

**ORDINANCE NO. 1518**

CITY OF BURNSVILLE, MINNESOTA

**AN ORDINANCE AMENDING TITLE 10, ZONING OF THE BURNSVILLE CITY CODE BY ADDING A NEW CHAPTER 22D, TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT**

**CASE FILE NO. DEV2019-0032**

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

**Section 1.** Title 10, Zoning of the Burnsville City Code is hereby amended by adding Chapter 22D – Transit Oriented Development (TOD) District including the language as follows:

**CHAPTER 22D  
TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT**

**10-22D-1: PURPOSE AND INTENT:**

The purpose of the Transit Oriented Development (TOD) District is to enable development that is:

- compact;
- pedestrian-oriented;
- includes a mix of uses;
- compatible with its surroundings
- allows density and activity that supports transit.

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.

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 herein.

**10-22D-2: ADMINISTRATION:**

Development applications under this Chapter will follow one of two 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.

(A) Administrative Review

Development applications which meet or do not exceed the thresholds in Section 10-22D-3 or 10-22D-4 herein shall be subject to an administrative review by the Development Review Committee (DRC). The DRC will review and take action on applications that meet the following criteria.

1. The proposed uses are either permitted or accessory according to Section 10-22D-3 (E).
2. The proposed use is going into an existing building, with no proposed modifications to the building footprint.
3. The proposed building type is consistent with Table 10-22D-4 1 –Regulations by Street Type and the specific building type standards in Section 10-22D-4 (B).
4. All lot standards in Table 10-22D-4 2 are met.
5. The application meets all General Regulations for the TOD District in Section 10-22D-4.

(B) Referral to Planning Commission

Development applications which exceed the thresholds in Section 10-22D-2 herein shall be subject to review by the Planning Commission and City Council per the procedures in Chapter 5: Administration.

**10-22D-3 DEFINITIONS:**

For purposes of this chapter, the following words and terms are defined as follows:

**ARCADE:** A covered passageway with arches along one or both sides

**ARCH:** A curved structural element supported at its sides

**BUILD-TO LINE:** A line defining the dominant, above ground limit of facades along a building face. Build-to lines are defined by a distance from the property line. See Figure 10-22D-4 2.

**BUILDING HEIGHT:** the vertical distance from the average elevation of the adjoining ground level or the established grade, whichever is lower, to:

The top of the cornice of a flat roof;

The deck line of a mansard roof;

A point directly above the highest wall of a shed roof;

The uppermost point of a round, gambrel or other arch-type roof;

The mean distance from the eave line to the peak of the highest gable on a pitched or hip roof.

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

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

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

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

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

**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.

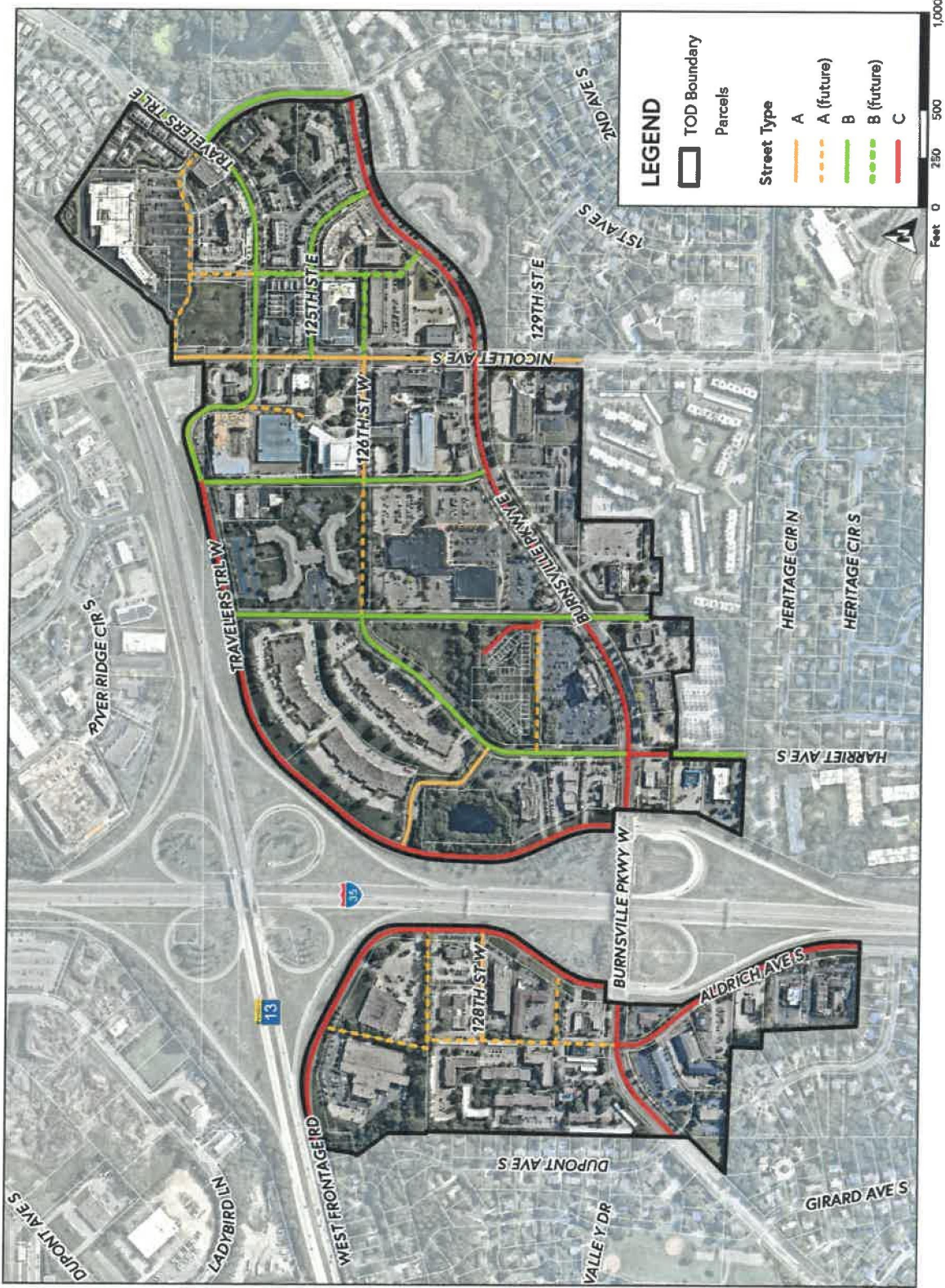
**PRIMARY STREET:** The street designated for a particular site that receives priority over other abutting streets in terms of setting front lot lines and locating building entrances. For each site, Staff shall determine the primary street.

**SHED ROOF:** A roof having only one sloping plane and no hips, ridges or valleys

#### **10-22D-4 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 (DRC) 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 10-22D-4 1.



HOC TOD Regulating Plan



Figure 1: Regulating Plan for TOD District

Street Type	Building 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 10-22D-4 1: Regulations by Street Type

**(A) Lot Requirements**

Minimum lot requirements in the TOD District are shown in Table 10-22D-4 2 and illustrated in Figure 10-22D-4 1.

LOT REQUIREMENTS	A. Min. area (square feet)	6,000
	B. Min. width (feet)	25 (residential townhomes); 50 (other uses)
	C. Min. depth (feet)	120

Table 10-22D-4 2 Lot requirements

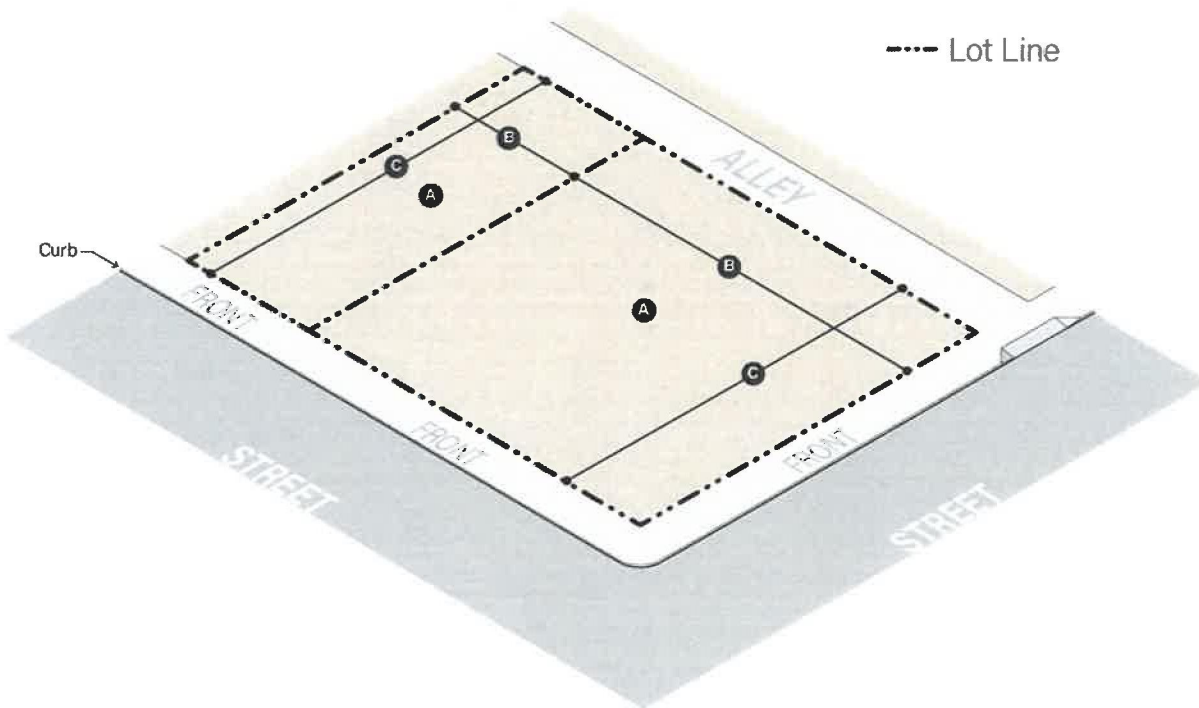
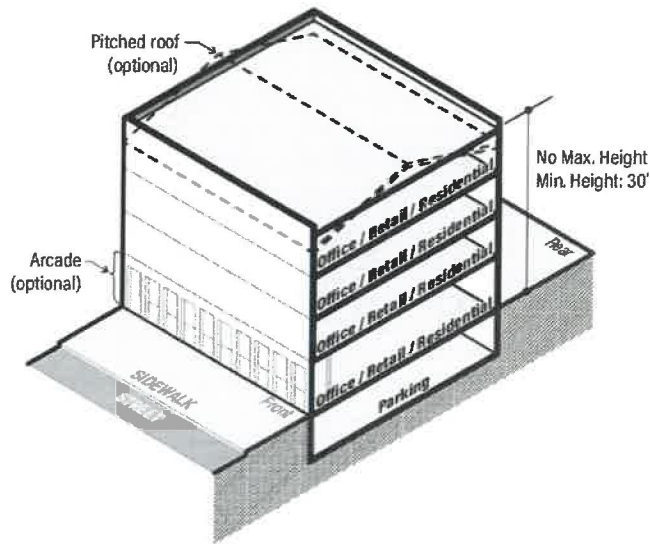


Figure 10-22D-4 3: Lot requirements illustrated

**(B) Building Types**

On the following pages, diagrammatic examples are used to illustrate example building locations, configurations, and dimensions.

1. **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.

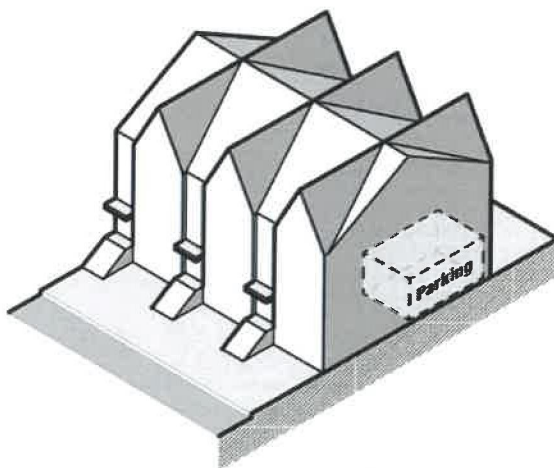
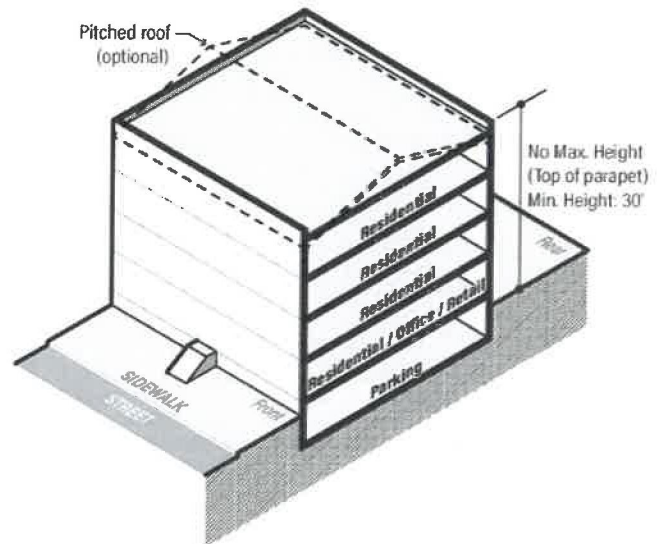


**Building Type A: Mixed Use**

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.

**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.

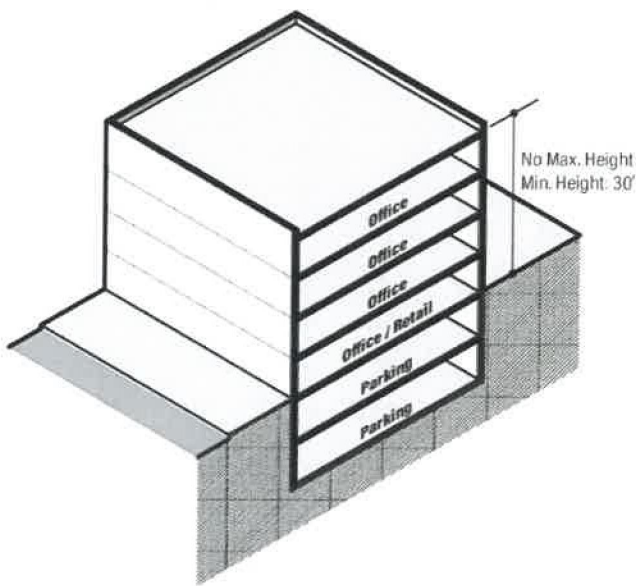
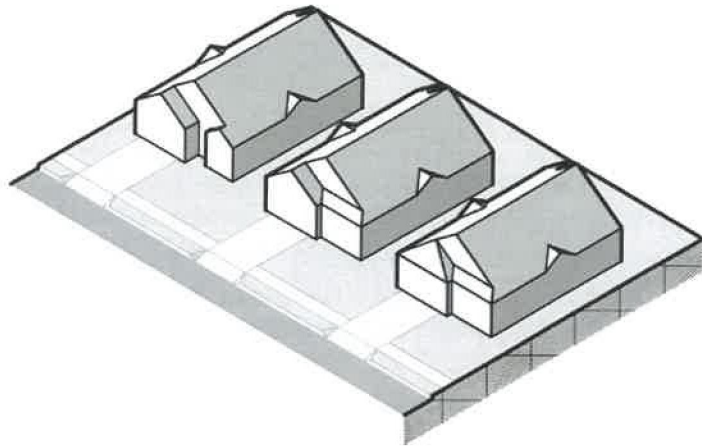


**Building Type C: Townhome**

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').

**Building Type D: Cottage**

Type D Cottages are small, single-family dwellings on small lots 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.



**Building Type E: Office/Retail**

Type E buildings 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.

**(C) Placement requirements**

1. **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 10-22D-4 3 and 10-22D-4 4 and illustrated in Figure 10-22D-4 2, respectively.
  - a. On lots with more than one street frontage, the build-to-line shall apply on each side fronting a street.
  - b. 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.
  - c. At least the first and second floors of a building must meet the build-to-line.
  - d. 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.

		<i>Street Type</i>		
		<i>A</i>	<i>B</i>	<i>C</i>
STRUCTURE PLACEMENT	D. Build-to line setback (feet)	10	15	20
	E. Max. front setback (feet)	15	20	25
	F. Min. rear setback - Principal Structure (feet)	20	20	20
	G. Min. rear setback - Accessory Structure (feet)	5	5	5

Table 10-22D-4 3 Placement Requirements

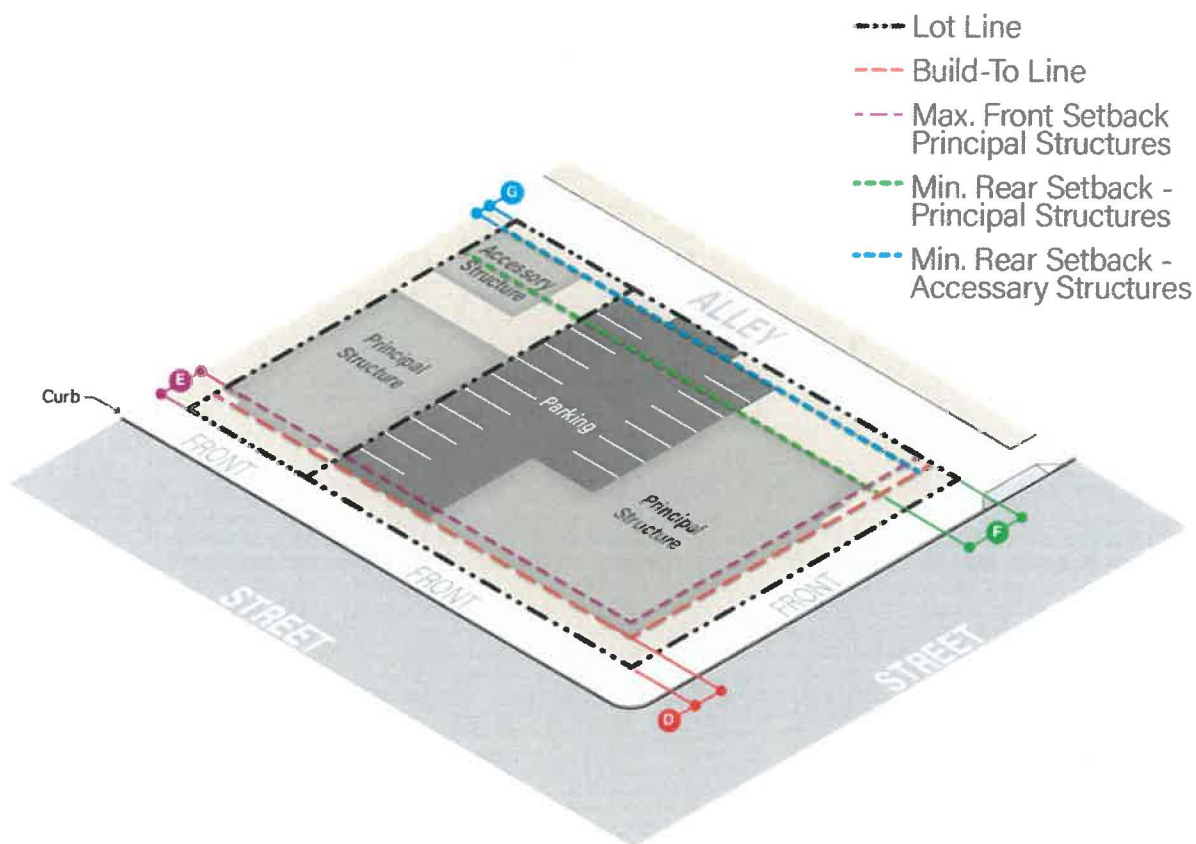


Figure 10-22D-4 2 Placement requirements illustrated

2. 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 10-22D-4 4: Accessory Structure Placement Requirements

3. 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 frontage, the build-to line shall apply on each side fronting a street. Frontage requirements are provided in Table 10-22D-4 5 and shown in Figure 10-22D-4 3.

FRONTAGE	H. Max. building frontage	100%
	I. 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
	J. 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') above the level of the parking lot, at the build-to line.

Table 10-22D-4 5: Frontage requirements

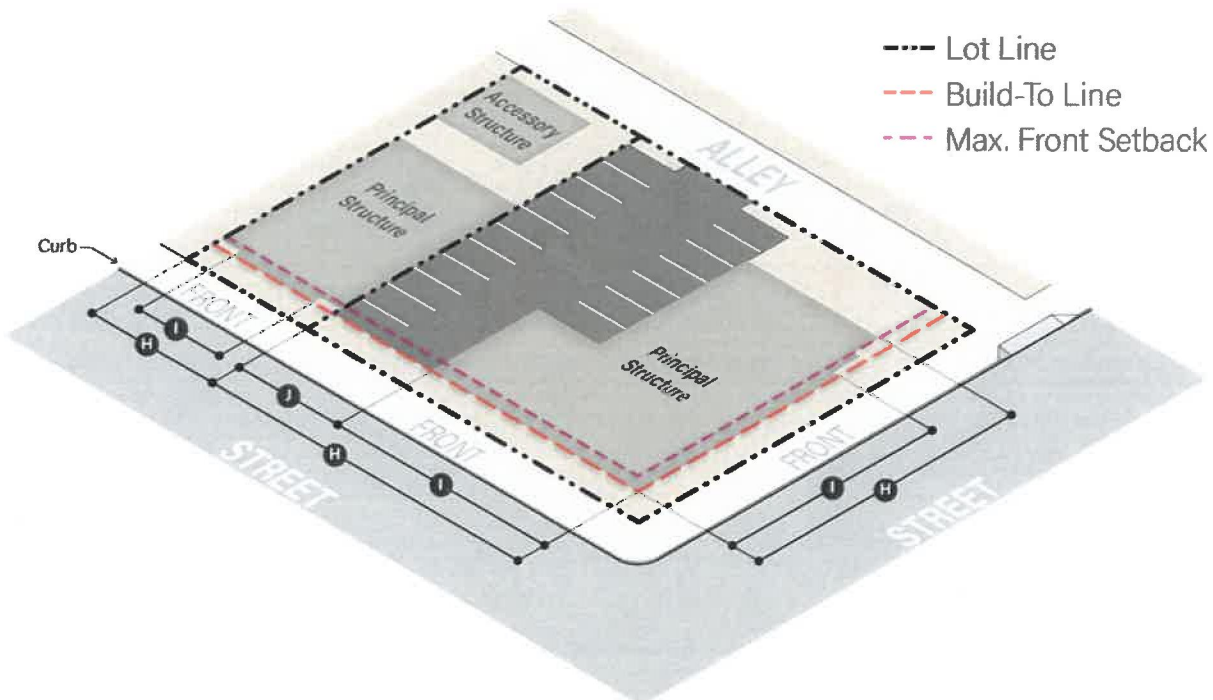


Figure 10-22D-4 3: Frontage requirements illustrated

4. Length of Façade: The length of the building façade shall be measured as the maximum width of the building projected onto the front lot line on lines perpendicular to the front lot line.

**(D) Parking Placement and Screening**

<b>Parking Setback</b>	
<b>Front yard</b>	Build-to-line
<b>Side yard</b>	0 foot minimum
<b>Side yard (street)</b>	Same as front yard
<b>Rear yard</b>	5 foot minimum

*Table 10-22D-4 6: Parking Placement Requirements*

1. 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 10-7-6.
2. 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 setback.
3. **Uses**
  - a. Use Groups: To allow flexibility in use within the TOD district, the following Use Groups are established and defined. The DRC shall determine which use group a specifically proposed use fits into based upon these definitions.
  - b. Shopping: retail and commercial establishments that offer goods for sale to the general public. May include resale shops and food stores, but not restaurants.
  - c. 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.
  - d. 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.
  - e. Activities: public or private places for small gatherings, which include:
    - i. Daycare,
    - ii. Community center
    - iii. Health club
    - iv. Funeral home
  - f. 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:

- i. professional offices which generally do not include retail sales
      - ii. Medical office
      - iii. Banks, consultants, and similar uses.
      - iv. Limited production and processing, industrial, institutional uses in compliance with performance standards in Section 10-22D-4 (X).
      - v. Self-storage if included in a mixed use building or integrated in a mixed use development
      - vi. Makerspaces/artisan manufacturing
      - vii. Small brewer, micro-distillery or taprooms
      - viii. Research and design
      - ix. Incidental packaging and processing
    - g. 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.
    - h. Institution: public or quasi-public uses including: government buildings, schools of any type, libraries or museums
    - i. Lodging: premises available for short-term, transient occupation by guests. Examples include (but are not limited to): hotels, motels, and bed and breakfast establishments.
    - j. Open Space: Outdoor spaces designed for passive or active recreational uses; may be public or private.
    - k. 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.
    - l. Sexually Oriented Businesses as defined in Section 3-25-2 and regulated in Section 10-7-40.
4. Permitted uses:
  - a. The following use groups are permitted by right in the TOD District, within the building types regulated by Table 10-22D-4 1:
    - i. Shopping
    - ii. Dining
    - iii. Services
    - iv. Employment, subject to the performance standards in sections 10-7-9 through 10-7-17 and 10-7-20 through 10-7-25
    - v. Residential
    - vi. Institution
    - vii. Lodging
    - viii. Activities within Building Types A and E only
  - b. Exceptions:
    - i. First-floor residential use is not permitted on building types that have their primary frontage on Nicollet Avenue north of Burnsville Parkway
5. Accessory uses: The following uses are considered accessory to the above permitted uses:
  - a. Accessory solar energy systems pursuant to section 10-7-29 of this title
  - b. Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time necessary to complete the construction.

- c. Outdoor seating on private property
  - d. Private garages, off street parking and loading spaces as regulated by this article.
  - e. Public trash and recycling containers pursuant to subsection 10-7-18(G) of this title
  - f. Signs as regulated by this title
  - g. Repair, processing or storage incidental to a permitted use subject to section 10-19-1(K) of this title
  - h. 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 chapter 29 of this title.
  - i. Temporary/seasonal outdoor sales subject to the provisions of section 10-7-48 of this title.
  - j. Farmer's Markets subject to the provisions of section 10-7-47
  - k. Mobile Food Vendors subject to the provisions of Title 3, Chapter 30
  - l. Essential service structures, such as lift stations, utility meters, power substations and small cell wireless facilities subject to the provisions of section 10-7-7
  - m. Incidental accessory uses as permitted by section 10-7-42
  - n. LP Gas exchange container displays as provided in section 10-7-38 of this title.
  - o. Warehouse and distribution, as an accessory to another permitted use and shall not exceed 15% of the Gross Floor Area of a structure.
  - p. Projecting signs over the public right-of-way or public open space for a permitted or conditional use, provided that:
    - i. 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.
    - ii. The sign shall meet all other provisions for signs under this section.
  - q. Outdoor seating within the public right-of-way or public open space for a permitted or conditional use, provided that:
    - i. A sidewalk area at least six feet (6') wide is maintained free of seating in the area.
    - ii. 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.
6. 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:
- a. Sexually Oriented Businesses

- b. 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 chapter 29 of this title.
  - c. Drive-throughs on street type C:
    - i. Drive-through lanes are not permitted in the front yard or within the build-to-line / setback area
    - ii. Adequate stacking distance shall be provided, as determined by the City Engineer, which does not interfere with other driving areas, parking spaces or sidewalks.
    - iii. 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.
    - iv. 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 10-7-18 of this title.
    - v. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.
    - vi. Within TOD there shall be no more than one (1) drive-through lane serving a given use.
  - d. 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.
  - e. Nightclub subject to subsection 10-19-3(C) of this title and title 3 of this Code.
  - f. 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 paragraph shall apply even if the assembly 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 or interstate.
  - g. 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
7. 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:

### 10-22D-5 General Standards

#### (A) 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.

1. Minimum density: 20 units per acre
2. Maximum density: 80 units per acre

#### (B) 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.

1. Minimum FAR: 1.5

#### (C) Nonconformities:

Certain modifications to non-conforming uses may be allowed consistent with the provisions of Section 10-7-2. This includes alterations, changes to building footprints, and green spaces.

#### (D) Parking:

Parking requirements within the TOD district are reduced in order to account for reduced daily vehicle trips generated near transit stations. Other than the exceptions below, parking requirements from Section 10-7-26 shall apply.

1. Except for the following uses, minimum off-street parking requirements in Section 10-7-26 are automatically reduced by 25% within the TOD district.
  - a. Shopping requirement: minimum 3 spaces per 1,000 sf. in area
  - b. For Apartment dwelling units, the minimum one enclosed garage space per unit still applies
  - c. If present, on street parking directly in front of a given building or lot shall count toward fulfilling the total parking requirement
2. Maximum off-street parking within the TOD district shall be 125% of the requirements in Section 10-7-26. Structured parking spaces are exempt from this limitation
3. When calculating parking requirements for mixed use developments, 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.
4. Parking reductions: Within the TOD district, the amount of parking required by this section may be reduced provided one of the following conditions are met:
  - a. Provision of joint parking facilities per subsection [10-7-26\(I\)](#) of this title.
  - b. Inclusion of car-share spaces at a rate of 2 spaces reduced per 1 car share space up to a maximum reduction of 25%
  - c. Reduction of the required parking by twenty percent (20%) through the provision of an on-site transit interface including at least one of the following:
    - i. Site is within 500 ft. of a designated transit station.

- ii. Dedication of land and construction of bus stop facilities including bus pullout lanes, shelters, benches, lights, and signage
- iii. Pedestrian connections between the bus stop and the principal buildings on the site.

(E) Bicycle Parking:

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

1. Each land use shall provide the number of bicycle parking spaces required by Table 10-22D-5 1. A minimum of two short-term bicycle parking spaces and one 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 25 percent of the bicycle parking spaces shall be provided in long-term parking facilities and at least 50 percent 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.

*Table 10-22D-5 1: Bicycle Parking Requirements*

<b>Principal Use</b>	<b># of Bicycle Spaces Required</b>
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.

2. For changes in use or tenant, bicycle parking will be analyzed along with automobile parking requirements per Section 10-7-26.
3. Types of bicycle parking. There are two types of bicycle parking.
  - a. Short-term bicycle parking. Short term bicycle parking is typically in the form of bicycle racks. Bicycle racks must meet the following criteria:
    - i. Supports the bicycle upright by its frame in two places;
    - ii. Prevents the wheel of the bicycle from tipping over;
    - iii. Enables the bicycle frame and at least one wheel to be secured to the rack with a U-lock;
    - iv. Rack is constructed of materials that resist cutting by manual tools such as bolt cutters, hand saws, abrasive cutting cables and pipe cutters;
    - v. Rack is securely anchored to the ground.
  - b. 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 50 bicycle spaces are required on a site. Long term bicycle parking may include:

- i. Bicycle lockers. A bicycle locker is a fully enclosed space for one 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 10-7-18
  - ii. Restricted-access bicycle enclosure. A restricted-access bicycle enclosure is a covered or indoor locked area containing within it one bicycle rack space for each bicycle to be accommodated and accessible only to the owners of the bicycles parked within it.
4. Layout and design
- a. General guidelines
    - iii. All spaces provided shall be on a hard and stable surface
    - iv. 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
    - v. 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.
    - vi. 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 feet apart and located in a configuration that provides space for parked bicycles to be aligned parallel to each other.
5. Location
- a. Short-term bicycle parking facilities shall be located in a convenient, highly visible, and well-lit area within 50 feet 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.

**(F) Pedestrian-Oriented Design**

Within the TOD district, the following pedestrian facilities are required:

1. 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 6' wide shall be provided in the right-of-way. Interior, private sidewalks shall be at least 6' wide.

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. Pedestrian furniture: developments within the TOD district 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.
4. Placemaking elements: Placemaking is innovation that involves bringing art and culture in tandem with design to a development project. At least one placemaking element is required with each new development in the TOD district. These elements may include:
  - a. Public art installation
  - b. Plaza or gathering space
  - c. Parklets
  - d. Visual or performing art exhibition space
  - e. Opportunities for community engagement or interaction

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

(G) 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.

(H) 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 10-7-18 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.

(I) Landscaping:

1. 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.
2. 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%).
3. Parking lot landscaped islands shall be a minimum of one hundred fifty (150) square feet in area and include at least one overstory or evergreen tree meeting the requirements of this chapter.
4. Where parking abuts the site perimeter there shall be provided at least one overstory tree per thirty feet (30') of site perimeter.
5. At least one overstory tree shall be provided for every six hundred and twenty five (625) square feet of landscaped area on the entire site.
6. 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.

7. 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.
8. Prohibited Species: Prohibited species that shall not be planted within the City are identified in the Burnsville woodland protection and evaluation packet.

(J) Signage:

1. Standards: All signs erected on any building or land within the TOD district must comply with the standards of this section and sections 10-30-1, 10-30-2, 10-30-3, and subsection 10-30-4(A) of this title.
2. Wall Signs:
  - a. 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.
  - b. Wall signage may be either:
  - c. Attached: Flat and parallel to the surface of the building and projecting no more than one foot (1') from it, or
  - d. Projecting: Perpendicular to the surface of the building and no more than one foot (1') in thickness.
  - e. Attached wall signage shall consist of individual letters or script logos mounted on the building.
  - f. 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.
  - g. 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.
  - h. Projecting signs may not extend over a designated parking space or loading area.
  - i. 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.
  - j. Allowable area of wall signs is one and one-half (1 1/2) 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 (2) 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.
  - k. The number of wall signs and canopy signs are unlimited as long as the total area allowed by this section is not exceeded.
3. Awning/Canopy Signs: Awning/canopy signs may be allowed in addition to wall signs allowed in subsection (10)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 this subsection (E).
  - e. Awning and canopy signs shall require a sign or building permit prior to installation.
4. Freestanding Signs: Freestanding signs are prohibited in the TOD district with the following exceptions:
- a. Monument signs, as defined in 10-30-2. 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
  - b. 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.

#### (K) Lighting

- 1. All exterior lighting in the TOD district shall be downcast cutoff type fixtures, and shall follow the regulations in Section 10-7-36.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. 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.

#### 10-22D-5 Building Design and Materials

- (A) 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.
- (B) All buildings shall include the following four (4) elements:
  - 1. Accent materials, which shall be wrapped around walls that are visible from a public street or open space;
  - 2. 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;
  - 3. Complementary major material colors;
  - 4. A combination of vertical and horizontal pattern designs in the building facade.
- (C) 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 or more of the following:
  - 1. The facade shall be divided architecturally by means of significantly different materials or textures, or

2. Horizontal offsets of at least four feet (4') in depth, or
  3. The maximum length of a blank wall (without divisions or offsets described herein) shall be 20 feet.
- (D) 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:
1. Primary exterior building materials may be brick, stone, or glass.
  2. 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).
  3. Synthetic stucco may be permitted as a secondary material on upper floors only.
  4. 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. e. All primary and secondary materials shall be integrally colored, except where otherwise stated.
  5. 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.
- (E) 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.
- (F) 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 10-7-18 of this title. Ground mounted mechanical equipment shall be screened with compatible with the architectural treatment of the principle building.
- (G) All private exterior trash enclosures or other accessory structures shall be constructed of compatible with the architectural treatment of the principal building.
- (H) Consistent interior window treatments are required for windows which are visible from a public street or open space in offices and multiple residential complexes.
- (I) All buildings containing nonresidential uses on the ground floor shall meet the following standards:
1. The building shall have entrances to a street or public open space spaced no more than sixty feet (60') apart.
  2. Entrances shall be oriented conveniently to the street frontage and to on street and off street parking serving the use.

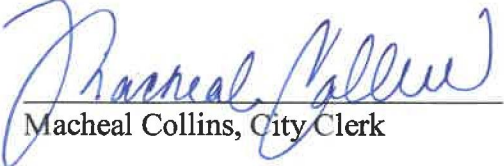
**Section 2.** This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED THIS 19<sup>th</sup> day of May, 2020 by the City Council of the City of Burnsville.



Elizabeth B. Kautz, Mayor

ATTEST:



Macheal Collins, City Clerk