

**ORDINANCE NO. \_\_\_\_\_**

CITY OF BURNSVILLE, MINNESOTA

**AN ORDINANCE AMENDING TITLE 10, ZONING,  
CHAPTER 7, GENERAL PROVISIONS, SUBSECTION 7,  
ESSENTIAL SERVICES, OF THE CITY CODE**

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

**SECTION 1.** Title 10 - Zoning, Chapter 7 - General Provisions, Subsection 7 - Essential Services, is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ as follows:

**10-7-7: ESSENTIAL SERVICES:**

Essential services shall be permitted as authorized and regulated by state law and the provisions of this ~~title~~ Code, it being the intention that such are exempt from the application of this title, except that small wireless or other telecommunications facilities, to the extent allowed by state law or this Code to be placed in the right of way as specified by Title 8, Chapter 14 of this Code, shall be allowed only as a conditional use if located within or abutting zoning districts allowing residential uses, if the proposed facility is to be located on a new or replacement pole or support structure.

**(A) Conditions for locating small cell wireless facilities in residential and historical districts.**

**1. Standard conditions:**

- a. Height of all facilities shall not exceed the average height of all structures on the block or the maximum height of structures allowed in the district, whichever is less.
- b. All facilities shall be located in the right of way in the area defined by the side yard drainage and utility easement area. If an area does not have drainage and utility easements then the facilities shall be within five feet (5') of a side property line.
- c. All facilities within any front or rear setback areas shall be located closest to the property line, furthest from the road centerline as possible, but no further back from the curb or any sidewalk or trail than ten feet.
- d. All facilities shall be located as near as practicable to intersections.
- e. All facilities shall be located to the extent practicable on existing poles and other structures currently in the right of way.

**2. Other conditions:**

- a. Other conditions unique to the proposed placement of facilities in the right of way may be attached to protect the health, safety and welfare of neighboring properties, other users of the right of way, and the public.

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**SECTION 2.** This ordinance shall be effective immediately upon its passage and publication.

PASSED AND DULY ADOPTED by the City Council of the City of Burnsville, Minnesota this 18<sup>th</sup> day of July, 2017.

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Elizabeth B. Kautz, Mayor

ATTEST:

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Macheal Collins, City Clerk