

ORDINANCE NO. 1487

CITY OF BURNSVILLE, MINNESOTA

AN ORDINANCE AMENDING TITLE 10, ZONING, CHAPTER 19 SECTION 6 INCIDENTAL OUTDOOR SEATING FOR FOOD SERVICE BUSINESSES AND CHAPTER 7, CHAPTER 20, CHAPTER 21, CHAPTER 22, CHAPTER 22A, CHAPTER 22A1, CHAPTER 22B, CHAPTER 22C AND CHAPTER 30A OF THE BURNSVILLE CITY CODE TO MODIFY PROVISIONS RELATED TO OUTDOOR PATIOS FOR FOOD SERVICE BUSINESSES

CASE FILE NO. DEV2019-0009

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

**Section 1.** Title 10, Chapter 7 GENERAL PROVISIONS, Section 26: GENERAL PARKING AND ACCESS REQUIREMENTS Subsection (B) Compliance of the Burnsville City Code is hereby amended by adding the underlined language as follows:

4. A reduction of the drive aisle provisions and parking standards for the principle use are allowed for outdoor patios per Section 10-19-6.

**Section 2.** Title 10, Chapter 19: SPECIAL REQUIREMENTS FOR ALL BUSINESS, CRD, AND MIX DISTRICTS, Section 6 INCIDENTAL OUTDOOR SEATING FOR FOOD SERVICE BUSINESSES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

(A) 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: ~~-, provided that the following requirements are met:~~

1. The seating shall be located on private property.
2. The seating shall be of ~~good~~ durable, wind resistant, commercial grade patio or cafe type furniture that enhances the appearance of the business.
3. 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.
4. 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.
5. 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.
6. 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 ~~obstruct the~~ entrance or any required exits or be located on landscaping or parking areas. All provisions of the Building and Fire Codes and ADA compliance shall be adhered to. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.

~~7. No additional parking is required for thirty (30) seats or less. If public parking is available either in a ramp or adjacent on street, then no additional parking is required. Any additional seating over thirty (30) seats shall provide required parking based on one space per three (3) seats. Shared parking will be considered and may be approved by staff.~~

~~8. Any proposed outdoor seating plan over fifty (50) or more seats shall be by conditional use permit.~~

~~7.9.~~ 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.

~~8.10.~~ 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 10-7-36 of this title.

~~9.11.~~ If alcohol is served, hHours of operation shall be in accordance with subsection 3-1-8-5(A) of this Code.

~~10.12.~~ 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.

~~11.13.~~ The business owner shall regularly clean the seating area so that it is litter free.

12. All other performance standards in the Zoning Ordinance 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.

13. If the outdoor seating area is located within an easement, written permission from the easement holder is required.

**Section 3.** Amend the following Sections to insert "Note: 1. A reduction of the parking setback requirements for the principle use is allowed for outdoor patios per Section 10-19-6." after the table in the following sections:

- Title 10, Chapter 20: B-1 OFFICE BUSINESS DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS
- Title 10, Chapter 22A: B-4 HIGHWAY COMMERCIAL DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS
- Title 10, Chapter 22A1: B-4 HIGHWAY COMMERCIAL DISTRICT, Section 5 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS
- Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS Subsection (C) Parking

**Section 4.** Title 10, Chapter 21: B-2 NEIGHBORHOOD BUSINESS DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS and Title 10, Chapter 22: B-3 GENERAL BUSINESS DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS is hereby amended by adding the underlined language to the Notes after the table as follows:

2. A reduction of the parking setback requirements for the principle use is allowed for outdoor patios per Section 10-19-6.

**Section 5.** Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 9 PARKING REQUIREMENTS is hereby amended by adding the underlined language and deleting the strikethrough language as follows:

(F) A reduction of the parking requirements for the principle use is allowed for outdoor patios per Section 10-19-6.

**Section 6.** Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 10 GENERAL PROVISIONS Subsection (D) Landscaping is hereby amended by adding the underlined language as follows:

8. A reduction of the landscape requirements for the principle use is allowed for outdoor patios per Section 10-19-6.

**Section 7.** Title 10, Chapter 22C: MIX MIXED USE DISTRICT, Section 6 LOT AREA, LOT WIDTH AND YARD REQUIREMENTS is hereby amended by adding the underlined language as follows:

3. A reduction of the parking setback requirements for the principle use is allowed for outdoor patios per Section 10-19-6.

**Section 8.** Title 10, Chapter 30A: LANDSCAPE REQUIREMENTS, Section 8 LANDSCAPING REQUIREMENTS IN MULTIPLE-FAMILY RESIDENTIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS Subsection (D) Compliance is hereby amended by adding the underlined language as follows:

1. A reduction of the perimeter landscaping requirements for the principle use are allowed for outdoor patios per Section 10-19-6.

**Section 9.** Title 10, Chapter 30A: LANDSCAPE REQUIREMENTS, Section 9 LANDSCAPING REQUIREMENTS SPECIFIC TO BUSINESS DISTRICTS is hereby amended by adding “3. A reduction of the greenspace requirements for the principle use are allowed for outdoor patios per Section 10-19-6.” to the following Paragraphs:

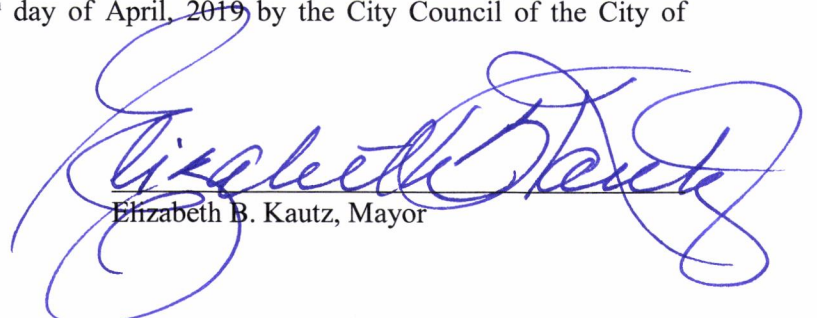
- (A) B-1 office business:
- (B) B-2 neighborhood business:
- (C) B-3 general business:
- (D) B-4 highway commercial:
- (E) CRD commercial recreation district:
- (F) MIX mixed use district: Commercial and mixed use sites in a MIX district shall have:

**Section 10.** This ordinance shall be effective immediately upon its passage and publication according to law.

Ordinance No. 1487

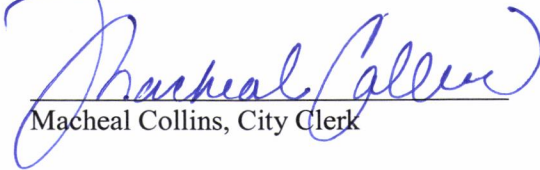
Page 4

PASSED AND DULY ADOPTED THIS 16<sup>th</sup> day of April, 2019 by the City Council of the City of Burnsville, Minnesota.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk