

ORDINANCE NO. 1520

CITY OF BURNSVILLE, MINNESOTA

**ORDINANCE AMENDING TITLE 10 - ZONING TO REMOVE
REDUNDANCIES AND IMPROVE FLEXIBILITY FOR FARMER'S
MARKETS AND TEMPORARY/SEASONAL OUTDOOR SALES USES
BY INCORPORATING REVISED STANDARDS
CASE FILE NO. DEV2020-0015**

THE CITY COUNCIL OF THE CITY OF BURNSVILLE ORDAINS:

Section 1. Title 10, Chapter 4, Section 2: DEFINITIONS is hereby amended by adding the underlined language as follows:

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.

Section 2. Title 10, Chapter 7, Section 47: FARMERS' MARKETS is hereby repealed in its entirety.

Section 3. Title 10, Chapter 7, Section 48: TEMPORARY/OUTDOOR SEASONAL SALES USES, Paragraph A is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

- (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.

f. ~~The application shall include a~~ 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
- (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 ~~for a period~~ the dates and times approved with the permit; no permit shall not to 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.

Section 4. Title 10, Chapter 7, Section 48: TEMPORARY/OUTDOOR SEASONAL SALES USES, Paragraph D is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

(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 such 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 chapter 30 of this title.
7. All lighting shall comply with the lighting standards of section 10-7-36 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 or more vendors shall take place within one hundred and fifty feet (150') of any residential building.
10. An antique/flea/farmer's market 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 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 150 feet 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.

Section 5. Title 10, Chapter 12, Paragraph 3: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

~~Farmers' market as regulated in section 10-7-47 of this title and section 3-20-14 of this Code~~

Section 6. Title 10, Chapter 22, Paragraph 3: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language in alphabetical order and deleting the ~~striketrough~~ language as follows:

~~Farmers' market subject to section 10-7-47 of this title.~~

Temporary/Seasonal Outdoor Sales Uses subject to Section 10-7-48 of this title.

Section 7. Title 10, Chapter 22A, Paragraph 3: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language in alphabetical order as follows:

Antique/Flea Markets Provided they meet the requirements of Section 10-7-48

Section 8. Title 10, Chapter 22A1, Paragraph 2: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language in alphabetical order and deleting the ~~striketrough~~ language as follows:

~~Farmers' market subject to section 10-7-47 of this title.~~

Section 9. Title 10, Chapter 22B, Paragraph 3: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language in alphabetical order as follows:


Temporary/seasonal outdoor sales uses may be permitted in the HOC-1 and HOC-2 Zoning Districts, subject to the provisions of section 10-7-48 of this title.

Section 10. Title 10, Chapter 22C, Paragraph 3: PERMITTED ACCESSORY USES is hereby amended by adding the underlined language in alphabetical order and deleting the ~~strike through~~ language as follows:

~~Farmers' market subject to section 10-7-47 of this title.~~

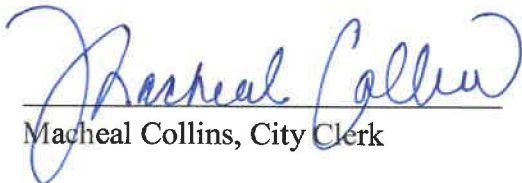
Section 11. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED THIS 2nd day of June, 2020 by the City Council of the City of Burnsville.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk