

Chapter 11 – Section 1107

SPECIAL PROVISIONS

1107.00

Special Provisions

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1107 SPECIAL PROVISIONS

1107.01 PERFORMANCE STANDARDS.

1107.01 SUBD. 1. COMPLIANCE REQUIRED.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other substance, condition or element in such a manner, or in such amount, beyond the regulations included in this Section to adversely affect the surrounding area of adjoining premises.

1107.01 SUBD. 2. POINTS OF MEASUREMENT.

The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided that the measurements necessary for enforcement of performance standards set forth in this Section shall be taken at property line boundaries.

1107.01 SUBD. 3. GLARE.

Any lighting used to illuminate an off-street parking area sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

1107.01 SUBD. 4. SMOKE.

The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control standards, Minnesota Regulation APC 1-15, as amended.

1107.01 SUBD. 5. DUST AND OTHER PARTICULATED MATTER.

The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

1107.01 SUBD. 6. ODORS.

The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Air Regulation Chapters 7009 to 7019, as amended.

1107.01 SUBD. 7. NOISE.

Noises emanating from any use shall be in compliance with Belle Plaine City Code, Chapter 4, Section 408.

1107.01 SUBD. 8. DRAINAGE PLANS.

1. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area or other public facilities subject to the review and approval of the City Engineer.
2. In the case of all residential subdivisions, multiple-family, business and industrial developments, the drainage plans shall be submitted to the City Engineer for his/her review and the final drainage plan shall be subject to his/her written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.

1107.01 SUBD. 9. PLATTED AND UNPLATTED PROPERTY.

1. A Certificate of Survey shall be required for the construction of new homes and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City Code provisions. The Zoning Administrator may request a Certificate of Survey for all other improvements.
2. Except in the case of planned unit developments as provided for in Section 1105.15 of this Ordinance, not more than one (1) principal building shall be located on a lot. The words principal building shall be given their common, ordinary meaning as defined in Section 1101 of this Ordinance. In case of doubt or on any questions of interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal. Shopping centers shall be interpreted as having more than one (1) principal building and shall require processing as a planned unit development.
3. On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance.

1107.01 SUBD. 10. SEWAGE DISPOSAL.

1. Individual sewage treatment systems shall be connected to the public sanitary system upon determination by the City Engineer and Public Works Superintendent.
2. The installation of on-site sewage treatment systems shall be in compliance with the provisions of Minnesota Chapter 7080 and shall be inspected by the Scott County Environmental Office.

1107.01 SUBD. 11. WASTE MATERIAL.

Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Minnesota State Fire Marshal, the Pollution Control Agency and the Department of Natural Resources.

1107.01 SUBD. 12. BULK STORAGE (LIQUID).

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

1107.01 SUBD. 13. RADIATION EMISSION.

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

1107.01 SUBD. 14. ELECTRICAL EMISSION.

All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

(Ord. 14-02, Section 1107.01, Subd. 8, Refuse Repealed, Adopted March 17, 2014.)

SECTION 1107.02 FENCES.

1107.02 SUBD. 1. PERMITTED.

Fences shall be permitted in all yards subject to the conditions of this Section.

1107.02 SUBD. 2. PERMIT REQUIRED.

It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing a zoning permit, or, if the fence is seven feet or great in height, a building permit.

1107.02 SUBD. 3. LOCATIONS.

All fences shall be located entirely upon the private property of the person constructing, or causing the construction, of such fence and shall be set back two (2) feet from all lot lines unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Public Works Superintendent may approve placement of fences on property lines shared with public property. The Building Official or the Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit, to establish the boundary lines of his/her property by a survey thereof to be made by any registered land surveyor. Fences are not allowed in easements unless an easement encroachment permit is issued. Fences placed in drainage and utility easements are subject to removal at the expense of the property owner if required for easement facility access, maintenance, or improvement.

1107.02 SUBD. 4. CONSTRUCTION AND MAINTENANCE.

1. Every fence shall be constructed in a substantial, professional-like manner and composed of substantial, durable, weather-treated materials widely accepted in the fencing industry for residential or commercial/industrial purposes, but not agricultural purposes. Fences shall blend with the overall character of the adjacent locale and be reasonably suited for the purpose for which the fence is to be used.
2. Every fence shall be maintained plumb, square, and true and in a condition of reasonable repair. Fences shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
3. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.
4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If

the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.

5. Fence shall not obstruct natural drainage or a sight triangle at intersections as defined in Section 1101.
6. A fence may be located within the rear yard and side yard to a maximum height of six (6) feet up to the point where it is parallel with the front edge of the building. Fences located within the front yard or side-street yard to the right-of-way shall have no more than 50-percent opacity and not exceed four (4) feet in height as measured from grade. Fences adjacent to alleys shall be setback a minimum of five (5) feet. In any residential district, no opaque fence, hedge, wall or similar structure shall rise over thirty (30) inches across the front yard and along the side lot line to a distance equal to the required front yard setback. Fences may be attached to and placed closer than ten feet to structures on the subject parcel.
7. Fences exceeding six (6) feet in height, or a variation from the requirements of this Section, shall require a conditional use permit.
8. Design Committee review is required for fences facing public streets, alleys, and sidewalks within the B-3 Central Business District. Fences shall respect design standards contained in the Belle Plaine Design Manual, as may be amended.

(Ord. 15-03, Section 1107.02, Adopted June 15, 2015.)

(Ord. 16-05, Section 1107.02, Adopted April 18, 2016.)

(Ord. 21-04, Section 1107.02, Adopted June 21, 2021.)

SECTION 1107.03 SCREENING AND LANDSCAPING.

1107.03 SUBD. 1. SCREENING, COMMERCIAL AND INDUSTRIAL.

All commercial and industrial uses abutting and/or adjacent to a residential district shall be required to provide screening according to this Section. All fencing and screening specifically required by this Ordinance shall be subject to Subdivision 1104.03 (2) of this Section and shall consist of either a fence or a green belt planting strip as provided for below:

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or beams may be used, but shall not be used to achieve more than three (3) feet of the required screening. The planting plan and type of plantings shall require the approval of the Council.
2. Planting in excess of six (6) feet in height shall require approval of the Zoning Administrator and the Building Official.
3. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences exceeding six (6) feet in height, or a variation from the requirements of this Section, shall require a conditional use permit.

1107.03 SUBD. 2 LOCATION AND SCREENING OF REFUSE.

1. All refuse and refuse handling equipment, including but not limited to garbage cans and dumpsters, shall be stored within the principal structure, within an accessory building, or totally screened from eye-level view for all uses, except for residential structures with four (4) dwelling units or less.
2. Screening shall be at least six (6) feet in height, constructed of brick, block, or wood, and compatible with the principal structure. Accessory structures shall comply with minimum setback requirements. All dumpsters and trash handling equipment shall be kept in a good state of repair with tight-fitting lids to prevent spilling of debris.

1107.03 SUBD. 3. LANDSCAPING; GENERAL RESIDENTIAL.

The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grasses, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one (1) year following the date of building occupancy. Fences or trees placed upon utility easements are subject to removal, if required for the

maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed twenty (20) feet in height.

1107.03 SUBD. 4. LANDSCAPING, ALL USES. (Excluding residential structures containing less than four (4) dwelling units).

Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan should be developed with an emphasis upon the following areas:

1. The boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure;
2. All landscaping incorporated in said plan shall conform to the standards and criteria listed in Subdivision 4 of this Section.

1107.03 SUBD. 5. TYPE AND SIZE OF PLANTS.

All plants must at least equal the following minimum size:

	<u>Potted/Bare Root or Balled and Burlapped</u>
Small Trees (as defined in the Tree Manual)	1½ inch diameter
Medium and Large Trees (as defined in the Tree Manual)	2 inch diameter
Evergreen Trees	3 - 4 feet
Tall Shrubs & Hedge Material (Evergreen or Deciduous)	3 - 4 feet
Low Shrubs - Deciduous	24 - 30 inches
Evergreen	24 - 30 inches
Spreading Evergreens	18 - 24 inches

Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc.)

1107.03 SUBD 6. SPACING.

1. Plant material centers shall not be located closer than five (5) feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of City staff. Shade trees shall not be located closer than five feet (5') to any public sidewalk, street, or walkway.
2. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the City staff.
3. Deciduous trees shall be planted not more than forty (40) feet apart.

4. Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

1107.03 SUBD 7. TYPES OF NEW TREES.

Plantings, suitable trees are identified in the Belle Plaine Tree Manual, “Recommended Trees For Planting” or the Tree Manual supplemental document “City of Belle Plaine Recommended Trees”. Trees identified in the Tree Manual as prohibited for planting shall not be planted.

1107.03 SUBD. 8. DESIGN.

1. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes).
2. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking or storage, must be planted into ornamental vegetation (lawns, ground covers or shrubs) unless otherwise approved by the Zoning Administrator.
3. Turf slopes in excess of 2:1 are prohibited.
4. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
5. All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.

1107.03 SUBD. 9. LANDSCAPE GUARANTEE.

All new plants shall be guaranteed for two (2) full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

1107.03 SUBD. 10. MECHANICAL EQUIPMENT.

All mechanical equipment such as air conditioning units, etc., erected on the roof of any structure, shall be screened so as not to be visible.

(Ord. 14-06, Section 1107.03, Adopted October 20, 2014)
(Ord. 23-05, Adopted October 16, 2023)

SECTION 1107.04 TELEVISION AND RADIO ANTENNAS.

1107.04 SUBD. 1. PURPOSE AND INTENT.

In order to accommodate the communication needs of the residents, business and industry while protecting the health, safety and general welfare of the City of Belle Plaine, the following regulations are imposed in order to:

1. Facilitate the use of wireless communication services, television and radio antenna, for residents, business and industry of the City of Belle Plaine;
2. Minimize adverse effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower or antenna failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

1107.04 SUBD 2. AMATEUR RADIO TOWERS.

Amateur radio support structures (towers) shall not exceed a height above ground level of seventy-five (75) feet, unless a conditional use permit has been granted. They shall be mounted on the roof a dwelling or other building or located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturers specifications.

1107.04 SUBD. 3. TOWER LOCATIONS.

Antennas on a public structure or existing structures are allowed in all districts by resolution approved by the City Council. Towers not exceeding seventy-five (75) feet in height may be erected after the issuance of a building permit. All towers shall be of a monopole construction and subject to the regulations listed in the City of Belle Plaine Aviation Ordinance. Towers exceeding seventy-five (75) feet in height may be allowed only by a conditional use permit in the following zoning districts:

- B-2, Highway Commercial
- B-3, Central Business
- I-C, Industrial/Commercial
- I-2, Industrial

1107.04 SUBD. 4. TOWER SETBACKS.

The following setbacks shall apply:

1. The setback of the tower shall be at a ratio of one (1) foot of setback for every two (2) feet of height of tower (i.e. a one hundred (100) foot tower would require a fifty (50) foot setback from all property lines and street right-of-way).

2. In the event that any portion of the property directly abuts a district zoned residential or rural residential, the setback to these districts shall be at a ratio of one (1) foot for every one (1) foot of height of structure (i.e. a one hundred (100) foot tower would require a one hundred (100) foot setback from any property line which is residentially or rural residentially zoned).

1107.04 SUBD 5. TOWER LIGHTING.

Towers shall be required to meet Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements and shall not be artificially lighted unless required by the FAA to do so. If the tower does require artificial lighting, a letter stating this need and a description of the lighting shall be provided to the City Council prior to approval. The lighting, unless required by the FAA to be otherwise, must be diffused.

1107.04 SUBD. 6. CO-LOCATION REQUIREMENTS.

All commercial towers erected, constructed or located within the City of Belle Plaine shall comply with the following requirements:

1. SEARCH AREA.

A proposal for a new commercial tower shall not be approved unless the applicant has provided proof that the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius of the proposed tower, due to one (1) or more the following reasons:

- A. The antenna would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- B. The antenna would cause interference materially impacting the usability of other existing or planned antenna at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
- C. Existing or approved towers and buildings within the search radius cannot accommodate the planned antenna at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- D. Other unforeseen reasons that make it unfeasible to locate the planned antenna equipment upon an existing or approved tower or building.

2. CO-LOCATION.

Any proposed commercial tower shall be designed structurally, electronically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the

tower is over seventy-five (75) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

1107.04 SUBD. 7. STRUCTURAL AND LANDSCAPING REQUIREMENTS:

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Commercial towers shall be of a monopole design, unless the City Council determines that an alternative design would better blend into the surrounding environment.
3. Landscaping plans for the base of the tower must be submitted with the application of the conditional use permit or building permit, should a conditional use permit not be needed. These plans must be compatible with the surrounding character of the area and must be approved either by the City Council or City staff prior to the issuance of the conditional use permit or building permit.
4. Screening plans for accessory equipment or buildings shall be provided and include a one hundred percent (100) opaque barrier to be constructed of either brick masonry walls or solid wood fencing of a height of no more than six (6) feet.

1107.04 SUBD. 8. ABANDONED OR UNUSED TOWERS AND ANTENNAS.

Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within six (6) months of cessation of operations at the site unless a time extension is approved by the City Council. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City of Belle Plaine and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna location. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

1107.04 SUBD. 9. PUBLIC SAFETY TELECOMMUNICATION INTERFERENCE.

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing services, telecommunication providers shall notify the City at least ten (10) days in advance of any changes and allow the City to monitor interference levels during the testing process.

1107.04 SUBD. 10. SIGNS AND ADVERTISING.

The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.

1107.04 SUBD. 11. ADDITIONAL SUBMITTAL REQUIREMENTS.

In addition to information listed elsewhere in this Section, conditional use permit applications for towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:
 - A. describes the tower height and design including a cross section and elevation;
 - B. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - C. describes the tower's capacity, including the number and type of antennas it can accommodate;
 - D. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - E. includes an engineer's stamp and registration number; and,
 - F. additional information necessary to evaluate the request.
2. For all commercial towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. If the tower exceeds two hundred (200) feet, a letter of approval from the Federal Aviation Administration.
4. A letter from the Federal Aviation Administration if artificial lighting is deemed necessary.

1107.04 SUBD. 12. SATELLITE DISHES.

Satellite dishes greater than one (1) meter in diameter shall be allowed only by a conditional use permit in all districts. Design plans shall include provisions for screening and shall be submitted with the conditional use permit application.

SECTION 1107.05 SWIMMING POOLS.

1. No swimming pool may be constructed without a building permit when required by the Building Official.
2. No swimming pool may be constructed beneath overhead utility lines of any type or above underground utility lines of any type.
3. No swimming pool, may be built within ten (10) feet of any side or rear lot line or within six (6) feet of any principal structure or within any front yard.
4. All in ground swimming pools shall be completely covered with an ASTM F 1346 (as may be amended) approved power safety cover or completely enclosed with a fence as required under Section 1107.05, Subd. (5).
5. Above ground swimming pools shall be completely enclosed with a permanent wall or fence not less than four (4) feet in height and of the non-climbing type so as to be impenetrable by toddlers. All such enclosures shall be equipped with a self-locking and self-closing gate. Enclosures may be adjacent to the pool or on the lot perimeter. The opening between the bottom of the fence or gate and the ground or other surface shall not be more than three (3) inches. A continuous integral part of a swimming pool may constitute compliance with this subparagraph providing it is impenetrable and at least four (4) feet above ground level.
6. Ladders used to access swimming pools shall be removed and stored indoors when the pool is not in use.
7. No outdoor pool lighting may be maintained which is permitted to spill or shine upon properties adjacent thereto which are not under the same ownership.

(Ord. 17-07, Section 1107.05, Adopted June 19, 2017.)

SECTION 1107.06 MOVING OF BUILDINGS INTO, OR OUT OF, THE CITY OF BELLE PLAINE.

1107.06 SUBD. 1. LICENSE REQUIRED.

No person shall move, remove, raise or hold up any building within the Belle Plaine City limits, unless the person is licensed by the State of Minnesota Department of Transportation to engage in such occupation.

1107.06 SUBD. 2. PERMIT REQUIRED.

1. No licensed person shall move, remove, raise or hold up any building within the Belle Plaine City limits without first obtaining a permit from the City.
2. No licensed person shall move any building over, along or across any highway or street in the City without first obtaining a permit from the City.

1107.06 SUBD. 3. REVOCATION OF PERMIT.

Upon presentation to the City Council of satisfactory proof that any such licensee has proven incompetent to properly carry on such work of moving, raising or holding up buildings or has proceeded with such work in such manner as to endanger people or property or upon conviction for failure to comply with this article or related ordinances or for other good causes, the City Council may revoke the Building Moving Permit.

1107.06 SUBD. 4. APPLICABILITY.

The permit requirements of this Section shall apply to manufactured homes and modular homes, including new construction built and moved to a location other than the original site.

(Ord. 04-12, Section 1107.06, Subd. 4, Adopted December 6, 2004.)

1107.06 SUBD. 5. APPLICATION PROCESS.

1. APPLICATION INFORMATION:

The application shall be made in writing upon the forms provided by the City and shall be filed in the Planning Department. The application shall include the following:

- A. Description of the building proposed to be moved, with the street address, construction materials, dimensions, number of rooms and condition of the exterior and interior. Photographs must be submitted showing the ground and street elevations from all sides.
- B. The legal description of the premises from which the building is to be moved from.
- C. The legal description of the premises to which the proposed building will be moved, if it is within the City.

- D. The portion of the premises to be occupied by the building when moved, if located within the City.
- E. The highway, street and alleys, over along or across which the building is proposed to be moved.
- F. Proposed moving date and hours.

2. ACCOMPANYING DOCUMENTS REQUIRED:

- A. Tax certificate: The owner of the building to be moved into the City shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and other charges against the same are paid in full.
- B. Certificate of ownership of entitlement: The applicant shall file with the application a written statement or bill of sale or other sufficient evidence that he/she is entitled to move the building.
- C. A permit fee as identified in the Section 108 of the City Code shall accompany said application.

1107.06 SUBD. 6. DEPOSIT FOR CITY EXPENSES.

Upon receipt of the application, the City shall estimate the expenses associated with the removing and replacing of electrical wires, street lamps or poles or other property belonging to the City, if any, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit, the applicant shall deposit a sum of money equal to twice the amount of the estimated expense.

1107.06 SUBD. 7. APPROVAL PROCESS.

- 1. Building Inspector Review and Report: The Building Inspector shall inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of the permit are met. The Building Inspector shall refuse to issue a permit if he/she finds the following:
 - A. That the application requirements of any fee or deposit has not been complied with;
 - B. That the building is too large to move without endangering persons or property in the City;
 - C. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering person and property in the City;
 - D. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
 - E. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - F. That this Ordinance or other ordinances of the City would be violated by the building in its removal location;
 - G. The building, in its removal location, would fail to comply in any respect with any provision of any ordinance of the City, or, in the

alternative, that proper assurances of such compliance has not been given;

- H. The Chief of Police and Public Works Superintendent shall review the permit application and note over which streets the building may be moved. In making their determinations, the Chief of Police and Public Works Superintendent shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

2. Planning and Zoning Commission and City Council Approval:

- A. A public hearing shall be held in accordance with Section 1103.09 of this Ordinance.

- B. Planning and Zoning Commission Recommendation: The Commission shall use the following criteria in preparing its recommendation for the City Council:

1. If the building were at such as variance with either the established or expected pattern of building development within the neighborhood that it would destroy the harmony and overall appearance of the neighborhood.
2. The extent of variance, if any, based upon findings of a comparative study of age, bulk, architectural style and quality of construction.
3. The building, if permitted, will not substantially diminish or impair property value within the neighborhood.

- C. City Council Review: The City Council shall review the application materials and recommendation of the Planning and Zoning Commission and Building Inspector and approve, conditionally approve or deny the application, based on the criteria established within this Section.

1107.06 SUBD. 8. FEES AND DEPOSITS.

1. Deposit: The applicant shall submit all fees and deposits to the City, prior to the public hearing process.
2. Return of Fees and Deposits: If a permit is denied, the City Administrator shall direct the Finance Director to return to the applicant all deposits. The permit fee filed with the application shall not be returned.
3. Return upon allowance for Expenses: If the permit is approved, after the building has been removed, the Chief of Police, Public Works Superintendent and Building Inspector shall furnish a written statement of all expenses incurred and all damage caused to or inflicted upon the property belonging to the City by reason

of the move.

1107.06 SUBD. 9. DUTIES OF THE APPLICANT/LICENSEE.

1. Every applicant/licensee which is approved, under this Ordinance shall:
 - A. Use designated streets, as approved in the permit process.
 - B. Notify Zoning Administrator in writing of desired change in moving date and hours as proposed in the application.
 - C. Notify the Zoning Administrator in writing of any and all damage done to property belonging to the City, within twenty-four (24) hours after damage or injury has occurred.
 - D. Display a red light during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
 - E. Not allow any building, not on a foundation or attached to the ground in such way as approved by the Building Inspector, to remain in the City for more than twenty-four (24) hours except when located on a removal location in the City. Any building moved to a removal location in the City must be placed on a permanent foundation or attached to the ground as approved by the Building Inspector within fifteen (15) days of its removal to said location, unless an extension is granted by the Zoning Administrator upon good cause shown. No building shall be stored or allowed to stand on a City street for more than eight (8) hours without have received permission to do so from the Belle Plaine City Police Department.
 - F. Comply with the building code, this Zoning Ordinance and all other applicable ordinances and laws upon relocation the building in the City.
 - G. Remove all rubbish, materials and fill from the premises. All excavations shall be graded to existing grade at the original building site so that the premises are left in a safe and sanitary condition.
 - H. Pay all sewer charges and water bills payable against the property within the City of Belle Plaine from which the building is to be moved and that all sewer and water connections have been plugged or discontinued at the curb line or at the main and that all taxes against said property have been paid in full.
 - I. Paint, or cause to be painted, all exterior walls, doors and doorframes, window frames as well as screen and storm windows of the building moved, unless waived by the Building Inspector.
 - J. Install, or cause to be installed, a finished grade on all parts of the premises on to which such building is moved, including the planting, seeding or installation of live sod or appropriate grasses

on all parts of the plot or parcel involved.

- K. Install, or cause to be installed, new roofing upon such building in which the existing roofing is unsightly, dilapidated or leaking.
- L. Construct and provide all necessary and proper drainage for the premises on to which such building is moved, such drainage to be installed and constructed according to plans to be submitted by the owner and approved by the Building Inspector and the City Engineer, if determined necessary by the Building Inspector.
- M. Complete within ninety (90) days after removal, all remodeling, additions or repairs as shown on the plans accompanying the application, if the building is relocated within the City.

1107.06 SUBD. 10. ENFORCEMENT.

- 1. Applicant is liable for expense above deposit. The applicant shall be liable for any expenses, damages or costs in excess of the deposited amounts or securities, and the City Attorney shall prosecute an action against the applicant in a court of competent jurisdiction for the recovery of such excessive amounts.
- 2. Original premises left unsafe. The City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition where applicant does not comply with the requirements of this Section and the cost thereof shall be charged against the general deposit.
- 3. A certificate of occupancy must be obtained within six (6) months of the moving date.

1107.06 SUBD. 11. RESTRICTED HOURS.

No building shall be moved across any railroad or bridge, unless the hour be specified and approved by the company or governmental unit controlling such track or bridge.

1107.06 SUBD. 12. MOVING BUILDINGS INTO THE CITY.

Any person, firm, association or corporation desiring to move any building to within the limits of the City of Belle Plaine from outside of the corporate limits shall comply with the following additional requirements.

- 1. Notify the Building Inspector of the City of Belle Plaine prior to the process of moving the building in sufficient time so that the Building Inspector may make all necessary inspections in order to determine whether such building complies with the applicable ordinances of the City and for purpose of determining the appropriateness of the structure as provided for in this Section.

1107.06 SUBD. 13. MISCELLANEOUS CONDITIONS.

- 1. It is not intended by this Section to interfere with or abrogate or annul any easement,

covenant or other agreement between parties, provided however, that when this Section imposes a greater or heavier restriction than is imposed or required by any other ordinance, rule, regulation or by easements, covenants or agreements, the provisions of this Section shall control.

2. Every applicant, permit or licensee shall pay all other required fees, together with a fee established in the City's annual fee schedule for hourly services of the Building Inspector, for time spent in connection with such inspection.
3. Any applicant to whom a permit has been denied by the Building Inspector may appeal to the Planning and Zoning Commission and City Council. The applicant shall submit a notice of appeal to the Zoning Administrator in writing, and the matter shall be decided within sixty (60) days after filing of the notice of appeal. The Commission and Council may affirm, reverse or modify the action of the Building Inspector.

1107.06 SUBD. 14. VIOLATION A MISDEMEANOR.

Every person violating this Section when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

(Ord. 04-12, Section 1107.06, Subd. 4, Adopted December 6, 2004.)

SECTION 1107.07 POLE BUILDINGS.

1107.07 SUBD. 1. RESTRICTED.

All pole buildings shall require a conditional use permit in all residential and rural residential districts within the City.

SECTION 1107.08 OUTSIDE STORAGE: RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES.

1107.08 SUBD. 1. STORAGE RESIDENTIAL.

1. The following materials, equipment and personal property on any residentially-zoned property shall be stored within a building or lawful structure:
 - A. Recreational vehicles provided that up to three (3) such vehicles may be stored outside at any time.
 1. Recreational vehicles are defined as:
 - a. Any self-propelled vehicle and any vehicle propelled, drawn, towed or carried by a self-propelled vehicle, which is designed to be used for temporary living quarters while engaged in recreational or vacation activities.
 - b. Any trailer intended and generally used for transporting personal property or recreational vehicles such as watercraft and snowmobiles.
 - c. Any snowmobile, all-terrain vehicle, any type of watercraft whether motorized or not, and similar items.
 2. Recreational vehicles stored or parked outside shall:
 - a. Be located entirely on and over an improved surface consisting of bituminous, concrete, a minimum of four (4) inches of compacted gravel, or landscape pavers.
 - b. Maintain a minimum five (5) foot setback from any property line.
 3. Recreational vehicles stored or parked outside may not contain visible quantities of junk, miscellaneous debris, vegetative or food matter, rubbish or other types of personal property.
 4. Camping vehicles and motor homes may not be occupied while parked on a residential property, must be owned by the owner or tenant of the property, and must be operable, clean, and well-kept with a current license.
 - B. Construction and landscaping material and equipment provided that materials and equipment associated with a project for which a building permit has been issued may be stored outside for a period no longer than three months.
 - C. Any passenger vehicles and trucks exceeding a gross capacity of nine thousand (9,000) pounds.
 - D. The following items, provided they are owned by the property owner or tenant and placed on private property, may be stored outdoors: lawn furniture, cooking equipment, basketball hoops, and other items to be used in conjunction with normal outdoor residential activities on the property and or furniture used and constructed explicitly for outdoor use.

- E. Firewood for the purpose of consumption only by the owner or tenant of such property may be stored outside in the rear or side yard.
 - F. Garbage/Refuse Containers. Residential refuse and recycling containers shall be stored in rear or side yards or kept indoors. At no time shall residential refuse or recycling containers be stored in front yards.
2. Restrictive covenants within subdivisions may be more restrictive than this Section.

1107.08 SUBD. 2. CONDITIONS: COMMERCIAL AND INDUSTRIAL.

1. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of Section 1103.08 of this Ordinance and all non-residential outside storage shall conform to the following conditions:
- A. The area occupied is not within a required front or required side yard.
 - B. The storage area is totally fenced, fully screened and landscaped as defined according to Section 1107.03 of this Ordinance.
 - C. If abutting a residential district or use, screening and landscaping is provided according to a plan approved by the City Council.
 - D. The storage area is grassed or hard surfaced to control dust. Should a grassed surface prove to be unmaintainable, the City shall require that a hard surface be installed within three (3) months of formal written notice to the property owner.
 - E. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1107.01 Subdivision 3 of this Ordinance.
 - F. The storage area does not encroach upon parking space, loading space or snow storage area as required by this Ordinance.
 - G. A site plan documenting the location and grading of the storage operation shall be submitted and shall be subject to the approval of the City Engineer.
2. Passenger automobiles, recreational vehicles, and trucks in Residential, Industrial, and Commercial districts not currently licensed by the State, or which are because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days are considered junk or refuse and shall be disposed of.

(Ord. 19-05, Section 1107.08, Adopted April 15, 2019.)

SECTION 1107.09 LAND FILLING SOIL, SAND, OR OTHER MATERIALS.

1107.09 SUBD. 1. PERMIT REQUIRED.

Any person who proposes to add landfill in excess of five hundred (500) cubic yards to any property within the City limits, shall apply to the City for a Land Fill Permit.

1107.09 SUBD. 2. APPLICATION AND REQUIRED INFORMATION.

1. Any person desiring a permit hereunder shall present an application on such forms as shall be provided by the Zoning Administrator requiring the following information:

- A. The name and address of the applicant;
- B. The name and address of the owner of the land;
- C. The address and legal description of the land involved;
- D. The purpose of the land fill;
- E. A description of the source, type and amount of fill material to be placed upon the premises;
- F. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried;
- G. An estimate of the time required to complete the land fill;
- H. A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands and other significant features within three hundred fifty (350) feet;
- I. A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided on such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the land fill is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth; and
- J. A security statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection; and,
- K. A statement that the applicant will comply with all conditions prescribed by the City or its officers or agents.

2. The application shall be considered as being officially submitted when all the information requirements are complied with. A fee for such application is submitted based upon the schedule as established by City Council Resolution.

1107.09 SUBD. 3 TECHNICAL REPORTS.

1. Such applications for more than five hundred (500) cubic yards shall be forwarded to the City Engineer and Building Official. Where watersheds, floodplains and/or wetlands are in question, the Minnesota Department of Natural Resources shall also be contacted. These technical advisors shall be instructed by the Zoning Administrator to prepare reports for the Council.

2. Upon receiving information and reports from the Zoning Administrator and the City

Engineer, the Council shall make its determination as to whether, and when, and under what conditions such permit for a land fill greater than five hundred (500) cubic yards is to be issued to the applicant by the Zoning Administrator.

3. Filing fees in excess of the actual incurred expenses shall be refunded to the applicant. When the expenses incurred in the review of the application exceed the fee, such excess expenses shall be billed to the applicant.

1107.09 SUBD. 4. CONDITIONS OF PERMIT.

1. Under no circumstances shall any such land fill operation be conducted or permitted if the contents of the land fill or any part thereof shall consist of garbage, animal or vegetable refuse, poisons, contaminants, chemicals, decayed material, filth, sewage or similar septic or biologically dangerous material, or any other material deemed to be unsuitable by the City authorities.
2. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 A.M. to 6:00 P.M., Monday through Friday.

1107.09 SUBD. 5. SECURITY.

The Council may require either the applicant or the owner or user of the property on which the landfill is occurring to post a security in such form and sum as the Building Official and/or City Engineer shall determine. The surety shall be sufficient to provide the City for payment of the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting fill material. The amount of such cost and expense to be determined by the City Engineer.

1107.09 SUBD. 6. FAILURE TO COMPLY.

The Council may, for failure of any person to comply with any requirement made of him/her in writing under the provisions of such permit, as promptly as same can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the land fill is located, or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and his/her superiors if a bond exists. In the event that land filling operations requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed. Application fees shall be double the normal charge.

1107.09 SUBD. 7. COMPLETION OF OPERATION.

1. All land fill operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Building Official in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the City and upon a satisfactory showing of need, the Council may grant an extension of time. If such

extension is granted, it shall be for a definite period and the Zoning Administration shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the land fill operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as shortage of fill material, labor strike, unusually inclement weather, illness or other such valid and reasonable excuse for non-completion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Ordinance relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the City Engineer after inspecting the premises.

2. At the completion of a land fill operation, the premises shall be graded, leveled, and seeded or sodded with grass. The grade shall be such elevation with reference to any abutting street or public way as the Zoning Administrator shall prescribe in the permit. The site shall also conform to such prerequisites as the Zoning Administrator may determine with reference to storm water drainage runoff and storm water passage or flowage so that the land fill cannot become a source of, or an aggravation to, storm water drainage conditions in the area. The City Engineer shall inspect the project following completion to determine if the applicant has complied with the required conditions. Failure of such compliance shall result in the withholding of any building permits for the site and notice of such withholding shall be filed in the office of the County Recorder for the purpose of putting subsequent purchasers on notice.

1107.09 SUBD. 8. LANDFILLS IN PROGRESS.

All land fill operations for which a permit has previously been issued shall terminate such operations on the date specified by the permit.

SECTION 1107.10 EXCAVATION OF SOILS.

1107.10 SUBD. 1. PERMIT REQUIRED.

The extraction of sand, gravel, black dirt or other natural material from the land by a person in the amount of five hundred (500) cubic yards or more shall be termed land excavation and shall require a permit.

1107.10 SUBD. 2. EXCEPTIONS.

It is intended hereunder to cover the removal of natural materials from lands including such activity when carried on as a business, but shall not apply to basement excavation or other excavation which is already covered by the Building Code or other such regulations of the City.

1107.10 SUBD. 3. APPLICATION FOR PERMIT.

1. Any person desiring a permit hereunder shall present an application on such form as shall be provided by the Zoning Administrator requiring the following information:

- A. The name and address of the applicant;
- B. The name and address of the owner of the land;
- C. The address and legal description of the land involved;
- D. The purpose of the excavation;
- E. A description of the type and amount of material to be excavated from the premises;
- F. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried;
- G. An estimate of the time required to complete the excavation;
- H. A site plan showing present topography and also including boundary lines for all properties, water courses, wetlands and other significant features within three hundred fifty (350) feet;
- I. A site plan showing the proposed finished grade and landscape plan. Erosion control measures shall be provided on such plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth;
- J. A security statement demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection; and,
- K. A statement that the applicant will comply with all conditions prescribed by the City or its officers or agents.

2. The application shall be considered as being officially submitted when all the information requirements are complied with. A fee for such application shall be paid to the City at the time the application is submitted based upon the schedule as established by City Council Resolution.

1107.10 SUBD. 4. TECHNICAL REPORTS.

The Zoning Administrator shall immediately upon receipt of such applications forward a copy thereof to the City Engineer and Building Official. Where watersheds, floodplains and/or wetlands are in question, the Minnesota Department of Natural Resources shall also be contacted. These technical advisors shall be instructed by the Zoning Administrator to prepare reports for the Council.

1107.10 SUBD. 5. ISSUANCE OF PERMIT.

Upon receiving information and reports from the Zoning Administrator, Building Official and City Engineer, the Council shall make its determination as to whether, and when, and under what conditions such permit for an excavation is to be issued to the applicant by the Zoning Administrator.

1107.10 SUBD. 6. CONDITIONS OF PERMIT.

1. The Council, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit is issued, or the owner or user of the property on which the excavation is located to:
 - A. Properly fence the excavation;
 - B. Slope the banks, and otherwise properly guard and keep the excavation in such condition as not to be dangerous from caving or sliding banks;
 - C. Properly drain, fill in or level the excavation, after it has been created, so as to make the same safe and healthful as the Council shall determine;
 - D. Keep the excavation within the limits for which the particular permit is granted; and,
 - E. Remove excavated material from the excavation, away from the premises, upon and along such highways, streets or other public ways as the Council shall order and direct.
2. Hours of Operation. Unless expressly extended by permit, the hours of operation shall be limited to 7:00 A.M. to 6:00 P.M., Monday through Friday.

1107.10 SUBD. 7. SECURITY.

The Council may require either the applicant or the owner or user of the property on which the landfill is occurring to post a security in such form and sum as the Building Official and/or City Engineer shall determine. The surety shall be sufficient to provide the City for payment of the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel in transporting fill material. The amount of such cost and expense to be determined by the City Engineer.

1107.10 SUBD. 8. FAILURE TO COMPLY.

The Council may, for failure of any person to comply with any requirement made of

him/her in writing under the provisions of such permit, as promptly as same can reasonably be done, proceed to cause said requirement to be complied with, and the cost of such work shall be taxed against the property whereon the land fill is located, or the City may at its option proceed to collect such costs by an action against the person to whom such permit has been issued, and his/her superiors if a bond exists. In the event that operations requiring a permit are commenced prior to City review and approval, the City may require work stopped and all necessary applications filed and processed. Application fees shall be double the normal charge.

1107.10 SUBD. 9. COMPLETION OF OPERATION.

1. All excavation operations shall be completed within ninety (90) days of the issuance of the permit. Upon completion the permit holder shall notify the Zoning Administrator in writing of the date of completion. If additional time beyond the ninety (90) days is needed for completion, the permit holder may apply to the City and upon a satisfactory showing of need, the Council may grant an extension of time. If such extension is granted, it shall be for a definite period and the Building Official shall issue an extension permit. Extensions shall not be granted in cases where the permit holder fails to show that good faith efforts were made to complete the excavation operation within ninety (90) days and that failure to complete the operation was due to circumstances beyond the permit holder's control, such as labor strike, unusually inclement weather, illness or other such valid and reasonable excuse for noncompletion. In the event a request for an extension is denied, the permit holder shall be allowed a reasonable time to comply with the other provisions of this Ordinance relating to grading, leveling and seeding or sodding. What constitutes such "reasonable time" shall be determined by the City Engineer after inspecting the premises.
2. At the completion of an excavation, the premises shall be graded, leveled, and seeded or sodded with grass. The grade shall be such elevation with reference to any abutting street or public way as the City Engineer shall prescribe in the permit.

The site shall also conform to such prerequisites as the City Engineer may determine with reference to storm water drainage runoff and storm water passage or flowage so that the excavation cannot become a source of, or an aggravation to, storm water drainage conditions in the area. The City Engineer shall inspect the project following completion to determine if the applicant has complied with the conditions imposed as part of the permit.

SECTION 1107.11 ESSENTIAL SERVICES.

1107.11 SUBD. 1. SCOPE OF REGULATIONS.

For purposes of this Ordinance, essential service facilities shall be classified into two (2) categories (major and minor essential service facilities) and regulated according to the procedures described herein.

1107.11 SUBD. 2. EXEMPT FROM REGULATION.

Required maintenance or rebuilding of any major or minor essential service facility, when such maintenance or rebuilding does not change, expand the capacity, change the capability or change the location of the existing facility, shall be exempt from the regulation of this Section.

1107.11 SUBD. 3. ADOPTION BY REFERENCE OF STATE STATUTES GOVERNING THE PLACEMENT OF PIPELINE.

1. The purpose of this Ordinance is to increase public safety by requiring that new development be set back from pipeline locations.
2. This Ordinance applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before the effective date of this part.
3. Buildings and places of public assembly subject to this Ordinance shall not be constructed closer to the pipeline than the boundary of the pipeline easement.
4. Variance procedures adopted by the City under Minnesota Statutes Sections 462.351 to 462.365 shall apply.

1107.11 SUBD. 4. MAJOR ESSENTIAL FACILITIES PROCEDURE.

Applications for locating any major essential service line or essential service structure in any zoning district shall require a Conditional Use Permit as regulated in Section 1103.08 of this Ordinance in addition to being governed by the following procedures.

1. The applicant shall, on forms provided by the City, file an application, in duplicate, with the Zoning Administrator. The application shall include ten (10) such maps drawn by a professional surveyor indicating location, alignment and type of service proposed, together with the status of any applications made or required to be made under state or federal law to any state or federal agency. The application shall provide the name, address and telephone number of a contact person to which post-construction inquiries related to exact location and depth of essential service facilities may be addressed. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak or explosion occurring during operation of the pipeline.

The operation of the pipeline shall demonstrate its capability and readiness to execute the contingency plan.

2. One set of the above information shall be furnished to the City Engineer, who shall review the information and forward his/her comments and recommendations to the City Council.
3. The maps and accompanying data shall be submitted to the Planning Commission and City Council for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.
4. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed major essential service line and essential service structures and shall file such report with the City Council.
5. Upon receipt of the report of the Planning Commission on the essential service lines or structures, the City Council shall consider the application, maps and accompanying data and shall indicate to the applicant its approval, disapproval, or recommend modifications considered desirable to carry out the intent of this Section.

1107.11 SUBD. 5. PROVISIONS FOR MAJOR ESSENTIAL SERVICES.

1. Standards. For major essential service lines, the City Council establishes the standards for construction as outlined in Subd. 6 of this Section.
2. Conditions. In addition to the standards as provided for in Subd. 6 of this Section, the following conditions shall apply to major essential service lines:
 - A. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
 - B. Rocks, slash and other construction debris shall be removed from each individual parcel of land where construction takes place within ninety (90) working days of the commencement of major essential service construction on that individual parcel of land. For purposes of this Section, working days are defined as: all days except days between November 15 and April 15 (winter).
 - C. Shelterbelts, windbreaks, fences and vegetation shall be restored to pre-construction condition.
 - D. If preliminary engineering surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.

1107.11 SUBD. 6. STANDARDS FOR CONSTRUCTION OF MAJOR
ESSENTIAL SERVICE FACILITIES

Table No. 1.	Minimum Depth Under Agricultural Land	Minimum Depth Under Public Road Right-of-Ways	Minimum Depth Under Public Road Surfaces
Pipelines Natural Gas	(Federal Law) 30"	4 ½ ft.	4 ½ ft.
Pipelines Petroleum-Hydrocarbons	4 ½ ft.	4 ½ ft.	4 ½ ft.
Pipelines Water	6 ft.	6 ft.	6 ft.
Pipelines Other	4 ½ ft.	4 ½ ft.	4 ½ ft.
Pipelines Underground	3 ft.	3 ft.	3 ft.
Powerlines Overhead	N/A	N/A	N/A
Telephone Overhead	N/A	N/A	N/A
Telephone Underground	3 ft.	3 ft.	3 ft.

Table No. 2.	Minimum Height Over Agricultural Land	Soil Restoration
Pipelines Natural Gas	N/A	Restore to Pre-Construction Productivity
Pipelines Petroleum-Hydrocarbons	N/A	Restore to Pre-Construction Productivity
Pipelines Water	N/A	Restore to Pre-Construction Productivity
Pipelines Other	N/A	Restore to Pre-Construction Productivity
Pipelines Underground	N/A	Restore to Pre-Construction Productivity
Powerlines Overhead	20 ft.	Restore to Pre-Construction Productivity
Telephone Overhead	20 ft.	N/A
Telephone Underground	N/A	Restore to Pre-Construction Productivity

1107.11 SUBD. 7. INSPECTIONS.

The City Council may require that a qualified inspector be on the site of installation of major essential service lines or structures. The City Council will establish a fee schedule for inspections consistent with applicable state laws and City policies. With respect to pipelines the following shall apply:

Before beginning construction a person proposing to construct a pipeline shall

pay an inspection fee to the City. The fee shall be set by the City Council for each mile or fraction of a mile of pipeline that will be constructed in the City. The City Council shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Section. The inspector shall promptly report to the City Council any failure or refusal to comply with the provisions of this Section and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply. During on-site inspection the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the City Council.

1107.11 SUBD. 8. MINOR ESSENTIAL FACILITIES PROCEDURE.

Applications for locating any minor essential service line or structure in any city easement or right-of-way shall be governed by the following procedures:

1. The applicant shall file with the Zoning Administrator, on forms supplied by the City, an application for such permit accompanied by maps and drawings, if available, indicating the locations, alignment and type of service proposed.
2. The application and accompanying data shall be reviewed by the City Engineer and the Zoning Administrator may issue the permit after determining that the application is acceptable and in the best interests of the City.
3. The Zoning Administrator may require in conjunction with the issuance of such permit that:
 - A. The applicant submit “as-built” drawings of the essential service after construction.
 - B. The applicant is to construct the minor essential service to take into consideration contemplated widening, regrading or relocating of a City street.

SECTION 1107.12 OFF-STREET PARKING.

1107.12 SUBD. 1. PURPOSE.

The regulation of off-street parking spaces is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

1107.12 SUBD. 2. APPLICATION OF OFF-STREET PARKING REGULATIONS.

The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

1107.12 SUBD. 3. SITE PLAN DRAWING NECESSARY.

All applications for a building permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Section. All site plans for single family homes must provide for location of garage, not less than 400 square feet.

1107.12 SUBD. 4. GENERAL PROVISIONS.

1. **Floor Area.** The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the square footage floor area of the buildings, structures or use except as may hereinafter be provided or modified.
2. **Reduction of Existing Off-Street Parking Space or Lot Area.** Off-street parking spaces and loading spaces or lot area existing upon the effective date of this Section shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
3. **Non-Conforming Structures.** Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in this Ordinance, except that in doing so, any off-street parking or loading space which existed before shall be retained.
4. **Change of Use or Occupancy of Land.** No change of use or occupancy of land already dedicated to a parking area, parking spaces or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls or parking requirements below the minimum prescribed by this Section.
5. **Change of Use or Occupancy of Buildings.** Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as

required by this Section.

6. Residential Area Parking. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed a gross capacity of nine thousand (9,000) pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles used on-site or equipment, or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.
7. Calculating Space.
 - A. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.
 - B. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.
 - C. Except as provided for under joint parking and shopping centers, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.
8. Design.
 - A. Except for handicapped parking spaces, each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.
 - B. The off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Section.
 - C. Except in the case of single and two-family townhomes, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single and two-family townhomes, parking area design which requires backing into the public street is prohibited.

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- D. Except in the case of single and two-family townhomes, parking areas and their aisles shall be developed in compliance with the standards of this Section.
- E. All impervious surfaces shall be a minimum of five (5) feet from the property line on all sides
- F. The grade of any parking area shall not exceed five (5) percent, except single and two-family dwellings.
- G. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Driveways shall be fully surfaced with bituminous, concrete, or landscape pavers of sufficient integrity to accommodate vehicle access and parking. Parking stalls, where allowed under this Section, shall be fully surfaced with bituminous, concrete, or landscape pavers of sufficient integrity to accommodate vehicle parking. Parking areas for recreational vehicles in side or rear yards shall be wholly comprised of improved surfaces consisting of bituminous, concrete, a minimum of four (4) inches of compacted gravel, or landscape pavers. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for his/her review and the final drainage plan shall be subject to his/her written approval.
- H. Except for single and two family townhomes, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.
- I. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with Section 1107.01, Subdivision 3, of this Ordinance.
- J. Except for single and two-family townhomes, all open, off-street parking shall have a perimeter curb barrier around the entire parking lot; said curb barrier shall not be closer than five (5) feet to any lot line.
- K. Except for single and two-family townhomes, all open, off-street parking areas, in a commercial or industrial district and abutting or adjacent to TH 169, shall have a buffer between the curb of said parking area and sidewalk, street, lot line or adjacent parking area. The buffer shall consist of at least one or a combination of the following:
1. Shade trees at maximum intervals of thirty (30) feet.
 2. Decorative fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.

- L. Adequate space for snow storage shall be provided on the site so as not to reduce the required minimum number of parking spaces.
- M. A Driveway Permit is required prior to modification of an existing driveway or new construction of a driveway.
- N. Driveways, curb cuts and surfacing conditions existing as of the date of this ordinance, shall come into conformance with the requirements of Section 1107.14 Subd 4 and 5, at the time of city reconstruction projects. A driveway permit will be obtained prior to work commencing on-site. There will be no fee for the driveway permit at this time.

1107.12 SUBD 5. DRIVEWAY PERMIT.

All property owners are required to obtain a driveway permit prior to modification of an existing driveway or the construction of a new driveway. The permit must be obtained from the Zoning Administrator prior to commencement of work.

1. Permits will be reviewed by the Zoning Administrator, Public Works Superintendent and City Engineer, as necessary.
2. Residential Properties:
 - A. The maximum residential driveway width at the curb shall be twenty-four (24) feet unless a wider driveway is requested and approved in the driveway permit. A driveway width of up to a maximum of thirty-six (36) feet may be permitted based upon the City's evaluation of the following considerations:
 1. The following criteria must be met prior to consideration of a wider driveway than twenty-four (24) feet:
 - a) The property setbacks allow for the curb cut to be located greater than five (5) feet from the property line.
 - b) No curb cut access shall be located less than thirty (30) feet from the intersection of two or more street rights-of-way.
 - c) The entire driveway must be improved with asphalt, concrete, or other approved surfaces.
 2. The following criteria will be used to determine if a wider driveway will be approved:
 - a) Safety concerns relative to the functionality of the street, such as backing up into a major thoroughfare, will also be considered.
 - b) The driveway leads to an attached or detached garage with three (3) vehicular stalls.
 - c) Consideration will be to curb cuts in existence at the time the permit is made, but will not be guaranteed approval to remain as is unless it meets one of these conditions listed above.

- B. Each property, whether residential or commercial, shall be allowed one (1) curb cut access. A permit to request multiple driveways on a single family or multi-family property may be permitted based upon the City's evaluation of the following considerations:
 - 1. The following criteria must be met prior to consideration for multiple driveways on a property:
 - a) Driveway access curb openings on a public street, except single and two-family townhomes, shall not be located less than forty (40) feet from one another.
 - b) The property setbacks allow for the curb cut to be located greater than five (5) feet from the property line.
 - c) No curb cut access shall be located less than 30 feet from the intersection of two or more street rights-of-way.
 - d) The street frontage is greater than one hundred twenty-five (125) feet for the side of the property where multiple driveways are being requested.
 - e) The entire driveway must be improved with asphalt, concrete, or other approved surface.
 - 2. The following criteria will be used to determine if multiple driveways will be approved on a property:
 - a) Safety concerns relative to the functionality of the street, such as backing up into a major thoroughfare, will also be considered.
 - b) The driveway(s) leads to a structure with vehicular access.
 - c) Consideration will be given to multiple curb cuts in existence at the time the permit is made, but will be not guaranteed approval to remain as is unless it meets one of these conditions listed above.
 - C. Driveway curb cuts for all residential properties shall be setback at least five (5) feet from side property lines.
 - D. Driveway access curb openings on corner lots abutting public streets with a functional classification of 'local' shall have a corner clearance of at least thirty (30) feet, except two-family and townhomes may be less provided the City Engineer approves of driveway design.
 - E. Driveway access curb openings on corner lots abutting public streets with a functional classification of 'collector' or 'arterial' shall have a corner clearance of at least sixty (60) feet, except two-family and townhomes may be less provided the City Engineer approves of driveway design.
3. Commercial and Industrial Properties:
- A. The maximum commercial driveway width at the curb shall be thirty-two (32) feet unless approved by the City Engineer. The driveway approach/apron

shall be constructed to city design standards, per City Code, Chapter 12, Section 1205.00 Design Standards.

- B. Driveway access curb openings on a public street, except single and two-family townhomes, shall not be located less than forty (40) feet from one another.
- C. All areas intended to be utilized for parking spaces and driveways shall be surfaced with materials suitable to control dusty and drainage. Driveways and stalls, as well as parking for recreational vehicles and equipment shall be surfaced with concrete or asphalt, or other approved surfaces. Plans for surfacing and drainage of driveways and stall for five (5) or more vehicles shall be submitted to the City Engineer for his/her review and the final drainage plan shall be subject to his/her written approval.
- D. Driveway curb cuts for all commercial and industrial properties shall be setback at least five (5) feet from side property lines.
- E. In commercial and industrial districts, driveway access curb openings on corner lots abutting public streets with a functional classification of 'collector' or 'arterial' shall have a corner clearance of at least eighty (80) feet unless otherwise approved by the City Engineer.
- F. In commercial and industrial districts, driveway access curb openings on corner lots abutting public streets with a functional classification of 'local' shall have a corner clearance of at least sixty (60) feet unless otherwise approved by the City Engineer.

4. Restoration of City Right-of-Way

The curb needs to be replaced/restored to B-6, high back curb, unless otherwise indicated on the permit. The driveway approach/apron shall be constructed to city standards, per City Code, Chapter 12, Section 1205.00 Design Standards.

1107.12 SUBD. 6. MAINTENANCE.

It shall be the joint responsibility of the lessee and owner of the principal use, uses or buildings to maintain in a neat and adequate manner the parking space, access ways, striping, landscaping and required fences.

1107.12 SUBD. 7. LOCATION.

All accessory off-street parking facilities as required by this Ordinance shall be located and restricted as follows:

- 1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Subdivisions 10 and 11 of this Section.
- 2. The boulevard portion of the street right-of-way shall not be used for parking.
- 3. In the case of single and two-family townhomes, parking shall be prohibited in any portion of the required front yard except designated driveways leading directly

into a garage, or one open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with concrete or bituminous material.

1107.12 SUBD. 8. USE OF REQUIRED AREA.

Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles and/or storage of snow.

1107.12 SUBD. 9. HANDICAPPED PARKING SPACES.

Except for single and two-family townhomes, at least one (1) handicapped parking space shall be provided for each development. An additional space shall be provided for each increment of fifty (50) spaces in excess of the initial fifty (50) spaces. Handicapped spaces shall be located so as to provide convenient, priority access to the principal use and shall conform to Minnesota Statutes, Section 168.021, as may be amended.

1107.12 SUBD. 10. NUMBER OF SPACES REQUIRED.

The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

1. Single Family and Two Family Townhome Units. Two (2) spaces per unit.
2. Multiple Family Dwellings. Two (2) spaces per unit.
3. Motels, Bed & Breakfast Inns, Hotels. One (1) space per each rental unit plus one (1) space for each ten (10) units and one (1) space for each employee on any shift.
4. School, Elementary and Junior High. One (1) parking space for each classroom plus one (1) additional space for each fifty (50) student capacity.
5. School, High School Through College and Private and Day or Church Schools. One (1) parking space for each five (5) students based on design capacity plus one (1) for each classroom.
6. Church, Theater, Auditorium. One (1) parking space for each four (4) seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
7. Community Centers, Health Studios, Libraries, Private Clubs, Lodges. Ten (10) spaces plus one (1) for each one hundred fifty (150) square feet in excess of two thousand (2,000) square feet of floor area in the principal structure.
8. Nursing Home. Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered.

9. Elderly (Senior Citizen) Housing. One (1) parking space per unit. Initial development is, however, required of only one-half (1/2) space per unit and said number of spaces can continue until such time as the Council considers a need for additional parking spaces has been demonstrated.
10. Drive-In Establishment and Convenience Food. One (1) parking space for each thirty-five (35) square feet of gross floor area of service and dining area, but not less than fifteen (15) spaces. Two (2) additional parking spaces shall be added for drive-through services facilities and one (1) space for each eighty (80) square feet of kitchen/storage area.
11. Office Buildings, Animal Hospitals, Professional Offices and Medical Clinics. Three (3) spaces plus one (1) space for each two hundred (200) square feet of floor area.
12. Bowling Alley. Five (5) parking spaces for each alley, plus additional spaces as may be determined by the City Council herein for related uses contained within the principal structure.
13. Motor Fuel Station. Four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with items 10, 16, 18 and 21 of this Section.
14. Retail Store and Service Establishment. One (1) off-street parking space for each two hundred (200) square feet of floor area.
15. Retail Sales and Service Business With Fifty (50) Percent or More of Gross Floor Area Devoted to Storage, Warehouse and/or Industry. Eight (8) spaces or one (1) space for each two hundred (200) square feet devoted to public sales or service plus one (1) space for each five hundred (500) square feet of storage area; or eight (8) spaces or one (1) space for each employee on the maximum shift, whichever is appropriate as determined by the City Council.
16. Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. One (1) space for each forty (40) square feet of gross floor area of dining and bar area and one (1) space for each eighty (80) square feet of kitchen area.
17. Funeral Services. Thirty (30) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off-street for making up a funeral procession.
18. Auto Repair, Major Bus Terminal, Taxi Terminal, Boats and Marine Sales and Repair, Bottling Company, Shop for a Trade Employing Six (6) or Less People, Garden Supply Store, Building Material Sales in Structure. Eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800)

square feet of floor area over one thousand (1,000) square feet.

19. Manufacturing, Fabricating or Processing of a Product or Material. One space for each three hundred fifty (350) square feet of floor area, plus one (1) space for each company owned truck (if not stored inside principal building).
20. Warehousing, Storage or Handling of Bulk Goods. That space which is solely used as office shall comply with the office use requirements and one (1) space per each one thousand (1,000) square feet of floor area, plus one (1) space for each employee on maximum shift and one (1) space for each company owned truck (if not stored inside principal building).
21. Car Wash. (In addition to required magazine or stacking space.)
 - a. Automatic Drive Through Services. A minimum of five (5) stacking spaces and one (1) space for each employee on the maximum shift, whichever is greater.
 - b. Self-Service. A minimum of two (2) spaces.
 - c. Motor Fuel Station Car Wash. Zero (0) in addition to that required for the station.
22. Shopping Centers. Five and one-half (5 1/2) spaces per each one thousand (1,000) square feet of gross leasable floor area (exclusive of common areas).
23. Day Care Nurseries. Three (3) spaces plus at least one (1) space for each two hundred (200) square feet of floor area.
24. Other Uses. Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Council. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.
25. Space Reductions. Subject to the review and processing of a conditional use permit as regulated by Section 1103.08 of this Ordinance, the City may reduce the number of required off-street parking spaces when the use can demonstrate in documented form a need which is less than required. In such situations, the City may require land to be reserved for parking development should use or needs change.
26. Parking in the B-3, Central Business District:
 - a. No off-street parking requirements shall be required for facilities with commercial uses only.
 - b. For facilities that contain residential units, two (2) parking spaces per unit.

1107.12 SUBD. 11. JOINT FACILITIES.

The Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted, nor the Council approve such a permit except when the following conditions are found to exist.

1. Up to fifty (50) percent of the parking facilities required for a theatre, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in Item No. 4 below.
2. Up to fifty (50) percent of the off-street parking facilities required for any use specified under Item No. 4 below as primarily daytime uses may be supplied by the parking facilities provided by the following night time or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, apartments or restaurants.
3. Up to eighty (80) percent of the parking facilities required by this Section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified in Item No. 4 below as primarily daytime uses.
4. For the purpose of this Section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.
5. Conditions Required for Joint Use:
 - A. The building or use, for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within three hundred (300) feet of such parking facilities.
 - B. The application shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses (for which joint use of off-street parking facilities is proposed).
 - C. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the Zoning Administrator and recorded with the Scott County Recorder.

1107.12 SUBD. 12. OFF-SITE PARKING.

1. Any off-site parking which is used to meet the requirements of this Ordinance shall be a conditional use as regulated by Section 1103.08 of this Ordinance and shall be subject to the conditions listed below.
2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
3. Reasonable access from off-site parking facilities to the use being served shall be provided.
4. Except as provided below, the site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served or under public ownership.
5. Off-site parking for multiple family dwellings shall not be located more than one hundred (100) feet from any normally used entrance of the principal use served.
6. Except as provided below, off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main public entrance of the principal use being served.
7. Any use which depends upon off-site parking to meet the requirements of this Section shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.
8. Compliance with off-street parking requirements provided through leased off-street parking may be approved by the Council, subject to the following conditions:
 - A. The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking required, must be equal to the total number of parking spaces required.
 - B. The lease instrument shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City.
 - C. The lease agreement shall incorporate a release of liability and any other provisions, as recommended by the City Attorney that are deemed necessary to ensure compliance with the intent of this Section.
9. Municipal parking lots shall not be used for off-street parking or off-site parking as defined or required by the Section. Public parking in municipal lots is limited to forty-eight hours when posted as such.

(Ord. 09-05, Section 1107.12, Adopted December 21, 2009.)

(Ord. 12-02, Section 1107.12, Off Street Parking, Adopted May 21, 2012.)

(Ord. 19-06, Sections 1107.12, SUBD. (4)(6), 1107.12, SUBD. 4(8)(E), 1107.12, SUBD. 4(8)(G), 1107.12, SUBD. (5)(2), 1107.12, SUBD. (5)(3), and 1107.12, SUBD. 12, Off Street Parking, Adopted April 15, 2019.)

SECTION 1107.13 LOADING FACILITIES.

1107.13 SUBD. 1. PURPOSE.

The regulation of loading spaces in this Ordinance is to alleviate or prevent congestion of the public right-of-way so as to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the specific and appropriate utilization of various parcels of land or structure.

1107.13 SUBD. 2. LOCATION.

1. Off-Street. All required loading berths shall be off-street and located on the same lot as the building or use to be served.
2. Distance from Intersection. All loading berth curb cuts shall be located at a minimum fifty (50) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the property line.
3. Distance from Residential Use. No loading berth shall be located closer than one hundred (100) feet from a residential district unless within a structure.
4. Prohibited in Front Yards. Loading berths shall not occupy the required front yard setbacks.
5. Conditional Use Permit Required. A conditional use permit shall be required for new loading berths added to an existing structure, where the loading berth is located at the front or at the side of the building on a corner lot.
 - A. Pedestrians. Loading berths shall not conflict with pedestrian movement.
 - B. Visibility. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - C. General Compliance. Loading berths shall comply with all other requirements of this Ordinance.
6. Traffic Interference. Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.

1107.13 SUBD. 3. SURFACING.

All loading berths and access ways shall be improved with not less than six (6) inch class five (5) base and two (2) inch bituminous surfacing to control the dust and drainage according to a plan submitted to and subject to the approval of the City Engineer.

1107.13 SUBD. 4. ACCESSORY USE; PARKING AND STORAGE.

Any space allocated as a required loading berth or access drive so as to comply with the terms of this Section shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street parking requirements.

1107.13 SUBD. 5. SCREENING.

Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with Section 1107.03.

1107.13 SUBD. 6. SIZE.

1. Commercial and Industrial Developments. Unless otherwise specified in this Ordinance, the first loading berth shall be not less than seventy (70) feet in length and additional berths required shall be not less than thirty (30) feet in length and all loading berths shall be not less than ten (10) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
2. Multiple Family Dwellings. The size and location of the required loading berth shall be subject to the review and approval of the City Engineer.

1107.13 SUBD. 7. NUMBER OF LOADING BERTHS REQUIRED.

The number of required off-street loading berths shall be as follows:

1. Commercial and Industrial Developments. Except within the B-3, Central Business District, all buildings shall have at least one (1) off-street loading berth. Buildings which are ten thousand (10,000) square feet or more, shall have at a minimum two (2) loading berths.
2. Multiple Family Dwellings. One (1) off-street loading berth shall be provided for each principal dwelling structure in excess of four (4) units.

SECTION 1107.14 FIRE PITS.

SUBD. 1. FIRE PITS.

Free-standing or in-ground fire pits shall comply with the following:

- A. Shall not exceed a diameter of three (3) feet.
- B. Materials burned shall consist of wood, coal, charcoal or brush only.
- C. Shall not be located within twenty-five (25) feet of combustible walls, roofs, or other combustible material; building openings; or property lines, and shall be in accordance with the Minnesota State Uniform Fire Code, as amended.

(Ord. 15-03, Section 1107.14, Adopted June 15, 2015.)

SECTION 1107.15 AVIATION REQUIREMENTS.

1107.15 SUBD. 1. NOTIFICATION REQUIRED.

An applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level shall notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commission of said proposal at least thirty (30) days prior to the City Council's consideration of said request.

1107.15 SUBD. 2. PROOF OF NOTIFICATION.

The applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

SECTION 1107.16 HOME OCCUPATIONS.

1107.16 SUBD. 1. PURPOSE. The purpose of this Section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the residential character or health, safety and general welfare of the surrounding neighborhood.

1107.16 SUBD. 2. APPLICATION. Subject to the non-conforming use provision of this Section, all occupations conducted in the home shall comply with the provisions of this Section. This Section shall not be construed; however, to apply to home occupations accessory to farming.

1107.16 SUBD. 3. HOME OCCUPATION REQUIREMENTS.

1. Home Occupations shall comply with all of the following requirements:

- A. No Home Occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the Home Occupation which will create electrical interference to surrounding properties.
- C. Any Home Occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings, except where required to comply with local and state fire and police recommendations.
- E. There shall be no exterior storage of equipment or materials used in the Home Occupation, except personal automobiles used in the home occupation may be parked on the site.
- F. The Home Occupation shall meet all applicable fire and building codes, City ordinances, and County and State requirements.
- G. Only one sign shall be permitted. Such sign shall be a non-illuminated nameplate of not more than four square feet in area, which shall be comprised of high-quality, durable material(s) and attached to the dwelling.
- H. No Home Occupation shall be conducted between the hours of 10:00 P.M. and 7:00 A.M. which allows for customers or any on-street parking facilities during that period of time.
- I. Only one other person beyond those who customarily reside on the premises

shall be employed.

- J. All Home Occupations shall be conducted entirely within the principal building and shall not be conducted in an accessory building.
- K. Home Occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway, or garage.
- L. No sale of products or merchandise shall occur on the property other than that which is incidental to the Home Occupation, except that merchandise which may be sold via electronic medium, provided customers do not come to the Home Occupation premises for any part of the transaction.

1107.16 SUBD 4. PROHIBITED USES.

The following uses have a tendency to be too intense or potentially disruptive for home occupations and thereby adversely affect residential areas. The following uses are specifically prohibited as Home Occupations:

- A. Repair services of all kinds, including auto repair, appliance repair and small engine repair.
- B. Music, dance or exercise instruction which provides instruction to groups of more than two individuals at a time.
- C. Medical and dental offices.
- D. Mortuaries.
- E. Kennels.
- F. Automobile and equipment sales.
- G. Machine shops, welding, or manufacturing.
- H. Any home occupation which involves the use of hazardous materials or activities; or which adversely impacts governmental facilities and services.
- I. Any other uses that do not comply with the conditions established for home occupations.

1107.16 SUBD. 5. NON-CONFORMING USE.

Home Occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Expansion of a Non-Conforming Home Occupation is prohibited. Any existing Legal Non-Conforming Home Occupation that is discontinued for a period of more than one (1) year, or is in violation of the provisions of the Ordinance under which it was initially established, shall be brought into conformity with the provisions of this Section.

1107.16 SUBD. 6. INSPECTION.

The City hereby reserves the right upon any home occupation to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Section.

1107.16 SUBD. 7. VIOLATION

1. Home Occupations may operate as long as the residence complies with the provisions of this Section. At such time as the city has reason to believe a violation has occurred, the property owner shall be notified to cease the operation of the violating activities, or request a hearing before Board of Adjustment and Appeals to consider the matter pursuant to Chapter 2, Section 206.00.

*(Ord. 14-06, Section 1107.16, Adopted October 20, 2014.)
(Ord. 17-01, Section 1107.16, G, Adopted February 21, 2017.)*

SECTION 1107.17 HIGHWAY COMMERCIAL AND INDUSTRIAL DESIGN STANDARDS.

1107.17 SUBD. 1. PURPOSE.

The purpose of this Section is to meet the following objectives:

- A. Implement the goals and policies set out in the Comprehensive Plan;
- B. Preserve the character of the City's commercial and industrial areas;
- C. Maintain and improve the City's tax base;
- D. Reduce the impacts of dissimilar land uses;
- E. Promote orderly and safe flow of vehicular and pedestrian traffic;
- F. Discourage the development of identical and similar building facades which detract from the character and appearance of the neighborhood;
- G. Preserve the natural and built environment; and
- H. Minimize adverse impacts on adjacent properties from buildings which are or may become unsightly.
- I. Encourage the utilization of the Belle Plaine Design Manual.

1107.17 SUBD. 2. DESIGN STANDARDS.

The following design standards shall be incorporated into site and building plans for all highway commercial and industrial properties:

- A. Any noise-producing portions of the development, such as loading docks, and outside storage activities shall be placed away from adjacent residential areas.
- B. Utility service structures such as utility meters, lines, transformers, above ground tanks, refuse handling, loading docks and maintenance structures, shall be located inside a building or entirely screened from off-site views. In addition, all utility services shall be placed underground.
- C. Exterior surface materials which are permitted are divided into three "Classes" with a minimum amount of the each class of material being required on buildings as follows:
 1. Class I: Brick, marble, granite or other natural stone, textured cement stucco, copper, porcelain and glass.
 2. Class II: Exposed aggregate concrete panels, burnished concrete block, integral colored split face (rock face) and exposed aggregate block, cast-in-place concrete, artificial stucco, artificial stone, pre-finished metal.
 3. Class III: Unpainted or surface painted concrete block (scored or unscored), unpainted or surface painted plain or ribbed concrete panels and unfinished or surface painted metal.
- D. Minimum Use of Class I Material Required: At least sixty (60) percent of each building face visible from off-site must be constructed with Class I materials,

except as permitted below. Not more than ten (10) percent of the building face not visible from off site may be constructed of greater percentages of Class II or III materials, if the structure otherwise conforms to all City ordinances. The mixture of building materials must be compatibly integrated.

- a. Class I materials may be reduced to a minimum of twenty-five (25) percent for buildings in the B-2 (Highway Commercial) or I-C (Industrial/Commercial) or I-2 (Industrial) Use Districts which are not located on a principal arterial, minor arterial, major collector or adjacent to or across from any residential district, provided that the remaining materials are functionally and durably equal to a Class I material as certified by the developer's architect or the manufacturer.
- b. Class I materials may be reduced to a minimum of twenty-five (25) percent for building walls in the B-2 (Highway Commercial) or I-C (Industrial/Commercial) or I-2 (Industrial) Use Districts facing on a principal arterial, minor arterial or major collector, or adjacent to or across from and a residential district provided that the remaining materials are functionally and durably equal to a Class I material as certified by the developer's architect or the manufacturer and that the architectural design and site plan must meet the following minimum criteria:
 1. The exposed height of the building wall shall not exceed fifteen (15) feet.
 2. The number of required plantings shall be increased by twenty (20) percent or the size of twenty (20) percent of the overstory trees installed shall be increased to three and one-half (3 ½) caliper inches.
 3. A minimum of ten (10) percent of the building façade must be windows or glass spandrels.
- c. In addition to the minimum criteria, the following additional architectural design elements may be considered in determining whether to permit the reduced use of Class I materials: 1) building bulk, 2) general massing, 3) roof treatment, 4) proportion of openings, 5) façade design elements and variation, 6) compatibility of materials, 7) color and 8) texture. Site plan design elements which will be considered in determining whether to reduce the Class I building material requirement include quantity, quality, variation, compatibility and size of plant material, landscape berms and screening walls. Also considered will be the overall harmony and unity of the various elements of the architectural design and site plan within the site and also within the larger context of the area or corridor.

Generally buildings of lower height, less bulk, pitched or gabled roofs, variations in façade and numerous openings will be considered eligible for a reduction in the use of Class I materials. Generally site plans with increased amount, variation and size of landscape materials and higher landscape berms and screening walls will be considered eligible for Class I material reductions.

E. Building designs shall be consistent with the following requirements:

1. The height, bulk, general massing, roof treatment, materials, colors, textures, major divisions and proportions of a new or remodeled building shall be compatible in design style and character with that of other buildings on the site and on adjacent sites.
2. No unbroken wall may exceed a four-to-one (4:1) ratio of wall length to wall height, and each wall deviation four-to-one (4:1) ratio shall be a minimum depth of four (4) feet. Where a maximum wall length to wall height ratio is used, the minimum depth of each building wall deviation may be reduced to three (3) feet. Where a maximum two-to-one (2:1) wall height ratio is used, the minimum depth of each building wall deviation may be reduced to two (2) feet;
3. No building may display more than five (5) percent of any elevation surface in bright, pure accent colors.
4. Design shall be informed by the Belle Plaine Design Manual and reviewed by the Design Review Committee and Planning and Zoning Commission and approved by the City Council as a part of the site plan review process.
5. The site lighting shall provide adequate light for the safety and welfare of persons and shall not present a nuisance or hazard and shall otherwise comply with lighting standards in Section 1107.01 Subd. 3.
6. For projects where the lot area exceeds fifty-thousand (50,000) square feet, at least one (1) percent of the lot area shall be devoted to pedestrian use such as plazas, sidewalks or trails.
7. The relationship of the building to the site and adjacent property including the site access and pedestrian movement shall be complementary.

(Ord. 08-06, Section 1107.17 Subd. 1& 2, Adopted October 20, 2008.)

SECTION 1107.18 ENERGY SYSTEMS (WIND AND SOLAR)

1107.18 SUBD. 1. PURPOSE.

The purpose of this Section is to establish standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) shall be governed within the City within any zoning district of the City, subject to the regulations and requirements of this Section, provided the property upon which the system is to be located is zoned agricultural, commercial or industrial or is constructed and maintained on any parcel of land of at least two and one-half (2 1/2) acres in size.

1107.18 SUBD. 2. DECLARATION OF CONDITIONS.

The Planning Commission may recommend and the Council may impose such conditions on the granting of WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Section.

1107.18 SUBD. 3. SITE PLAN DRAWING.

All applications for WECS conditional use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:

1. Lot lines and dimensions.
2. Location and height of all buildings, structures, above ground utilities and trees on the lot, including both existing and proposed structures and guy wire anchors.
3. Locations and height of all adjacent buildings, structures, above ground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
4. Existing and proposed setbacks of all structures located on the property in question.
5. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots.

1107.18 SUBD. 4. COMPLIANCE WITH STATE BUILDING CODE.

Standard drawings of the structural components of the WECS and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a registered engineer.

1107.18 SUBD. 5. COMPLIANCE WITH NATIONAL ELECTRICAL CODE.

WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.

1107.18 SUBD. 6. MANUFACTURER WARRANTY.

Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within the City. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.

1107.18 SUBD. 7. DESIGN STANDARDS.

1. Height. The permitted maximum height of a WECS shall be determined in one of two ways. In determining the height of the WECS, the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor.
 - A. A ratio of one (1) foot to one (1) foot between the distance of the closest property line to the base of the WECS to the height of the system.
 - B. A maximum system height of one hundred seventy-five (175) feet.
 - C. The shortest height of the two (2) above-mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with Federal Aviation Administration and State regulations.
2. Setbacks. No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. WECS towers shall be setback from the closest property line one (1) foot for every one (1) foot of system height. WECS shall not be located within thirty (30) feet of an above ground utility line.
3. Rotor Size. All WECS rotors shall not have rotor dimensions greater than twenty-six (26) feet.
4. Rotor Clearance. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a two hundred (200) foot radius.
5. Rotor Safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high wind, forty miles per hour (40 MPH) or greater.
6. Lightning Protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
7. Tower Access. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

- A. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - B. A locked anti-climb device shall be installed on the tower.
 - C. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
8. Signs. WECS shall have one (1) sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information:
- A. Warning high voltage.
 - B. Manufacturer's name.
 - C. Emergency phone number.
 - D. Emergency shutdown procedures.
9. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA.
10. Electromagnetic Interference. WECS shall be designed and constructed so as not to cause radio and television interference.
11. Noise Emissions. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards.
12. Utility Company Interconnection. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.

1107.18 SUBD. 9. ORNAMENTAL WIND DEVICES.

Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Ordinance.

1107.18 SUBD. 10. INSPECTION.

The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

1107.18 SUBD. 11. ABANDONMENT.

Any WECS or tower which is not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

1107.18 SUBD. 12. SOLAR ENERGY SYSTEMS

1. Findings. The City finds:

- A. Solar energy is an abundant, clean, and renewable energy resource.
- B. The use of renewable and alternative energy sources reduces greenhouse gas emissions and protects the natural environment.
- C. Access to solar energy and the capture and use of solar energy contributes to the public health, safety, and welfare.

2. Purpose. The purpose of this Section is to provide for the reasonable capture and use of solar energy through uniform standards, regulations, and procedures governing the type, size, structure, location, height, erection, and use of solar energy systems.

3. Definitions. Certain words, terms, and phrases used in this Section are defined below or in Chapter 1101 of the City Code.

4. Existing Solar Energy Systems are allowed to continue as legal non-conforming uses as provided for under Chapter 1102 (Non-Conforming Lots, Uses, and Structures) of the City Code. Any expansion or intensification of an existing Solar Energy System shall conform to the standards contained in this Section (1107.18, Subd. 12) as may be amended from time to time.

5. Solar Energy Systems as an Accessory Use.

- A. Rooftop and building integrated solar energy systems are allowed as an accessory use in all zoning districts provided:
 - i. If building integrated, the solar energy system shall meet the definition of “Solar Energy System, Building Integrated” as defined in Chapter 1101 of the City Code.
 - ii. If affixed to the rooftop, the solar energy system shall meet the definition of “Solar Energy System, Rooftop” as defined in Chapter 1101 of the City Code.
 - iii. The solar energy system shall be designed to supply solar energy only to the principal use of the subject property.
 - iv. A maximum of one (1) solar energy system per lot or parcel shall be allowed.
 - v. The Design Committee shall review/approve solar energy systems accessory to commercial and industrial principal uses.
 - vi. Solar energy systems which visually or aesthetically impact buildings with local historic significance or historic character are discouraged in favor of retaining the historical significance and/or character of the subject structure.
 - vii. Building and electrical permits shall be secured.

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- viii. Solar energy systems shall be placed to limit visibility from the public right-of-way or to blend into the building design, provided that minimizing visibility still allows the owner to reasonably capture solar energy.
 - ix. Rooftop solar energy systems:
 - 1. Shall not cover greater than eighty (80) percent of each side of the roof to which they are affixed.
 - 2. Shall not exceed the maximum height allowed in the applicable zoning district, except that rooftop solar energy systems installed on flat roofs may exceed the district height limit by six (6) feet.
 - 3. Shall not extend beyond the exterior perimeter of the building on which the system is mounted or affixed, except that exterior piping is allowed to extend beyond the perimeter of the building on an interior side yard exposure.
 - 4. Shall be flush mounted parallel to the roofline, except that rooftop solar energy systems installed on flat roofs may be tilted, provided the district height limit as provided under Section 1107.18, Subd. 12(5)A)(ix)(2), as may be amended, is maintained.
 - 5. Shall not extend above the peak or ridge of the roof.
 - 6. In residential districts, solar arrays shall be setback a minimum of six inches from every roof edge, peak, ridge, and valley.
 - x. Glare from solar energy systems to adjacent or nearby properties shall be minimized. Steps to minimize glare may include selective placement of the system, selective orientation of the panels, or rooftop screening. A glare study shall be conducted prior to system construction. Applicants may use the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent. The purpose of the glare study is to identify potential impacts and mitigation strategies. Once installed, if the solar energy system creates glare onto neighboring properties and/or public rights of way and the City determines that such a glare may constitute a nuisance, the City shall require a more detailed glare study, prepared by a third-party consultant mutually acceptable to the City and Applicant to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering adjacent or nearby property and/or public rights of way.
 - xi. Solar energy system annual power output (kWh) shall be no more than one hundred twenty (120) percent of the total energy used by the lot or parcel over the previous year. The City, at its discretion, may allow an array designed to produce more than 120% of the energy used provided an interim use permit is issued.

6. Ground-mounted solar energy systems and wall mounted solar energy systems are not allowed as accessory or principal uses of property, except as provided in Section 1107.18, Subd. 12(8) of the Code.

7. Solar Access.

- A. Easements allowed. The City elects to allow solar easements to be filed consistent with Minnesota Statutes Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Scott County Recorder's Office.
- B. Subdivision Solar Easements. The City may require that developers of new subdivisions identify and create solar easements when solar energy systems are implemented as a component or a condition of a property subdivision.

8. Ground-mounted solar energy systems are allowed as principal uses within the A-2, Rural Residential District, provided:

- A. An interim use permit as provided under Section 1103.12 of the Code (as may be amended) shall be issued and shall be subject to the following minimum standards:
 - i. All equipment and structures shall meet the required setbacks for principal structures in the A-2 Rural Residential District.
 - ii. Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.
 - iii. Site access shall be from a public right of way.
 - iv. All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections shall be buried underground.
 - v. Solar energy systems shall meet requirements established by the City and/or state for stormwater management and erosion and sediment control and A-2 District standards for lot coverage. Impervious surface coverage shall be calculated on the aggregate, combined surface area of all solar panels plus any principal or accessory structures plus any additional impervious surfaces such as access drives and parking areas.
 - vi. The owner, developer, or operator of the solar energy system shall provide an executed interconnection agreement with the electric utility in whose service territory the system is located prior to building permit issuance, except that off-grid systems are exempt from this requirement. The property owner and system operator are required to provide written notice in the event the executed interconnection agreement is cancelled, renegotiated, expired, etc. Failure of the property owner and system operator to notify the City of a change in the executed agreement or status thereof may result in revocation of the applicable interim use

- permit.
- vii. A decommissioning plan shall be provided and approved prior to issuance of the required IUP ensuring that the facilities shall be properly removed after their useful life and that the site shall be properly restored. Decommissioning of solar panels and all system components above and underground shall occur in the event the system is not used for twelve (12) consecutive months. “Used” shall mean a meaningful amount of energy is being transferred to the grid (i.e. system is operating at greater than 10% production the majority of days per week over a one-month period.). The SES Owner/Operator and/or the utility company with which the SES Owner/Operator has an established interconnection agreement shall file a regular report of energy produced/sold to the City as requested. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. Failure of the system operator or property owner to provide written notice to the City of cessation of system use may result in revocation of the applicable interim use permit.
 - viii. A bond, a letter of credit, or an escrow account to ensure proper decommissioning, shall be established prior to the issuance of an IUP and thereafter maintained in an amount equal to 125% of the estimated amount of the decommissioning cost. The estimated cost of decommissioning shall be reviewed on a regular basis, but not less than once every five years, and the bond, letter of credit, or established escrow account shall be adjusted to ensure the amount thereof is equal to 125% of the estimated amount required to decommission the Solar Energy System. In the event the bond, letter of credit, or escrow account is not equal to 125% of the estimated cost of decommissioning the Solar Energy System, said amount shall be adjusted accordingly.
 - ix. Glare from solar energy systems to adjacent or nearby properties shall be minimized. Steps to minimize glare may include selective placement of the system, selective orientation of the panels, or rooftop screening. A glare study shall be conducted prior to system construction. Applicants may use the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent. The purpose of the glare study is to identify potential impacts and mitigation strategies. Once installed, if the solar energy system creates glare onto neighboring properties and/or public rights of way and the City determines that such a glare may constitute a nuisance, the City shall require a more detailed glare study, prepared by a third-party consultant mutually acceptable to the City and Applicant to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering adjacent or nearby property and/or public rights of way.
 - x. Current emergency contact information for system owner/operator

shall be posted at the site.

- xi. Fencing shall be subject to Section 1107.02 of the City Code.
 - xii. A berm and/or continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the solar energy system. The berm and/or continuous evergreen vegetative buffer shall provide a minimum of eighty (80) percent opacity meaning the berm and/or continuous evergreen vegetative buffer must block 80% of the view of the SES from a public right of way or abutting residential use or residential district. Berming and/or continuous evergreen vegetative buffers are required for areas facing:
 - 1. A public right of way.
 - 2. An abutting residential use or district.
- B. A ground mounted solar energy system shall not be located:
- i. Within a shoreland or floodplain overlay district or as designed by the Department of Natural Resources.
 - ii. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.
 - iii. Within a recorded easement.
 - iv. Within or on a steep slope or bluff as defined in Section 1101 of the City Code.
- C. No more than one (1) solar energy system per lot or parcel shall be permitted, and shall not exceed a generating capacity of five (5) megawatts.
- D. Building and electrical permits are secured.

9. Definitions. The following terms shall have the meanings.

- A. Solar Energy System, Building Integrated: An active solar energy system that is an integral part of a structure or structural component rather than a separate mechanical device.
- B. Solar Energy System, Rooftop: An active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
- C. Solar Energy System, Off-Grid: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company
- D. Solar Energy System: A device, combination of devices, or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
- E. Solar Collector: A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal,

mechanical, chemical, or electrical energy.

- F. Solar Easement: An easement that limits the height or location or both of permissible development on burdened land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight passing over the land on which the easement is placed, as defined in Minnesota Statutes Section 500.30, Subd. 3 as may be amended.
- G. Solar Energy System, Ground Mounted: A solar energy system structurally mounted to the ground which is not roof mounted.

(Ord. 16-07, Section 1107.18, Adopted May 16, 2016.)
(Ord. 19-01, Section 1107.18, Subd. 12(5)(ix), Adopted Jan. 22, 2019.)

1107.19 PUBLIC PROPERTY / RIGHT OF WAY.

1107.19 SUBD. 1. COVERAGE.

The erection and/or placement of any structure in the public right-of-way or on City property by any person, or group other than the City of Belle Plaine, Scott County or the State of Minnesota, shall require the processing of a conditional use permit in accordance with Section 1103.08 of this Ordinance.

1107.19 SUBD. 2. LIABILITY.

As a condition of approval for the erection or placement of a structure in the public right-of-way, or on City property by any party other than a governmental unit, the applicant shall be required to hold harmless the City of Belle Plaine for any potential liability and shall demonstrate to the City proof of adequate liability insurance.

SECTION 1107.20 SIGNS.

1107.20 SUBD. 1. PURPOSE AND INTENT.

The purpose of this Section is to establish regulations that govern the use, approval, construction, change, replacement, location and design of Signs within the city. This Section is not intended to and does not restrict, limit, or control the content or message displayed on any Sign. The specific purposes of this Section are to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare of the community.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is detrimental to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees.
4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

1107.20 SUBD. 2. SUBSTITUTION CLAUSE.

The owner of any Sign that is otherwise allowed under this Section may substitute Non-Commercial Speech for any other Commercial or Non-Commercial Speech without any additional approval or permitting, notwithstanding any provision to the contrary.

1107.20 SUBD. 3. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted each section, subsection, sentence, or phrase herein despite any one or more sections, subsections, sentences, clauses, or phrases being declared invalid.

1107.20 SUBD. 4. DEFINITIONS.

AWNING OR CANOPY. An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached. It is comprised of a rigid structure over which a covering is attached.

BUILDING FACE. That portion of any exterior elevation of a structure extending from grade to the top of a wall where it intersects with the roof, and the entire width of that particular structure elevation.

- COMMERCIAL SPEECH.** Speech, often in the form of advertising, which generally relates to a business, profession, commodity, service, or entertainment.
- COMPREHENSIVE SIGN PLAN.** An alternative review process providing limited relief from strict adherence to performance standards for multiple tenant occupancies and/or commercial planned unit developments within the B-2, B-3, I-C, and I-2 Districts.
- MURAL.** A work of graphic art painted or applied to a wall of a structure which contains no advertising or logos.
- NON-COMMERCIAL SPEECH.** Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.
- NON-CONFORMING SIGN.** A Sign which lawfully existed at the time of its installation or erection, was maintained as a lawful non-conformity prior to the adoption of this Section, and does not conform to the requirements herein.
- PRINCIPAL ARTERIAL.** TH 169 or any roadway identified as such by the official comprehensive plan as adopted and amended. For purposes of calculating allowable square footage, Signs fronting Commerce Drive or Enterprise Drive, adjacent to TH-169 may utilize allowable Principal Arterial dimensional standards.
- SHIELDED LIGHT SOURCE.** A Shielded Light Source shall have the meaning associated with the nature of the light source, as follows: 1) For an artificial light source directing light upon a Sign, Shielded Light Source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger. 2) For light source located within a Sign, Shielded Light Source shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source. 3) For a light source designed to directly display a message (e.g. LED and neon lighting), Shielded Light Source means a light source specifically designed by its manufacturer for outdoor use.
- SIGHT TRIANGLE.** A triangle at an intersection, formed by the two roads and straight line drawn between said roads at a distance along each line thirty (30) feet from their point of intersection.
- SIGN.** Any letter, word, symbol, device, poster, picture, statuary, reading matter, scoreboard or representation in the nature of an advertisement, announcement, message or visual communication whether painted, pasted, printed, affixed or constructed which is displayed outdoors for informational or communicative purposes, and is visible to members of the public who are not on the premises on which it is located.
- SIGN SETBACK.** The required minimum horizontal distance between any part of a Sign and the related front, side or rear property lines.
- SIGN, ADDRESS.** A Sign for postal identification numbers only, whether written or in number form, communicating the street address and/or name of the occupant of the property.
- SIGN, AWNING.** A Sign permanently affixed to an awning providing a shelter or cover over the approach to any building entrance or shading a window area.
- SIGN, BANNERS AND PENNANTS.** Any attention-getting devices that are made of a non-permanent flexible paper, cloth, vinyl or plastic-like material.
- SIGN, DIRECTIONAL.** An on-premises or off-premises sign erected on a property by the owner of such property for the purpose of guiding vehicular and pedestrian traffic.

- SIGN, DYNAMIC.** A Sign or portion thereof that appears to have a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.
- SIGN, FREE-STANDING.** A Sign which is supported by upright braces or posts and is placed upon or in the ground and not affixed to any part of any building.
- SIGN, ILLUMINATED.** A Sign upon which artificial light is directed or which has an interior light source.
- SIGN, INTERNAL DIRECTIONAL.** An On-Premise Sign erected on a property solely for the purpose of guiding vehicular and pedestrian traffic within the site, which does not contain any advertising.
- SIGN, MONUMENT.** A Free-Standing Sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is fifty (50) percent or more of the greatest width of the sign.
- SIGN, OFF-PREMISE.** A Sign, including sign support structure, which identifies a business, commodity, service, or entertainment conducted, sold, or offered which is not located or performed on the premises on which the sign is located.
- SIGN, ON-PREMISE.** A Sign which identifies the business, commodity, service, or entertainment, offered on the same premises upon which the sign is located.
- SIGN, PERMANENT.** Any Sign which is not a Temporary Sign or Portable Sign.
- SIGN, PORTABLE.** A Sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.
- SIGN, PROJECTING.** A Sign, other than a Wall Sign, any portion of which materially extends over public property.
- SIGN, PROMOTIONAL DEVICES.** Air inflated devices, Banners exceeding forty (40) square feet, spotlights, or any Sign resembling the same.
- SIGN, PYLON.** A Free-Standing Sign supported by a post or posts so that the sign supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of ten (10) percent up to and including fifty (50) percent of the greatest width of the sign.
- SIGN, ROOF.** A Sign erected upon or projecting above the roof line of a structure to which it is affixed.
- SIGN, SANDWICH.** A Temporary Sign with two (2) faces that is designed to sit on the sidewalk or ground.
- SIGN, SPECIAL EVENT.** A Temporary Sign displayed before or during a one-time, special, or annual event or a holiday.
- SIGN, SURFACE AREA.** The entire area within a single continuous perimeter enclosing the extreme limits of such Sign and in no case passing through or between any adjacent elements or same; however, such perimeter shall not include any structural elements lying outside the limits of such sign, and not forming an integral part of the display. In the case of a Free-Standing Sign with two (2) back-to-back surfaces each surface may be equal to the allowable gross area.
- SIGN, TEMPORARY.** A Sign displayed for a limited time duration, after which the Sign is to be removed, which does not necessarily meet the structural requirements

for a Permanent Sign.

SIGN, WALL. Any sign which is affixed to the wall of a building, but shall not include a Mural.

SIGN, WINDOW. A Sign that is mounted on, painted on or attached to a window, or is placed within three feet of the inside of a window or opening, which is facing toward the public outside of the building.

1107.20 SUBD. 5. NON-CONFORMING SIGNS.

After the effective date of this Ordinance, no sign permit shall be issued, nor shall any Sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming with the provisions of this Section. A non-conforming Sign may be continued in its prior non-conforming condition subject to the following requirements:

1. Normal maintenance shall be allowed including the repair, replacement and repainting of a sign face, lettering, or other sign materials, so long as the location, configuration and Sign Area of the Sign remain the same
2. No Sign shall be enlarged or altered in a way which increases its nonconformity.

1107.20 SUBD. 6. PERMIT REQUIRED.

It is unlawful for any person to maintain, install, erect, re-erect, relocate or modify any sign without first obtaining a permit except as provided in paragraph 2 below.

1. **Application and Fee.** Applications for sign permits shall be made in writing upon forms furnished by the City. The fee for the permit shall be based on the City's fee schedule as adopted by ordinance of the City Council. Each application for a permit shall set forth the correct legal description of the tract of land upon which the sign presently exists or is proposed to be located, the location of the Sign on said tract of land, the manner of construction and materials used in the Sign, a complete description and sketch of the Sign, and any other information required by the Zoning Administrator to accurately review the application for conformance with this Section.
2. **Exemptions.** No permit shall be required for the following Signs; provided however, that all Signs herein exempted from the permit requirements shall conform with all other requirements of this Section:
 - A. Permanent window Signs in all zoning classes except the B-3 Central Business District. Window Signs in the B-3 Central Business District are provided for under Section 1107.20, Subd. 11(2) as may be amended. Permanent Window Signs shall meet the following requirements. A minimum of fifty percent (50%) of doors and windows in each building face

shall remain free of any window signage. In addition, a minimum of fifty percent (50%) of the area of the window in which the Sign is placed, mounted, or painted shall remain free from signage.

- B. Signs having an area of two (2) square feet or less.
- C. Signs which are entirely within a building and not visible from outside of said building.
- D. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or noncombustible material within the building façade.
- E. Address Signs.
- F. Replacement and/or repainting of a Sign face, lettering, or other sign materials so long as the location, configuration and area of the Sign remain the same.
- G. Individual neon signs not exceeding three square feet in surface area and limited to two (2) neon signs per each building face abutting a public street.

1107.20 SUBD. 7. CONSTRUCTION STANDARDS.

1. Signs shall be constructed and maintained in a manner where they will be safe to the general public.
2. Signs shall be designed as an integral architectural element of the building and site to which it principally relates. Materials and colors that are compatible with the character and architectural detail of the building and the surrounding environment shall be used on all Signs. The exposed backs of all signs and sign structures shall be painted a neutral color.
3. Permanent Signs shall be constructed to meet the current Minnesota State Building Code, as amended, and all applicable standards of this Section.
4. All Illuminated Signs shall conform to Section 1107.20, SUBD. 10.5. Illuminated Signs, below. All electrical wiring of Signs shall comply with the provisions of the current National Electrical Code, as amended.

1107.20 SUBD. 8. SIGN MAINTENANCE.

1. Painting. The owner of any Sign shall be required to have such Sign properly repainted whenever its paint begins to fade, chip or discolor, including all parts

and supports of the Sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

2. **Obsolete Signs.** Any Sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the City.
3. **Unsafe or Dangerous Signs.** Any Sign which is in a state of disrepair, becomes structurally unsafe or endangers the safety of a building or premise or endangers the public safety shall be considered a nuisance pursuant to Chapter 4- Public Health and Protection and shall be enforced in the same manner as described in Chapter 4.
4. To avoid visual blight and public safety hazards, all signs shall be properly maintained, with all parts in proper working order, finishes maintained in weather-resistant condition, and all parts of the sign firmly affixed to the building or other support structure.
5. If a Sign is completely removed or removed and replaced with a different size sign the remaining sign structure of a freestanding sign or the wall of the building to which the sign was attached shall be repaired, patched, painted and otherwise restored to match the rest of the structure or building wall. If no sign is placed on a freestanding sign pole or monument, the entire pole or monument shall be removed. If a Sign is removed and residue, discoloration, sign outlines, or other traces of signage remain on the wall of the building to which the Sign was attached the wall shall be repaired, patched, painted and otherwise restored to match the rest of the structure or building wall.

1107.20 SUBD. 9. VARIANCE.

The City may grant variance from the square footage, height and setback requirements of this Section in accordance with the Variance provisions of the Zoning Ordinance.

1107.20 SUBD. 10. GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS.

1. **Prohibited Signs.** The following Signs are prohibited in all districts:
 - A. **Off-Premises Signs.**
 - B. Signs containing statement, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
 - C. Signs painted, attached or in any manner affixed to utility poles, trees, rocks or similar natural surfaces.
 - D. **Roof Signs.**

- E. Signs that resemble any official marker erected by a government agency by reason of position, shape or color, which would interfere with the proper function of a traffic sign, signal or be misleading to vehicular traffic.
 - F. Signs in, upon, or projecting into any public right-of-way or easement, except for Projecting Signs as regulated in the B-3, Central Business District.
 - G. Signs located within the Sight Triangle or located to otherwise interfere with the ability of vehicle operations or pedestrians to see traffic signs or signals, or which impede the vision of traffic.
 - H. Signs which obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress to any structure or building.
 - I. Any sign not in conformance with these regulations, other than a Non-Conforming Sign.
 - J. Any other Sign not expressly permitted by the provisions of this Section.
2. Address Signs. To aid emergency personnel, postal delivery, and the navigation of traffic, one (1) Address Sign shall be required per building in all districts and shall not exceed two (2) square feet in area for each place of business or dwelling unit, indicating only name and address. One (1) nameplate Sign for each place of business or dwelling group of four (4) to twelve (12) businesses or dwelling units, shall not exceed six (6) square feet in area per surface. One (1) nameplate Sign for each place of business or dwelling group of twelve (12) or more businesses or dwelling units, shall not exceed twelve (12) square feet in area per surface, and no sign shall have more than two (2) display surfaces. No permit or registration is required.
- A. Said Sign shall be located on the side of the building that faces the street in the address. One (1) Sign shall be located on the main entrance of the building if it does not face the street in the address.
 - B. Said Sign shall be located no lower than five (5) feet above ground level and no higher than one (1) foot below the roof line.
3. Temporary Signs. The following regulations apply to Temporary Signs within the City. If they are not removed by the date specified, the Signs may be taken down by the City and the cost of removal charges to the registrant.
- A. Signs Containing Non-Commercial Speech. Subject to Minnesota Statute Section 211B.045, as it may be amended from time to time, and notwithstanding the other provisions contained in this Section, Signs containing Non-Commercial Speech may be posted beginning forty-six (46) days before a primary election in a general election year until ten

(10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. No permit or registration is required for this type of sign. Said Signs containing Non-Commercial Speech may be placed on private property or on the right-of-way in front of any private property with the approval of the property owner. Signs may not be placed on any publicly owned property or right-of-way adjacent thereto.

- B. Banners and Pennants may be displayed upon issuance of a Temporary Sign permit for fourteen (14) days. No more than two (2) Temporary Signs may be displayed at one time per principal structure. A maximum of eight (8) display weeks for Temporary Signs per establishment per year are allowed.
- C. Special Event Signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of the event and shall be removed within five (5) business days following the event.
- D. Construction. Two signs may be installed at a construction site in any district, for the period of construction, subject to the following conditions:
 - 1. The Sign shall be removed within seven (7) days of the closing listed on the registration permit or end of construction period, whichever is sooner.
 - 2. The maximum size of such Sign shall not exceed thirty-two (32) square feet or eight (8) feet in height, unless adjacent to a Principal Arterial, in which case no such Sign shall exceed one hundred (100) square feet or fifteen (15) feet in height.
- F. Property for Sale or Lease. A Sign may be placed upon property in any District while it is for sale or lease. Only one (1) such Sign shall be permitted per street frontage with the following conditions:
 - 1. Such Sign shall be removed within seven (7) days following the lease or sale.
 - 2. The maximum size of such Sign shall not exceed thirty-two (32) square feet and eight (8) feet in height, unless adjacent to a Principal Arterial, in which case no such Sign shall exceed one hundred (100) square feet or fifteen (15) feet in height.
- G. Directional Signs shall be permitted in any District upon the issuance of a Temporary Sign permit. Such Signs shall comply with the following requirements:
 - 1. The Sign shall be for the purpose of providing directions to a business establishment, and not for advertising, and shall include

- only the name of the establishment or logo and a directional arrow.
2. The Sign shall be placed on private property, subject to the written approval of the property owner.
 3. The Sign must be placed ten (10) feet from any street right-of-way line or internal property line.
 4. The Sign shall be temporary and shall be removed within one (1) year of placement.
 5. The Sign shall not exceed thirty-two (32) square feet and six (6) feet in height as measured from the ground to the top of the Sign.
 6. The Sign shall comply with applicable State and County regulations.
 7. The Sign shall not be illuminated, will be neutral in color, and not conflict with traffic signage.
 8. The Temporary Sign permit may impose limits on the number and appropriate location of signage. In no event will any establishment be allowed more than one (1) Sign per intersection, nor more than one (1) Sign per parcel of land. The proximity of the proposed signage to TH 169 and other directional signage, and the number of traffic turns required to reach a business location will be considered in determining the permitted number of Signs and permitted location for signage.
- H. Signs located at the intersection of Main Street and Meridian Street shall be allowed with the following conditions:
1. Signs shall be placed only during daylight hours between sunrise and sunset.
 2. Signs shall be put up by non-profit organizations only.
 3. Signs shall be placed on a pedestal that is approved by City staff and no Sandwich or Banner Signs shall be allowed.
 4. Street maintenance signs shall have precedence over all other signs.
 5. The Belle Plaine Police Department shall remove all Signs that are in violation.

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- I. Signs in vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent intent is to advertise a product or direct people to an activity located on the same or other property are prohibited unless a Temporary Sign permit has been issued.
 - J. Signs In Developing Subdivisions. During the development of a new subdivision consisting of two (2) or more lots up to two (2) signs not to exceed twelve (12) feet in height may be displayed. The City shall not review or consider the content of any message to be displayed on such signs. In addition to the signs mentioned above, there shall be permitted one (1) sign not exceeding four (4) square feet, and not more than six (6) feet in height, per lot in the subdivision. All signs allowed according to this Subdivision shall be removed when 75 percent of the lots in the subdivision are fully developed, or within two (2) years following the beginning of development in the subdivision, whichever comes first. No signs allowed according to this Subdivision may be illuminated.
 4. Dynamic Signs. Dynamic Signs may be permitted with the following conditions:
 - A. Total square footage of Dynamic Signs allowed.
 1. Dynamic Signs associated with a Monument or Wall Sign within the R-1, R-2, R-3, R-7, and B-3 Districts. Dynamic displays may occupy no more than thirty-five (35) percent of the total Sign Area square footage allowed for a Monument or Wall Sign in the applicable district.
 2. Dynamic displays associated with a Monument, Pylon, or Wall Sign in the B-2 and I-C Districts. Dynamic displays may occupy no more than the total Sign Area square footage allowed for a Monument, Pylon, or Wall Sign in the applicable district.
 - B. Maximum of one Dynamic Sign per parcel.
 - C. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
 - D. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.
 - E. Dynamic displays adjacent to residential uses are subject to glare and

intensity standards in Section 1107.01, Subd. 3 of the City Code as may be amended.

(Ord. 23-10, Section 1107.20, Subd. 10(4), Signs, Adopted December 18, 2023.)

5. Illuminated Signs. The following standards apply to Illuminated Signs which may be permitted with the following conditions:

A. Illuminated Sign shall:

1. Have a Shielded Light Source.
2. Be equipped with (i) an automatic dimmer control to produce the illumination change required and (ii) a means to immediately turn off the display or lighting if the Illuminated Sign malfunctions.

6. Master Sign Plan for Multiple Tenant Occupancies.

- A. Master sign plans are preferred for all multiple tenant developments and/or structures.
- B. Sign placement and material for multiple tenant signs shall be uniform and consistent with the development.
- C. All signs contained in the Master Sign Plan shall conform to the architectural, design, location, and performance standards of this Section. Standards contained in this Section applicable to specific types of signs and specific zoning districts shall apply to any/all multiple tenant signs.

7. Comprehensive Sign Plan.

- A. A Comprehensive Sign Plan may be issued for multiple tenant occupancies and/or commercial planned unit developments within the B-2, B-3, I-C, and I-2 Districts. A Comprehensive Sign Plan is an alternative to the strict adherence of regulations contained in this Section.
- B. The comprehensive sign plan process is intended to encourage a flexible procedure to review area-wide signage plans that:
 1. Are appropriately related to the overall character of the development.
 2. Provide adequate identification and information.
 3. Maintain an acceptable visual environment.
 4. Promotes traffic safety.

5. Are consistent with the purpose and intent of this Ordinance.
- C. The comprehensive sign plan or any modification thereto, may contain such conditions, requirements or standards that may be stipulated by the City to assure that signs covered by the plan will not be detrimental to persons or property in the vicinity, or to the public welfare.
- D. Review Criteria.
1. Consistency with architectural and design standards contained in this Section and the Belle Plaine Design Manual.
 2. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include:
 - a. The purpose of the sign,
 - b. Its location in relation to traffic movement and access points,
 - c. Its location in relation to site features and structures, and
 - d. Sign orientation relative to viewing distances and viewing angles.
- E. Quantity.
1. The quantity of signs shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas, and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas and the division or integration of sign functions.
 2. The number of signs approved under a Comprehensive Sign Plan shall in no case exceed one hundred and twenty-five (125) percent of that allowed under the traditional review process within the underlying zoning district classification.
- F. Size.
1. Signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display location and height), lettering style and the presence of distracting

influences.

2. No sign approved shall exceed the maximum height standard for signs contained in the underlying zoning district by more than fifty (50) percent.
 3. No sign or combination of signs approved under a Comprehensive Sign Plan shall exceed one hundred twenty-five (125) percent of the maximum area standard allowed on the site through the traditional review process.
- G. Review Process. Comprehensive Sign Plans shall be reviewed administratively; however, either the Zoning Administrator or the permit applicant may refer review to the Planning Commission and/or City Council for approval.
- H. Comprehensive Sign Plan Amendments. Minor amendments to comprehensive sign plans shall be reviewed administratively by the Zoning Administrator provided the proposed changes:
1. Meet all standards prescribed in original approved Comprehensive Sign Plan.
 2. The proposed signage change meets all other standards or requirements set forth in this Section.
 3. The proposed signage change will not increase the number of signs, the height of signs, or the sign area authorized under the initial plan.
 4. Replacement and/or repainting of a Sign face, lettering, or other sign materials does not require a permit or administrative review provided the location, configuration and area of the Sign remain the same.

1170.20 SUBD. 11. DISTRICT REGULATIONS.

In addition to those signs permitted in all districts, signs as herein designed shall be permitted in each specific district, and shall conform as to size, location and character according to the requirements herein set forth.

1. RESIDENTIAL DISTRICTS – (A-2, R-1, R-2, R-3, R-7, R-MH AND PUD OVERLAYS). The following signs are permitted within the residential districts.
 - A. Address Signs: One (1) Sign not to exceed two (2) square feet in area for each dwelling.

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- B. Monument Signs: One (1) Monument Sign per street frontage shall be permitted for each lot and development entrance located on a collector or arterial roadway. Such Sign shall not exceed forty-eight (48) square feet in area and shall not exceed twelve (12) feet in width or six (6) feet in height. No Sign shall be placed closer than five (5) feet to any public right-of-way.
 - C. Wall Signs: One Wall sign shall be permitted on each Building Face, not to exceed two (2) wall signs per building for Multiple Family Dwellings within the R-7 and R-MH District. The sign area of each said wall sign shall not exceed five (5) percent of the building face to which it is affixed.
 - D. Internal Directional Signs: Internal Directional Signs for non-single-family uses are allowed up to three (3) per lot. The Sign Area of each such Sign shall not exceed five (5) square feet or five (5) feet in height
2. COMMERCIAL CENTRAL BUSINESS DISTRICT – (B-3 AND PUD OVERLAYS).
The following signs are permitted within the Central Business District. All sign permits for properties within the B-3 District shall be forwarded to the Design Committee for approval before any sign permit is issued.
- A. Address Signs: One (1) Sign not to exceed four (4) square feet in area for each building.
 - B. Monument Signs: One (1) Monument Sign is allowed per lot. Such Sign shall not exceed thirty-two (32) square feet and shall not exceed ten (10) feet in width or six (6) feet in height.
 - C. Wall Signs: One (1) Wall Sign shall be permitted per Building Face, not to exceed two (2) Wall Signs per building. For multi-tenant buildings, one Wall Sign per tenant is allowed provided the Building Face coverage limitation set forth below is met.
 - 1. A maximum of twenty (20) percent of the Building Face may be used for a Wall Sign.
 - 2. Wall Signs may be permitted to extend within the right-of-way up to a distance of fifteen (15) inches, but no less than eight (8) feet of clearance shall be provided between the sidewalk elevation and lowest point of the Sign.
 - D. Sandwich Signs: Sandwich Signs shall be permitted subject to the following conditions. No permit is required for a Sandwich Sign.
 - 1. Only one (1) Sandwich Sign per business is allowed.
 - 2. Signs shall be displayed during business hours only.
 - 3. Maximum allowable Sign Area shall not exceed six (6) square feet. Two (2)

- sides of the Sign may contain graphics and/or text. The maximum depth or spread of the Sign shall not exceed two (2) feet.
4. Quality of said Signs shall be of professional craftsmanship only.
 5. Signs shall be placed only on the business property or on sidewalk directly abutting the business property.
- E. Canopy and Awning Signs: One (1) Canopy or Awning Sign is permitted per lot subject to the following conditions:
1. The Sign Area of any Canopy or Awning Sign shall reduce, square foot for square foot, the Sign Area of any permitted Wall Signs on the same building face.
 2. Such Signs shall have a minimum clearance of eight (8) feet above a public sidewalk or right-of-way and may not project nearer than thirty (30) inches to the street curb.
 3. The architectural style of the Canopy or Awning shall be consistent with the building and Downtown Design Standards.
- F. Projecting Signs: Projecting Signs in the Central Business District should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings, while providing for adequate identification of the business.
1. Symbolic and historic three-dimensional signs such as barber shop poles and appropriately-sized projecting signs are encouraged.
 2. Projecting Signs must be no greater than fifteen (15) square feet and have a maximum width of three (3) feet and shall not extend above the first floor of the building.
 3. No less than eight (8) feet of clearance shall be provided between the sidewalk elevation and the lowest point of the Projecting Sign.
 4. The Sign and frame shall not project out from the building face more than five (5) feet and there shall not be more than a one (1) foot clearance between the Sign and the building.
 5. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.
 6. Lighting and signage should be separate and distinct. Combined lighting and signage is not encouraged.
 7. Only one (1) Projecting Sign is allowed per Building Face.

- G. Internal Directional Signs: Up to four (4) Internal Directional Signs per lot are permitted. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.
 - H. Window Signs. A minimum of fifty percent (50%) of doors and windows in each building face shall be maintained free of any window signage. In addition, no more than fifty percent (50%) of each door or window allowed to have signage shall be covered by a sign.
3. COMMERCIAL AND INDUSTRIAL (B-2, I-2, I-C, AND PUD OVERLAYS). The following Signs are permitted within the B-2, I-s and I-C Districts.
- A. Address Signs: One (1) Sign not to exceed four (4) square feet in area for each building.
 - B. Monument Signs: One (1) Monument Sign facing each street frontage may be permitted per lot. The Sign Area of any such Monument Sign shall not exceed one-hundred fifty (150) square feet, unless adjacent to a Principal Arterial. The total area of any such Monument Sign facing a Principal Arterial shall not exceed two-hundred (200) square feet. No Monument Sign shall be placed closer than five (5) feet to any public right-of-way line.
 - C. Wall Signs: One (1) Wall Sign shall be permitted per Building Face, not to exceed two (2) Wall Signs per building. For multi-tenant building, one (1) Wall Sign per tenant is allowed provided that the Building Face coverage limitation set forth below is met.
 - 1. A maximum of twenty (20) percent of the Building Face may be used for a Wall Sign.
 - 2. Signs shall not project above the parapet or eaves.
 - D. Pylon Signs: One (1) Pylon Sign may be permitted per lot. The Sign Area of any such Pylon Sign shall not exceed one-hundred fifty (150) square feet, except when adjacent to a Principal Arterial. The total area of any such Pylon Sign facing a Principal Arterial shall not exceed two-hundred (200) square feet. No Pylon Sign shall be placed closer than five (5) feet to any public right-of-way line. The height of any Pylon Sign shall not exceed thirty-five (35) feet as measured from the elevation of the centerline of the roadway upon which the Sign is oriented. For convenience food, hotel, motor fuel and restaurant uses developed on property with an elevation below that of the centerline of TH-169, measured at the closest distance between the Sign location and the centerline of TH-169, the height of a Pylon Sign may increase to be not more than thirty-five (35) feet above the centerline of TH-169 with a total height not to exceed fifty (50) feet.
 - E. Sandwich Signs: Sandwich Signs shall be permitted subject to the following

conditions. No permit is required for a Sandwich Sign.

1. Only one (1) Sandwich Sign per business is allowed.
 2. Signs shall be displayed during business hours only.
 3. Maximum allowable Sign Area shall not exceed six (6) square feet. Two (2) sides of the Sign may contain graphics and/or text. The maximum depth or spread of the sign shall not exceed two (2) feet.
 4. Quality of said Signs shall be of professional craftsmanship only.
 5. Signs shall be placed only on the business property or on sidewalks directly abutting the business property.
- F. Canopy and Awning Signs: One (1) Canopy or Awning Sign is permitted per lot subject to the following conditions:
1. The Sign Area of any Canopy or Awning Sign shall reduce, square foot for square foot, the Sign Area of any permitted Wall Signs on the same Building Face.
 2. Such Signs shall have a minimum clearance of eight (8) feet above a walkway and may not project nearer than thirty (30) inches to the street curb.
- G. Internal Directional Signs: Up to four (4) Internal Directional Signs per lot are permitted. The Sign Area of each such Sign shall not exceed four (4) square feet or four (4) feet in height.

(Ord. 10-01, Section 1107.20, Subd. 3 (2,F), Adopted June 21, 2010.)
(Ord. 10-02, Section 1107.20, Subd. 5 (1), Adopted May 17, 2010.)
(Ord. 13-03, Section 1107.20 Subd. 2 and 5, Adopted March 18, 2013.)
(Ord. 13-07, Section 1107.20, Subd. 8, Adopted May 20, 2013.)
(Ord. 14-01, Section 1107.20, Signs, Adopted March 17, 2014.)
(Ord. 17-06, Section 1107.20, Signs, Adopted June 19, 2017.)
(Ord. 21-01, Section 1107.20, Signs, Adopted March 19, 2021.)

SECTION 1107.21 STORM WATER MANAGEMENT PRACTICES.

1107.21 SUBD. 1. FINDINGS.

The City of Belle Plaine hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Belle Plaine to provide adequate water, sewage, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

1107.21 SUBD. 2. PURPOSE.

The purpose of this Section is to promote, preserve and enhance the natural resources within the City of Belle Plaine and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbances or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land. The purpose is also to control or eliminate storm water pollution along with soil erosion and sedimentation in the City. The City intends to minimize conflicts and encouraging compatibility between land disturbances and development activities and water quality and environmentally sensitive lands; and requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas. It establishes standards and specifications for conservation practices and planning activities, which minimize storm water pollution, soil erosion and sedimentation.

1107.21 SUBD. 3. SCOPE AND EFFECT.

1. APPLICABILITY.

Every applicant for a permit to allow land disturbing activities must submit a storm water management plan to the City. No permit to all land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in conformance with the provisions of this Section. At a minimum, these pollution abatement practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication "Protecting Water Quality in Urban Areas".

2. EXEMPTIONS.

The provisions of this Section do not apply to:

- A. Any land disturbing activity for which plans have been approved by the watershed management organization within six (6) months prior to the effective date of this

Section.

- B. A lot for which a building permit has been approved on or before the effective date of this Section.
- C. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
- D. Emergency work to protect life, limb or property.

3. WAIVER.

The City Council, upon recommendation of the Planning and Zoning Commission, may waive any requirement of this Section upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in this Section. The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

4. GENERAL POLICY.

For rivers and streams, storm water discharge rates from storm water treatment basins shall not increase over the predevelopment two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also, accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands, volume control is generally more important than discharge rate control.

5. GRADING PLAN.

The storm water management plan's measures, the limit of disturbed surface and the location of buffer areas shall be marked on the approved grading plan, and identified with flags, stakes, signs etc. on the development site before work begins.

1107.21 SUBD. 4. STORM WATER MANAGEMENT PLAN APPROVAL PROCEDURES.

1. APPLICATION.

A written application for storm water management plan approval, along with the proposed storm water management plan, shall be filed with the Zoning Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this Section. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the appropriate departments of the City.

Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the Zoning Administrator and shall be accompanied by

a receipt evidencing the payment of all required fees for processing and approval as set forth in Section 1107.21 Subd. 5, (6), and a bond when required by Section 1107.21 Subd. 5, (5) in the amount to be calculated in accordance with that subsection.

Drawings shall be prepared to scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one (1) inch equals one hundred (100) feet.

2. STORM WATER MANAGEMENT PLAN.

At a minimum, the storm water management plan shall contain the following information:

- A. Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas, including:
1. The name and address of the applicant; a legal description of the property directly associated with the request; north point; date; scale of drawing; and number of sheets;
 2. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;
 3. Existing topography with a contour interval appropriate to the topography of the land;
 4. A delineation of all streams, rivers, public waters, and wetlands located on and immediately adjacent to the site, including depth of water, a description of vegetation which may be found in the water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
 5. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
 6. Vegetative cover and clearly delineating any vegetation proposed for removal; and,
 7. One hundred (100) year floodplains, flood fringes and floodways.
- B. Site Construction Plan: A site construction plan including:
1. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
 2. Locations and dimensions of all temporary soil or dirt stockpiles;
 3. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Section;
 4. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction

- site erosion control measures needed to meet the requirements of this Section; and,
5. Provisions for maintenance of the construction site erosion control measures during construction.
- C. Plan of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes including:
1. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 2. A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and settling forth the areas of the site where storm water will be allowed to collect;
 3. The proposed size, alignment and intended use of any structures to be erected on the site;
 4. Any other information pertinent to the particular project, which in the opinion of the applicant, is necessary for the review of the project.
 5. If a storm water management plan involves direction of some or all runoff off the site, the applicant shall obtain any easements or other property interests needed to establish the required drainage facilities from the adjacent property owner or owners. This is necessary in order for the city to provide the proper maintenance and long-term protection and operation of facilities created for the public benefit and constructed and permitted by the City. The stormwater management plan shall identify responsibility for future maintenance of the stormwater facilities.

(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

1107.21 SUBD. 5. PLAN REVIEW PROCEDURE.

1. PROCESS.

Storm water management plans meeting the requirements of Section 1107.21 Subd. 4 shall be submitted by the Zoning Administrator to the City Engineer and the Planning and Zoning Commission for review in accordance with the standards of Section 1107.21 Subd. 6. The Planning and Zoning Commission shall recommend approval, recommend approval with conditions, or recommend denial of the storm water management plan to the City Council. Where additional control measures are needed, they will be specified at the discretion of the City Engineer. Following Planning and Zoning Commission action, the storm water management plan shall be submitted to the City Council at its next available meeting. City Council action on the storm water management plan must be accomplished within sixty (60) days following the date the application for approval is

filed with the Zoning Administrator.

2. DURATION.

Approval of a plan submitted under the provisions of this Section shall expire one (1) year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the Zoning Administrator for an extension of time to commence construction setting forth the reasons for the requested extension, the City Council may grant one extension of not greater than one (1) year. Receipt of any request for an extension shall be acknowledged by the Zoning Administrator within fifteen (15) days. The Zoning Administrator, after consulting with the City Engineer and the Public Works Department, shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.

3. CONDITIONS.

A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development; require the construction of structures, drainage facilities, storage basins, and other facilities; require replacement of vegetation; establish required monitoring procedures; stage the work over time; require alternation of the site design to insure buffering; and require the conveyance to the City or other public entity of certain lands or interests therein.

4. INSPECTIONS.

At a minimum, inspections of the storm water management plan shall be done weekly by the City Engineer or a designated City employee, and after every storm or snow melt event large enough to result in runoff from the site.

In all cases, the inspectors will attempt to work with the applicant and/or builder to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, construction stop work orders may be issued by the City, until erosion and sediment control measures meet specifications.

The applicant shall allow the City and their authorized representatives, upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records and conducting investigations or surveys.
2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
3. Examine and copy any books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.

4. Inspect the storm water pollution control measures.
5. Sample and monitor any items or activities pertaining to storm water pollution control measures.

5. FINANCIAL SECURITIES.

The total security amount in the project's development agreement with the City shall also provide security for the performance of the work approved by the City in the storm water management plan and any storm water management plan related remedial work, if the development agreement's security totals three thousand dollars (\$3,000) per acre for the maximum acreage of soil that will simultaneously be exposed during the project's construction. If this security is less than the three thousand dollars (\$3,000) per acre value, then it shall be increased to at least that amount.

The City may request a greater financial security, if the City considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

1. If at anytime during the course of the work, the secured amount falls below fifty (50) percent of the required deposit, the applicant shall make another deposit in the amount necessary to restore the deposit to the required amount within thirty (30) days. Otherwise the City may:
 - a. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
 - b. Revoke any permit issued by the City to the applicant for the site in question and any other of the applicant's sites within the City's jurisdiction.
2. When more than one-half (1/2) of the applicant's maximum exposed soil area achieved final stabilization, the City can reduce the total required amount of the financial security by one-half (1/2), if recommended by the City Engineer.
3. The City may act against the financial security any for the conditions listed below exist. The City shall use funds from this security to finance any corrective or remedial work undertaken by the City or a contractor under contract to the City and to reimburse the City for all direct costs incurred in the process of remedial work including, but not limited to staff time and attorney's fees.
 - a. The applicant ceases land disturbing activities and/or filling and abandons the site prior to completion to the grading plan.
 - b. The applicant fails to conform to any City approved grading plan and/or the storm water management plan as approved by the City.
 - c. The techniques utilized under the storm water management plan fail within one (1) year of installation.
 - d. The applicant fails to reimburse the City for corrective action.

4. If circumstances exist such that noncompliance with this Section poses an immediate danger to public health, safety and welfare, as determined by the City Engineer, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.
5. Any unspent amount of the financial security deposited with the City for faithful performance of the storm water management plan and any remedial work must be released not more than one (1) year after the completion of the installation of all such measures and establishment of final stabilization.

6. FEES.

All applications for storm water management plan approval shall be accompanied by a processing and approval fee as specified by the City Council through ordinance.

1107.21 SUBD. 6. APPROVAL STANDARDS.

1. STANDARDS REQUIRED.

No storm water management plan which fails to meet the standards contained in this Section shall be approved by the City Council.

2. SITE DEWATERING.

Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

3. WASTE AND MATERIAL DISPOSAL.

All waste and unused building materials, including but not limited to, garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

4. ENTRANCES AND CLEANING.

Each site shall have graveled roads, access drives, and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

5. DRAIN INLET PROTECTION.

All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards, and specifications contained in the Minnesota Pollution Control Agency publication entitled "Protecting Water Quality in Urban Areas".

6. SITE EROSION CONTROL.

The following criteria (A through C) apply only to construction activities that result in runoff leaving the site.

- A. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
- B. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- C. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection 1 and 2 or 1 and 3:
 - 1 . All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
 - 2. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - 3 . For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be laced along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.

7. VEGETATED BUFFER PROTECTION.

At the minimum a vegetated buffer strip on each bank the width of either the one hundred (100) -year floodplain or one hundred (100) feet whichever is larger, shall be provided. If possible such a buffer strip shall consist of predevelopment native vegetation. Buffer width shall be increased at least two (2) feet [four (4) feet for wetlands] for every one (1) percent of slope of the surrounding land. Natural wetlands adjacent to rivers and streams are not counted as buffers, and therefore their widths are not counted as part of the channel's buffer strip. Such wetlands rate their own forty (40) foot plus vegetated buffer strip.

1. Detailed buffer design is usually site specific. Therefore the City Engineer may require a larger buffer than the minimum.
2. For newly constructed buffer sites, the design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the slope structure and vegetation as much as possible.
3. The applicant or designated representative shall maintain the buffer strip for the first year. After that time period, the City, or a party designated by the City, shall maintain the buffer strip.
4. Drain tiles will short-circuit the benefits of vegetated buffer strips. Therefore drain tiles on the development site shall be identified and rendered inoperable.
5. Buffer strips can be made into perpetual conservation easements.
6. Buffer strips shall be marked as such with permanent markers.
7. The City Engineer may allow buffer area averaging in cases where averaging will provide additional protection to either the resource or environmentally valuable adjacent upland habitat

Water courses used solely for drainage, such as road ditches, are exempt from this Subdivision.

8. STORM WATER MANAGEMENT CRITERIA FOR PERMANENT FACILITIES.

- A. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two (2) -year, ten (10) -year, and one hundred (100) -year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one (1) or more persons, including the applicant.
- B. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as

they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

9. DESIGN STANDARDS.

Storm water detention facilities constructed in the City of Belle Plaine shall be designed according to the standards within the City of Belle Plaine Surface Water Management Plan, and shall contain, at a minimum, the following design factors:

- A. A permanent pond surface area equal to two (2) percent of the impervious area draining to the pond or one (1) percent of the entire area draining to the pond, whichever amount is greater;
- B. An average permanent pool depth of four (4) to ten (10) feet; and,
- C. A minimum protective shelf extending ten (10) feet into the permanent pool with a slope of ten-to-one (10:1), beyond which slopes should not exceed a three-to-one (3:1) ratio.

10. WETLANDS.

Rules and regulations applicable to wetlands and set forth by the Minnesota Wetland Conservation Act and Federal Clean Water Act are hereby incorporated. Runoff must not be discharged directly into wetlands without appropriate quality runoff control, depending on the individual wetland's vegetation sensitivity. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value.

11. STEEP SLOPES.

Land disturbing or development activities on steep slopes shall be regulated in accordance with Section.

12. MODELS/METHODOLOGIES/COMPUTATIONS.

Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the City Engineer. Plan specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

13. WATERSHED MANAGEMENT AND GROUNDWATER MANAGEMENT PLANS.

Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with State law and as approved by the Minnesota Board of Water and Soil Resources in

accordance with state law.

14. OTHER PERMITS REQUIRED.

All sand, gravel or other mining operations taking place on the development site shall have a Minnesota Pollution Control Agency National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resource permits.

15. EASEMENTS.

If a storm water management plan involves direction of some or all runoff off the site, the applicant shall obtain any easements or other property interests needed to establish the required drainage facilities from the adjacent property owner or owners. This is necessary in order for the city to provide the proper maintenance and long-term protection and operation of facilities created for the public benefit and constructed and permitted by the City. The stormwater management plan, or other permit or agreement governing site runoff, shall identify responsibility for future maintenance of the stormwater facilities.

(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

1107.21 SUBD. 7. LAWN FERTILIZER REGULATIONS.

1. This Subdivision shall apply to all land, public and private, located in the City of Belle Plaine.
2. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.
2. Except for driveways, sidewalks, patios, areas occupied by structures, or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.
3. Fertilizer applications shall not be made within one rod, sixteen and one-half (16.5) feet of any wetland or water resource.

1107.21 SUBD. 8. OTHER CONTROLS.

In the event of any conflict between the provisions of this Section and the provisions of Sections 1105.17 and 1105.18, the more restrictive standard shall prevail.

(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

SECTION 1107.22 PRESERVATION OF BELLE PLAINE’S CHARACTER DESIGN STANDARDS.

1107.22 SUBD. 1. PURPOSE.

- a. To promote high standards of building and site design in the Belle Plaine Commercial Boulevard, Central Business District, US Highway 169 Corridor, and Gateway District Design Districts (“Design Districts”) with the purpose of preserving an atmosphere consistent with the character of the City of Belle Plaine.
- b. To protect and enhance the appeal and attraction of the City of Belle Plaine to residents, visitors and tourists, and to serve as a support and stimulus to business and industry.
- c. To foster civic pride in the beauty and notable accomplishments of the past.
- d. To preserve the value of existing buildings which are located in the City of Belle Plaine.

1107.22 SUBD. 2. APPLICATION.

- a. Existing Commercial Buildings – Expansion or Alteration of Exterior: Commercial buildings existing upon the effective date of this Ordinance, shall be allowed to continue with their existing design; except when the exterior appearance of any such building is to be altered in a manner which requires a building or sign permit.
- b. New Buildings: New commercial buildings in the Design Districts which are proposed after the effective date of this Ordinance must comply with the Design Standards set forth in this Section.
- c. Application: Any owner or his/her agent desiring to construct a new commercial building, or to expand, alter, repair, remove or remodel an existing commercial building, in the Design Districts shall submit the following: :
 - 1. Application.
 - 2. Other items necessary to review; drawings, site plan, and proposed colors.
 - 3. Applications shall be submitted to the Design Committee. The Design Committee shall be appointed by the Mayor and City Council and consist of not less than two (2) business/property owners, two (2) members of the Main Street Committee or Chamber of Commerce and two (2) members at large. The Chamber of Commerce/Main Street Director shall serve as the staff liaison to the Committee.
 - 4. The Design Committee shall approve, conditionally approve or deny application requests, within sixty (60) days of receipt of a complete application, or the application shall be considered approved. If the applicant does not agree with the decision of the Design

Committee, they may file an appeal with the City Council through the variance process outlined in Section 1103.04 of this Ordinance.

1107.22 SUBD. 3. DESIGN STANDARDS – CENTRAL BUSINESS DISTRICT.

Every proposed new building, or expansion, alteration, repair, removal, or remodeling of an existing commercial building in the B-3, Central Business District, shall conform with the standards provided in this Section and the design guidelines outlined in the Belle Plaine Design Manual. Other materials or improvements not specifically listed that may meet the design guideline objectives shall be reviewed and approved by the Design Committee.

The building façade shall be finished in materials traditionally used for main street storefronts that maintain the character of Belle Plaine, such as brick, glass, and wood.

1. Conservation.
 - a. Distinctive features: Finishes, construction techniques or examples of craftsmanship that characterize the architectural character of a property shall be preserved whenever reasonably possible.
 - b. Deteriorated features. Shall be repaired rather than replaced whenever reasonably possible. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where reasonably possible, materials.
 - c. Masonry surfaces: Masonry and other original surfaces should be conserved. Brick should not be covered with stucco, shakes, or other veneer.
 - d. Windows: Windows should not be filled in with wood, brick, or any other material. Window sizes and shapes should be maintained if replacement or removal of original window is necessary.
2. New Construction/Alterations.
 - a. New additions or exterior alterations shall be compatible in material, color, scale and architectural features with the existing building.
 - b. In the case of a proposed new building, such building shall not itself, or by reason of its location on the property, materially impair the architectural value of buildings on adjacent sites or in the immediate vicinity.
 - c. Signs shall meet all existing codes and requirements, and in addition, should not cover architectural features and spaces that characterize a property.
 - d. Any proposed awnings should be sized to fit the windows and store front behind them. They should not greatly obscure the architectural features behind them. Canvas is the most suitable material for most store fronts built between 1870 and 1910.
 - e. Existing buildings with flat roofs shall continue to have the appearance of a flat roof.
 - f. All ground mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from adjacent properties by use of a wall or fence, or shall be

enclosed within a building whenever practical. Mechanical equipment shall be set back from the edge of the building and painted the same color as the roof. All roof appurtenances, including air conditioning units and mechanical equipment, shall be shielded and architecturally screened from view from adjacent streets and properties.

- g. There shall be no outdoor display or storage of merchandise on public property without Council approval.
- h. Colors from the 1850's to 1910's are most suitable. This is an "Italianate" period. Earth tone colors will be supplied to applicants by the Design Committee.

3. Demolition of Buildings.

- a. If a building is removed, the space shall be seeded and maintained as "green space."
- b. The Design Committee shall review the historic value of the building prior to approving of its demolition.

1107.22 SUBD. 4. ENFORCEMENT.

In the event any building or structure subject to the Development Standards of this Section is to be constructed, reconstructed, altered, repaired, converted, moved or subject to demolition, in violation of this Section, the building inspector, in addition to any other remedies, may:

- a. Institute a civil action for injunctive relief to stop, prevent, or abate a violation of this Section.
- b. Issue a stop-work order to prevent a continuing violation of this Section.

Work which proceeds in violation of this Section, in contravention of a stop-work order, or in disregard of a court-ordered injunction shall be a public nuisance.

(Ord. 08-06, Section 1107.22 Subd. 1, 2 & 3, Adopted October 20, 2008.)
(Ord. 14-06, Section 1107.22, Adopted October 20, 2014.)

SECTION 1107.23 HOUSING ORDINANCE FOR RENTAL PROPERTY

1107.23 SUBD. 1. PURPOSE.

1. To provide minimum standards to safeguard life or limb, health and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City of Belle Plaine used for the purpose of rental housing.
2. To not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Section.

1107.23 SUBD. 2. SCOPE.

1. Shall apply to all buildings or portions thereof used, or designed or intended to be rented, leased or let for human habitation.
2. Shall apply to dwellings in existence at the time of adoption of this Section.
3. Shall not apply to nursing homes, motels, hotels, or bed and breakfast inns.

1107.23 SUBD. 3. APPLICABILITY TO EXISTING BUILDINGS.

1. Additions, alterations, or repairs shall be done in compliance with the Building, Fire, Plumbing, Mechanical and Electrical Codes. Applicable permits shall apply as required by these Codes.
2. Properties not existing as Rental Property at the time of adoption of this Section and afterward becoming Rental Property shall, before being certified, comply with all the provisions of this Section. Properties pre-existing at the adoption of this Section shall be allowed a reasonable time to comply. Reasonable time being defined on a case-by-case basis subject to the discretion of the Building Official.

1107.23 SUBD. 4. DEFINITIONS.

1. "Building Official" means any person designated by the City to perform inspections and determine compliance with the applicable rules, standards, statutes, and ordinances.
2. "Licensed Owner" means any person, firm or corporation who alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of any dwelling, dwelling unit, or residential rental property within the City as an owner, employee, or agent of the owner or a trustee or guardian of the estate or person of the title holder.
3. "Residential Rental Property" means any dwelling unit not occupied by the homestead owner of record. Such a unit may be a single-family dwelling, a separate and independent housekeeping unit within a single-family dwelling, a group home, one unit of a two-family dwelling, or a portion of a multiple-family dwelling, any of which are available by lease, by use, by rent, or for any other good and valuable consideration whether occupied or vacant at the present time.

4. “Unsafe conditions” mean conditions which in the opinion of the Building Official reasonable constitute an imminent threat to health, life, safety, or property.

1107.23 SUBD. 5. RENTAL HOUSING LICENSE REQUIRED

1. License Required. It is unlawful for any person to hereafter occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental property within the City for which there is not an effective license.
2. Application. The owner or manager of a structure, in which one (1) or more dwelling units or rooming units are let or intended to be let, shall make application for a rental housing license prior to letting the unit, unless such unit is currently licensed. Initial application and renewal shall be made upon an application form furnished by the City. The application shall be subject to a fee as may be established by the City under ordinance or resolution. The Building Official may issue a temporary rental housing license not exceeding three (3) months in duration in order to bring the unit into compliance with this Section.
3. Information Requirement. The Application shall contain, at a minimum, the following information:
 - a. Name, address, email address, and phone number of the property owner and, if owner is not a natural person, the name, address, email address, and phone number of a designated agent for the owner.
 - b. The name, phone number, and address of any authorized property manager or property management representative.
 - c. The street address of the rental property.
 - d. The number and types of units within the rental property (dwelling units or sleeping rooms).
4. The Licensed Owner is responsible for notifying the City of changes in ownership of the rental property within thirty (30) calendar days of sale of the property.
5. Issuance. The Building Official shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when upon inspection finds such unit meets or exceeds the minimum requirements set forth by this Section; also a rental housing license shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Appeals; provided, however, it is found that no condition exists, in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public.
6. License availability. Licenses shall be made available upon request.
7. Posting. Every owner of residential rental property shall conspicuously post a copy of the current license (in a frame with transparent cover) in a public corridor, hallway, or lobby of the rental property for which it is issued. For properties with one or two units, the owner must post the license certificate in a frame with a transparent cover in such a manner so as to be easily viewed

- and readable in the building for which it was issued.
8. Renewals. A rental housing license shall expire two (2) years after the date of issuance. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new license. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least sixty (60) days prior to the expiration date of the license.
 9. Transfer of Ownership. No later than thirty (30) days after licensed residential rental property is sold, the purchaser must provide written notice to the City of the purchase, provide the City with the information required under Section 1107.23, Subd 12(3) and pay a fee for transferring a license, if required. Failure to make application within the specified time limit shall result in automatic forfeiture of the license. Relicensing of any property for which the license has been forfeited shall require application for a new license.
 10. License Suspension or Revocation. A Rental Housing License may be suspended or revoked as prescribed in this Section:
 - a. Every license or permit issued under this Section is subject to the City's right, which is hereby expressly reserved, to suspend or revoke the same should the license holder or their agents, employees, representatives, or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this Section or any other City Code provision, or any use permit issued by the City or the laws of the State of Minnesota.
 - b. Any license may be suspended or revoked at any time during the life of said license for good cause, including but not limited to, the following:
 - i. False or misleading information given or provided in connection with the initial license application or renewal;
 - ii. Failure to pay any fee herein provided for;
 - iii. Failure to allow access for the rental inspection;
 - iv. Failure to correct violations in the time period prescribed;
 - v. Violations committed or permitted by the licensed owner and/or the owner's designated agent, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the license and the premises.
 - c. No license shall be suspended or revoked until the licensed owner has been afforded an opportunity for a hearing. The hearing shall be before the City Council and shall be evidentiary in nature. The City Council shall determine whether or not a violation has occurred warranting revocation of the rental license. The decision of the City Council shall be final and subject only to any rights of review or appeal to the state courts as provided by Statute. The licensed owner must request a hearing in writing within 30 days of receiving a notice of intent to revoke the rental license. If a written request for a hearing is not received from the licensed owner the right to an evidentiary

hearing is deemed waived and the City may presume the truth and accuracy of the violations alleged. The City Council may order restoration of the rental license if the licensed owner establishes by clear and convincing evidence that one of the following two circumstances then exist:

- i. The property has been sold since the occurrence of the original violation to a party unrelated to the original owner. The sale must be for a fair consideration, negotiated at arm's length, and by Deed duly recorded.
- ii. The licensed owner demonstrates to the City Council that any condition leading to suspension or revocation has been properly responded to, that measures have been taken to successfully correct the violation which originally resulted in the revocation, and that additional steps have been taken to assure that similar violations do not occur in the future.

1107.23 SUBD. 6. INSPECTIONS.

1. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this Section, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this Section, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Section, provided that property owner is notified and either property owner or tenant or other person having charge or control of the building or premises permits entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.
2. Property owners and their agents shall permit the Building Official to inspect all premises governed by this Section to determine if the building is operated as a rental property and/or to determine compliance with the provisions of this section, and shall fully cooperate with such inspections at any time, on reasonable notice. The property owners or their agents shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by state law.
3. Failure of a property owner to obey any of the requirements of this subdivision shall subject the property owner to suspension or revocation of license, in addition to other remedies and/or penalties provided by law. Any such suspension or revocation shall continue until the inspection sought has been completed, any violations satisfactorily remedied and any outstanding fees or penalties have been paid.
4. Complaint Inspections. The Building Official shall inspect a unit upon receiving a legitimate complaint. Complainant's name shall be kept confidential pursuant to the Minnesota Data Privacy Act. Upon inspection and finding a violation the inspector shall notify the owner, manager or tenant in writing to correct the violation. The owner or manager may request an advisory inspection of a unit. Prior to contacting the City, tenants shall first

notify the building owner of a complaint in writing, requesting action to correct the issue. Issues relating to immediate life safety are exempt from the notification provision of this Subsection.

1107.23 SUBD. 7. COMPLIANCE ORDER.

1. Whenever the Building Official determines that any residential rental property or the premises surrounding a residential rental property, fails to meet the provisions of this Section, the Building Official may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, or agent to correct such violations. The compliance order must:
 - a. Be in writing and be personally delivered or mailed to the owner of the subject property at the last known address of record;
 - b. Describe the location and nature of the violations of this Section or any other applicable City Code Section;
 - c. Establish a reasonable time, not to exceed 90 days, for the correction of such violations;
 - d. Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal;
 - e. State that in the event the violations are not corrected within the time set in the compliance order, the license may be suspended or that the necessary work may be performed by the City at the expense of the owner and that if the owner does not pay for the expense, the cost of the work will be assessed against the property.
2. Failure to correct violations within the time period stated in the correction order may result in an administrative penalty to be set by Council resolution, as well as other sanctions provided by law or this ordinance. If the correction order relates to actions or omissions of the occupant, and the occupant fails to make the necessary correction, the owner may be required to remedy the condition by whatever means necessary. No adverse action shall be taken against an owner for failure to remedy a condition during the pendency of a bona fide eviction proceeding being pursued diligently by the owner.
3. Extensions may be granted by the Building Official. The request shall be made in writing with justifiable cause demonstrated for the requested extension. All requests shall be made and delivered to the Building Official prior to the expiration date of the violation or violations.
4. Compliance Order – Unsafe Conditions.
 - a. Buildings or portions thereof determined to have unsafe conditions as defined in Section 1107.23, Subd. 4, as may be amended, are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal as provided for under Chapter 4 of the City Code as may be amended.
 - b. No occupancy shall be permitted for any dwelling or rental unit when, in the opinion of the Building Official, there exists an unsafe condition as defined in Section.

- c. Notice to Vacate. The Building Official shall have the authority to issue a Notice to Vacate Order on any building that is, in the opinion of the Building Official and as defined in this Section, deemed unsafe. The notice to vacate shall be served on the property owner and posted on each entrance to the building. The notice to vacate shall recite the emergency or conditions that necessitate vacation and shall require that no person be allowed to remain in or enter the building, except that entry may be made to repair, demolish, or remove such building if allowed by any required permit. The posted notice to vacate will include the following: *“Do not Enter. This premise is unsafe or illegal to occupy. It is a misdemeanor to occupy this building or to remove or deface this notice”*. In addition, the notice to vacate shall be signed by the Building Official and include contact information for the Building Official. The notice to vacate shall remain posted until corrective action has been taken and verified by the Building Official.
- d. As determined by the Building Official, situations in which unsafe conditions exist are exempt from the 90 day ‘reasonable time’ correction period as defined in Section 1107.23, Subd. 7(1)(c).

1107.23 SUBD. 8. APPEAL PROCESS.

1. When it is alleged by any person to whom a correction order is directed that such order is based upon erroneous interpretation of the applicable rules, standards, statutes, or ordinance or a mistake in fact finding, such person may appeal the correction order to the Board of Zoning Appeals and Adjustments as established under the City Code Chapter 206.
2. The appeal shall be in writing and must specify the grounds for the appeal. The appeal must be filed within thirty (30) calendar days after receiving the correction order. Upon receipt of the written appeal the City shall set a date for a hearing and give the appellant at least fourteen (14) days prior written notice of the date, time, and place of the hearing. By mutual agreement between the appellant and the City the fourteen (14) day notice may be waived.
3. The appellant shall have the right to appear and be represented by counsel. The Board of Zoning Appeals and Adjustments shall hear and consider the matter within thirty-days (30) of the filing of an appeal. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official determines that such a stay would cause imminent peril to life, health, or property.
4. The Board of Zoning Appeals and Adjustment shall issue its recommendation to the Council and the appellant in writing within thirty-days (30) after the hearing. The Council shall thereafter affirm, modify or reverse the correction order upon such terms as the Council deems necessary to accomplish the purposes of this ordinance. A copy of the decision shall be mailed to the appellant.

1107.23 SUBD. 9. GENERAL REQUIREMENTS.

No dwelling or dwelling unit shall be let for occupancy to another, which does not comply with the following requirements:

1. Condition. Owner shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.
2. Smoke Detectors. No smoke detector installed in a rental dwelling shall be allowed to remain disabled or nonfunctional. The tenant of a rental dwelling shall notify the owner or manager within 24 hours of discovering that a detector is disabled or not functioning. The owner or manager shall take immediate action to render the smoke detector operational or replace it. .
3. Carbon Monoxide Alarms. Each rental dwelling, dwelling unit or rooming unit shall have an approved and operational carbon monoxide alarm installed within ten (10) feet of all sleeping rooms as required by Minnesota Statutes §§ 299F.50 and 51, as amended, unless an exception listed in Section 299F.51, Subd. 5, applies.
4. Fire Extinguishers. All rental units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within fifty (50) feet of the dwelling unit door.
5. Fire Suppression/Alarm Systems. All fire suppression/alarm systems shall be maintained in accordance with the current Minnesota State Fire Code.
6. Structural. All existing structural components are deemed acceptable provided that, in the opinion of the Building Official , such components have been properly maintained and do not make the building or property hazardous as defined by Mn. Stat. § 463.15 – 463.261 as may be amended.
7. Plumbing. All plumbing shall be maintained in a safe and sanitary condition.
8. Mechanical. All mechanical equipment, venting and ducting shall be maintained in a safe manner.
9. Electrical. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe manner.
10. Storage of Items. Combustible items shall not be stored within one (1) foot of any fuel burning appliance. Storage of items shall be orderly and shall not block or obstruct exits or access to equipment.
11. Means of Egress.
 - a. Within the unit(s). A minimum three (3) foot wide path shall be maintained to all points of egress (i.e. front/main door and egress windows in sleeping rooms).
 - b. Common area outside the units. Hallways, stairs and other common paths of travel shall be clear of storage items for the full width of the means of egress system.
12. Refuse. The property owner or property manager shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property or as required by City Code Section 401.00 Refuse and Litter.

Tenants shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

13. Unused or Discarded Items. Discarded, unused and junk appliances, furniture, mattresses and other items shall be promptly removed from the premises, but in all cases such removal shall occur within seven (7) days.
14. Fuel Storage. LP tanks, gasoline containers and fueled equipment shall not be stored or repaired in an apartment building or individual rental unit.
15. Barbecues and Open Flames. No person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within fifteen (15) feet of any structure. Further, no person shall store or use any fuel, barbecue, torch or similar heating or lighting chemicals or device in such locations.
16. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
17. Defacement of Property. If a rental dwelling is defaced by graffiti, the graffiti shall promptly be removed.
18. Weather Protection. The exterior of the structure shall be maintained in a manner that provides protection of the structural elements of the building from the outside weather.

1107.23 SUBD. 10. PROHIBITED ACTS.

Anyone involved in any of the following shall be guilty of a misdemeanor and may be subject to rental license revocation:

1. No License. Allowing the occupancy of a dwelling unit or rooming unit prior to the issuance of a rental housing license and payment of the license inspection fee.
2. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered improper for occupancy.
3. Occupying Vacated Unit. Occupies or allows occupancy of a unit that was posted and ordered vacated.

1107.23 SUBD. 11. PROHIBITED CONDUCT ON LICENSED PREMESIS.

1. Disorderly Conduct on Licensed Premises. It shall be the responsibility of the Licensed Owner to take appropriate action to prevent conduct by occupants and their guests on the licensed premises which is hereby deemed disorderly and which is in violation of any of the following:
 - a. City Code Chapter 4.
 - b. Minnesota Statutes §§ 609.75through609.76, which prohibit gambling, as may be amended.
 - c. Minnesota Statutes §§ 609.321through609.324, which prohibit prostitution and acts relating thereto, as may be amended.
 - d. Minnesota Statutes §§ 152.01through152.025, and152.027, Subd. 1 and 2, which prohibit the unlawful sale or possession of controlled

- substances, as may be amended.
- e. Minnesota Statutes § 340A.401, which prohibits the unlawful sale of alcoholic beverages, as may be amended.
 - f. Minnesota Statutes §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon, as may be amended.
 - g. Minnesota Statutes § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation, as may be amended.
2. Enforcement of disorderly use violations. A violation of any of the foregoing ordinances or statutes is established by a finding of guilt by a court of competent jurisdiction, even if there is a stay of adjudication or other post-conviction orders or proceedings. The Building Official shall notify the property owner and the City Administrator when any such charges are brought against a tenant or guest unless prohibited from doing so by law

1107.23 SUBD. 12. TENANT IDENTIFICATION.

Owners are required to provide names of tenants occupying rental property to the Building Official. The names of tenants shall be kept up to date with the Licensed Owner providing updated information to the Building Official when tenants change.

1107.23 SUBD. 13. RESPONSIBILITIES DEFINED.

Owners remain liable for violations of duties imposed by this Section even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Section.

1. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.
2. Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping the premises which the owner occupies or controls in a clean, sanitary and safe condition.,
3. Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

1107.23 SUBD. 14. VIOLATIONS, CRIMINAL.

A violation of any provision of this Section is a misdemeanor. Each day the property is in violation is a separate violation.

1107.23 SUBD. 15. ENFORCEMENT.

The Building Official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this Section. For such purposes, the Building Official or his/her designated representative shall have the powers of a Building Official. The Building Official shall have the power to render interpretations of this Section. Such interpretations shall be in conformity with the intent and purpose of this Section.

(Ord. 16-01, Section 1107.23 Repeal and Replaced, Adopted January 19, 2016.)

**SECTION 1107.24 OPT OUT TEMPORARY FAMILY HEALTH CARE DWELLING
UNITS**

SUBD. 1. Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Belle Plaine, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

1107.25. ACCESSORY DWELLING UNITS.

1107.25 SUBD. 1. PURPOSE.

The purpose of this Section is to establish regulations that govern the use, approval, location, and design of Accessory Dwelling Units within the City. The specific purposes of this Section are to:

- A. Create new housing opportunities and choices while respecting the look and scale of single-dwelling development;
- B. Support efficient use of existing housing stock and infrastructure;
- C. Provide housing that responds to changing family needs;
- D. Provide affordable housing options; and,
- E. Provide accessible housing for seniors and persons with disabilities.

1107.25 SUBD. 2. INTERIM USE PERMIT REQUIRED.

- A. Accessory Dwelling Units, where allowed as accessory uses in residential districts, shall require issuance of an interim use permit based on the procedures set forth and regulated by Section 1103.12 of the Belle Plaine City Code.
- B. An Accessory Dwelling Unit interim use permit, if issued, shall be issued to the property owner.
- C. An Accessory Dwelling Unit interim use permit shall expire upon change of ownership of the property without further action by the City.

1107.25 SUBD. 3. PROHIBITED ACCESSORY DWELLING UNITS.

The following types of Accessory Dwelling Units are prohibited.

- A. Detached or free-standing Accessory Dwelling Units.
- B. Accessory Dwelling Units accessory to townhouses, twin homes, duplexes, and multiple family dwelling units.

1107.25 SUBD. 4. ACCESSORY DWELLING UNIT REQUIREMENTS.

- A. An Accessory Dwelling Unit must be internal to or attached to a single family (one family) detached dwelling.
- B. A maximum of one Accessory Dwelling Unit is allowed per single-family, detached dwelling.

- C. The existing single-family, detached dwelling or the Accessory Dwelling Unit shall be occupied by the property owner and maintain homestead property status.
- D. The existing single-family, detached dwelling and the Accessory Dwelling Unit shall remain under unified ownership without possibility of split.
- E. Accessory Dwelling Units shall be licensed as a rental dwelling and comply with Chapter 11, Section 1107.23 of the City Code as may be amended.
- F. The following design standards apply to Accessory Dwelling Units.
 - 1. Accessory Dwelling Units shall meet required setbacks, maximum height, maximum impervious surface coverage, and yard requirements of the applicable residential zoning classification.
 - 2. Accessory Dwelling Units shall be designed and constructed to maintain the outward appearance of a single family dwelling.
 - 3. An Accessory Dwelling Unit shall have a minimum gross floor area of three hundred (300) square feet.
 - 4. An Accessory Dwelling Unit shall have a maximum gross floor area equal to the lesser of nine hundred (900) square feet or forty percent (40%) of the gross floor area of the principal structure to which it is accessory.
 - 5. A minimum of two (2) off-street parking spaces shall be provided for the Accessory Dwelling Unit. The aforementioned required off-street parking spaces are in addition to those required for the principal structure.
 - 6. Accessory Dwelling Units shall use the same water and sanitary sewer connections and water meter as the single-family, detached dwelling.
 - 7. There shall be no more than one exterior entrance facing the front street. Accessory Dwelling Units with an exterior entrance different than the single-family detached dwelling shall have a different street address (e.g. 200-A).

(Ord. 16-11, Section 1107.24, Adopted July 25, 2016.)
(Ord. 04-12, Section 1107.06, Subd. 4, Adopted December 6, 2004.)
(Ord. 05-05, Section 1107.23, Adopted October 3, 2005.)
(Ord. 08-06, Section 1107.17 & 1107.22 Subd. 1, 2, & 3 Adopted Oct. 20, 2008.)
(Ord. 09-05, Section 1107.12, Adopted December 21, 2009.)
(Ord. 10-01, Section 1107.20, Subd. 3 (2,F), Adopted June 21, 2010.)
(Ord. 10-02, Section 1107.20, Subd. 5 (1), Adopted May 17, 2010.)
(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)
(Ord. 12-02, Section 1107.12, Off Street Parking, Adopted May 21, 2012.)
(Ord. 13-03, Section 1107.20 Subd. 2 and 5, Adopted March 18, 2013.)
(Ord. 13-07, Section 1107.20, Subd. 8, Adopted May 20, 2013.)
(Ord. 14-02, Section 1107.01, Subd. 8 repealed, Adopted March 17, 2014.)

- (Ord. 14-01, Section 1107.20, Signs, Adopted March 17, 2014.)*
- (Ord. 14-06, Section 1107.03, 1107.16, 1107.22 Adopted October 20, 2014.)*
- (Ord. 15-03, Section 1107.02, 1107.14, Adopted, June 15, 2015.)*
- (Ord. 16-01, Section 1107.23, Repeal, Replace, Adopted January 19, 2016.)*
- (Ord. 16-05, Section 1107.02, Adopted April 18, 2016.)*
- (Ord. 16-07, Section 1107.18, Adopted May 16, 2016.)*
- (Ord. 16-11, Section 1107.24, Adopted July 25, 2016.)*
- (Ord. 17-01, Section 1107.16, G, Adopted February 21, 2017.)*
- (Ord. 17-06, Section 1107.20, Adopted June 19, 2017.)*
- (Ord. 17-07, Section 1107.05, Adopted June 19, 2017.)*
- (Ord. 19-10, Section 1107.25, Adopted August 19, 2019.)*