

ORDINANCE NO. 1499

CITY OF BURNSVILLE, MINNESOTA

AN ORDINANCE AMENDING TITLE 10, ZONING, CHAPTER 7 GENERAL PROVISIONS SECTIONS 4 ACCESSORY BUILDINGS AND STRUCTURES AND 18 SCREENING AND BUFFER AREAS AND CHAPTERS 15, 19, 22B AND 23 OF THE BURNSVILLE CITY CODE TO MODIFY SCREENING REQUIREMENTS FOR TRASH ENCLOSURES IN MULTIFAMILY, COMMERCIAL, AND INDUSTRIAL AREAS

CASE FILE NO. DEV2019-0024

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

Section 1. Title 10, Chapter 7 GENERAL PROVISIONS, Section 4: ACCESSORY BUILDINGS AND STRUCTURES Subsection (F) is hereby amended by adding the underlined language as follows:

2. Trash enclosure accessory structures on lots with two or more frontages in the R-3A, R-3B, HOC, MIX, All Business, CRD, and Industrial Districts are exempt from this standard and subject to the front yard setback of their respective zoning districts.

Section 2. Title 10, Chapter 7: GENERAL PROVISIONS, Section 18 SCREENING AND BUFFER AREAS is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

~~(A)~~ 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. (Ord. 1466, 9-18-2018)

1.~~(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. (Ord. 1424, 6-20-2017)

1a. Screening Height Reduction: Screening height may be less than six feet (6') for single-family, two-family and townhome dwelling units having individual trash and/or recycling containers provided the containers to be screened provide one hundred percent (100%) obstruction of the view from adjacent properties or lots, and right-of-way or private road.

2.~~(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. (Ord. 1394, 8-16-2016)

~~3.(E)~~ 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: (Ord. 1316, 4-8-2014)

~~1a.~~ 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. (Ord. 1466, 9-18-2018)

~~4.(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.

(B) Dumpsters, trash and recycling containers intended for private collection on all 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 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 7-7-1 of this Code. (Ord. 1316, 4-8-2014)

1. Lots with Two or More Frontages: In the case of a lot with two or more street frontages, trash enclosure accessory structures are exempt from the requirements of 10-7-4(F).

~~(C)~~ Maintenance:

1. Screen fences, ~~and~~ walls and private trash screening which are in disrepair shall be repaired by the private property owner.
2. Planting screens shall be maintained in a neat, healthy condition in accordance with subsection 10-30A-3(O) 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. (Ord. 1316, 4-8-2014)

~~(D)~~ Compliance:

1. All new development or full redevelopment of a site shall comply with the screening requirements of this section.
2. 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. (Ord. 1132, 8-19-2008)
3. 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. (Ord. 1316, 4-8-2014)

4. The obligation to establish new screening shall be joint when businesses abut multi-family uses and districts. (Ord. 1132, 8-19-2008)

~~(EG)~~ 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. (Ord. 1316, 4-8-2014)

Section 3. Title 10, Chapter 15: MULTIPLE-FAMILY RESIDENTIAL DISTRICTS SPECIAL MINIMUM REQUIREMENTS, Section 1 SPECIAL MINIMUM REQUIREMENTS IN R-3A, R-3B AND MIX (WITH RESIDENTIAL) DISTRICTS is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language and re-lettering the remaining requirements as follows:

~~(E) Trash Handling And Recycling: All trash, recyclable materials, and trash and recyclable materials handling equipment and compactors shall be screened pursuant to section 10-7-18 of this title. shall be stored within the principal structure, one hundred percent (100%) screened from public view by the principal building, or stored within an accessory structure constructed of building materials compatible with the principal structure, enclosed by a roof, and readily served through swinging doors.~~

~~(F) Compactors Attached To The Principal Structure: Compactors that are attached to the principal structure shall be one hundred percent (100%) screened from eye level view from public streets and adjacent properties by a screening wall constructed of the same building material as the principal structure. For the purposes of this section, "trash" means "mixed Municipal solid waste" as defined under section 7-7-1 of this Code.~~

Section 4. 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 (B) Private Trash and Recyclable Materials is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

All private trash, recyclable materials, ~~and~~ trash and recyclable materials handling equipment and compactors shall be screened pursuant to section 10-7-18 of this title. shall be stored within the principal structure or stored within an accessory structure constructed of building materials compatible with the principal structure enclosed by a roof, and readily served through swinging doors or an overhead door on tracks. Compactors shall be one hundred percent (100%) screened from ground level view from public streets and adjacent properties pursuant to section 10-7-18 of this title. For the purposes of this section, "trash" means "mixed Municipal solid waste" as defined in section 7-7-1 of this Code. (Ord. 1316, 4-8-2014)

Section 5. 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 (D) Accessory Structures is hereby amended by adding the underlined language as follows:

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.

Section 6. Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 10 GENERAL PROVISIONS Subsection (A) Building Design And Materials is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language and renumbering the remaining provisions as follows:

8. All ~~private exterior trash enclosures or other~~ accessory structures excluding private exterior trash enclosures shall be constructed of the same materials and colors as the principal building.

Section 7. Title 10, Chapter 22B: HOC HEART OF THE CITY DISTRICT, Section 10 GENERAL PROVISIONS Subsection (B) Private Trash Handling is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

All private trash, recyclable materials, and equipment for handling them, including compactors, shall be ~~one hundred percent (100%)~~ screened from ground level view from public streets and adjacent properties, whether in the front, side or rear pursuant to section 10-7-18 of this title., either by being stored within the principal structure, one hundred percent (100%) screened from view by the principal building, or stored within an accessory structure enclosed by a roof and readily served through swinging doors or an overhead door on tracks.

Section 8. Title 10, Chapter 23: SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL INDUSTRIAL DISTRICTS Subsection (B) Private Trash And Recyclable Materials is hereby amended by adding the underlined language and deleting the ~~striketrough~~ language as follows:

All private trash, recyclable materials, trash and recyclable materials handling equipment and compactors shall be ~~one hundred percent (100%)~~ screened pursuant to section 10-7-18 of this title. For the purposes of this section, "trash" means "mixed Municipal solid waste" as defined in section 7-7-1 of this Code. (Ord. 1316, 4-8-2014)

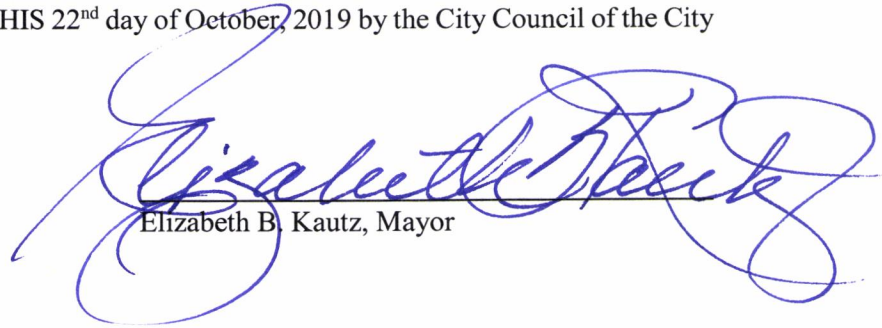
Section 9. Title 10, Chapter 23: SPECIAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS, Section 1 SPECIAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR ALL

INDUSTRIAL DISTRICTS Subsection (D) Accessory Structures is hereby amended by adding the underlined language as follows:

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.

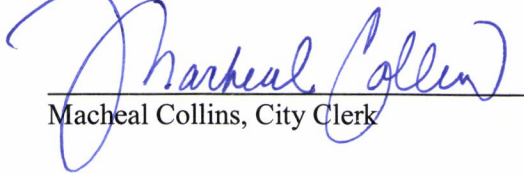
Section 10. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED THIS 22nd day of October, 2019 by the City Council of the City of Burnsville.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk