odor or noise.

**Section 25.** Title 10, Chapter 22C: MIX MIXED USE DISTRICT, Section 8 BUILDING HEIGHTS is hereby amended by adding the underlined language and deleting the ~~strike through~~ language as follows:

(A) There is no maximum height limit in the MIX Districts, except where Environmental Overlay Districts and Floodplain regulations may apply.

~~Within any MIX mixed use district, buildings shall not exceed the following building heights:~~

~~(A) Maximum building height:~~

~~1. Single story building: Thirty five feet (35').~~

~~2. Multiple story building: Fifty feet (50').~~

~~(B) Building heights in excess of the maximum building height of the MIX district may be allowed by conditional use permit provided that:~~

~~1. The site is capable of accommodating the increased building area through demonstration of required parking, setbacks, and green space.~~

~~2. The increased building size shall meet the traffic control standards of section 10-7-24 of this title.~~

~~3. The increased building height will not overburden available public utilities.~~

~~4. For each additional ten feet (10') of building height over fifty feet (50'), the required setback shall be increased by five percent (5%). (Ord. 1247, 9-20-2011)~~

**Section 26.** Title 10, Chapter 23: SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL INDUSTRIAL DISTRICTS Subsection (A) Building Design And Materials, Number 3. Major Exterior Materials is hereby amended by deleting the strikethrough language as follows:

~~Stucco, synthetic stucco or fiber cement vertical panel siding shall not be allowed within twenty four inches (24") from grade.~~

**Section 27.** Title 10, Chapter 23: SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL INDUSTRIAL DISTRICTS, Subsection A Building Design And Materials, Number 4. Limited Exterior Materials is hereby amended by adding the underlined language as follows:

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.

**Section 28.** Title 10, Chapter 23: SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL INDUSTRIAL DISTRICTS, Subsection (I) Height Limit is hereby amended by adding the underlined language as follows:

1. 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.

**Section 29.** Title 10, Chapter 26: OFFICE AND INDUSTRIAL PARK DISTRICT, Section 2 PERMITTED USES is hereby amended by adding the underlined language as follows:

Adult daycare.

**Section 30.** Title 10, Chapter 26A: GIM GATEWAY INDUSTRIAL MEDIUM DISTRICT, Section 3 PERMITTED ACCESSORY USES is hereby amended by deleting the ~~striketrough~~ language as follows:

Daycare ~~or~~ nursery.

**Section 31.** Title 10, Chapter 30A: LANDSCAPE REQUIREMENTS, Section 3 GENERAL LANDSCAPE REQUIREMENTS, Subsection (G) Plant Location is hereby amended by deleting the ~~striketrough~~ language as follows:

2. Trees shall be planted at least five feet (5') from the property line ~~and shall not encroach within easements.~~

**Section 32.** Title 10, Chapter 30A: LANDSCAPE REQUIREMENTS, Section 3 GENERAL LANDSCAPE REQUIREMENTS, Subsection (N) Coverage is hereby amended by adding the underlined language as follows:

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.

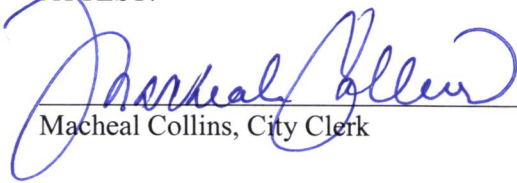
**Section 33.** This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED THIS 4th day of June, 2019 by the City Council of the City of Burnsville.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk