

## Chapter 11 – Section 1104

### GENERAL PROVISIONS

#### **1104.00**     **General Provisions**

1104.01 Purpose.

1104.02 Compliance.

1104.03 Building Requirements.

1104.04 Building Type and Construction.

1104.05 Dwelling Unit Restriction.

1104.06 Height Limitations Exemptions.

1104.07 Area Requirements.

1104.08 Minimum Requirements.

1104.09 Yard Space.

1104.10 Yard Space Encroachment.

1104.11 Limit Number of Buildings on a Lot.

1104.12 Accessory Structures.

**SECTION 1104.00 GENERAL PROVISIONS.**

**1104.01 PURPOSE.**

The purpose of this Section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the City of Belle Plaine.

**1104.02 COMPLIANCE.**

Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered for the district in which it is located, if not in compliance with the regulations of this Ordinance.

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### **1104.03 BUILDING REQUIREMENTS.**

No building or other structure shall hereafter be erected or altered to exceed in height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, side yards or other open spaces, than herein required, or in any other manner be contrary to the provisions of this Ordinance.

1. Premises Identification - Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. All buildings require a minimum height of four (4) inch numbers.
2. Corner Lot Traffic Visibility - On corner lots in all districts, no structure or planting in excess of the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two intersecting streets, thence thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.
3. Certificate of Survey:
  - A. Principal Building - a Certificate of Survey shall be submitted to the Building Official for any person desiring to construct a new principal building and shall include:
    1. Location and dimensions, including square footage and height, of existing buildings.
    2. Location and dimensions, including square footage and height, of proposed buildings.
    3. Lot dimensions.
    4. Setback measurements.
    5. Location of easements crossing the property.
    6. Encroachments.
    7. Storm water drainage.
    8. Elevation of the crown of the adjacent street.
    9. Elevation of the top of the foundation or garage floor height.
    10. Driveway grade.
    11. Any other information which may be necessary to ensure conformance to this Ordinance.
  - B. Detached Garages, Decks and Accessory Buildings - a Certificate of Survey or approved site plan shall be submitted to the Building Official if so required by the Zoning Administrator for any person desiring to construct a detached garage, deck or accessory building and shall include:<sup>3</sup>
    1. Location and dimensions, including square footage and height, of existing buildings.
    2. Location and dimensions, including square footage and height, of proposed buildings.
    3. Lot dimensions.
    4. Setback measurements.
    5. Location of easements crossing the property.
    6. Encroachments.
    7. Storm water drainage.

8. Elevation of the crown of the adjacent street.
  9. Elevation of the top of the foundation or garage floor height.
  10. Driveway grade.
  11. Any other information which may be necessary to ensure conformance to this Ordinance.
4. Placement of Structures.
- A. Principal structures shall be placed with their front entrance facing the front of the lot, or right-of-way of least width.
  - B. Principal structures, located on corner lots, may place their front entrance along the side of the lot or the right-of-way of greater width provided the setbacks of the zoning district are adhered to. This may require two (2) sides to conform with front yard setback requirements.
5. Addresses.
- A. The City, or its designee, shall assign addresses to principal structures. The address assigned to the principal structure shall be consistent with the street it faces.

**1104.04 BUILDING TYPE AND CONSTRUCTION.**

1. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs) shall be permitted in any residential zoning district.
2. Buildings in residential zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
3. Exterior building finishes in residential districts shall consist of materials comparable in grade and quality to the following:
  - A. Brick.
  - B. Natural stone.
  - C. Decorative concrete block.
  - D. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood or cypress.
  - E. Glass curtain wall panels.
  - F. Stucco.
  - G. Vinyl.
  - H. Horizontally-placed metal lap siding.
  - I. Other materials as approved by the Zoning Administrator.
4. Architectural metal roofing with concealed fasteners is allowed in residential zoning districts for principal and accessory structures. Exposed fastener metal roofing on principal or accessory structures over 200 square feet in area is prohibited in residential zoning districts.
5. Standards contained in Chapter 1107.17 Highway Commercial and Industrial Design Standards and Chapter 1107.22, Preservation of Belle Plaine's Character Design Standards, as may be amended, shall apply.

**1104.05 DWELLING UNIT RESTRICTION.**

1. No accessory building, automobile, boat, boat trailer, camper, camper top, garage, motor home, recreational vehicle, storage area, tent, tractor, trailer, tree house, truck, wagon, or similar item shall at any time be used as dwelling, temporarily or permanently. Accessory dwelling units approved under City Code Section 1107.25 are exempt from this Section.

*(Ord. 23-08, Section 1104.05, Adopted November 20, 2023.)*

2. Tents, play houses or similar structures may only be used for play or recreational purposes.<sup>3</sup>

**1104.06 HEIGHT LIMITATIONS NOT APPLICABLE.**

1. The height limitations stipulated in this Ordinance shall not apply to the following, provided they do not exceed sixty (60) feet in height:
  - A. Belfries.
  - B. Chimneys or flues.
  - C. Church spires.
  - D. Cupolas and domes which do not contain usable space.
  - E. Flag poles.
  - F. Monuments.
  - G. Parapet walls extending not more than four (4) feet above the limiting height of the building.
  - H. Poles, towers and other structures for essential services.
  - I. Water towers.
  - J. Necessary mechanical and electrical appurtenances.
  - K. Wind energy conversion system towers.
  
2. A variance shall be necessary for the structures listed in Subdivision 1 if the height exceeds sixty (60) feet.



**1104.07 AREA REQUIREMENTS.**

1. No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building, except as modified hereinafter.
2. Except by variance or conditional use permit approval, no yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**1104.08 MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. If the requirements of this Ordinance are different than other lawfully adopted rules, regulations, ordinances, deed restriction or covenants, the most restrictive or that imposing the higher standards, shall govern.

**1104.09 YARD SPACE.**

Any building, structure or use hereafter erected altered or established shall comply with the yard space requirements of the district in which it is located, except as specified below. The required yard space for any building, structure or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.<sup>3</sup>

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**1104.10 YARD SPACE ENCROACHMENTS - PROJECTIONS INTO YARDS.**

1. The following projections may be permitted into any front, rear or side yard line:
  - A. Chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, bay windows, and the like provided they do not project more than two (2) feet into a yard.
  - B. Fire escapes to a distance of not more than four (4) feet six (6) inches, or fourth and one-half (4 ½ ) feet.
  - C. Steps, stoops or similar features not exceeding sixteen (16) square feet provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than five (5) feet from any lot line.
  - D. In rear yards, recreational equipment, clothes lines, arbors, trellises, and air conditioning or heating equipment, provided they are at a distance of five (5) feet from the rear lot line.<sup>3</sup>
  - E. Additions to an existing nonconforming principal structures in the R-3 District may encroach into the required front, rear or side yard setback provided that they are no closer to the property line than the established structure, are not constructed in any easement, drainage way or adjacent property, and do not endanger the public health, safety or welfare.
2. Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such adjacent structures. If only one adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required setbacks and the setback of such adjacent structure. In no case shall the setback requirement exceed the minimum established for the respective zoning district.

*(Ord. 15-03, Section 1104.10, Adopted June 15, 2015.)*

**1104.11 LIMIT NUMBER OF BUILDINGS ON A LOT.**

1. Not more than one (1) principal building shall be located on a lot.
2. Not more than two (2) detached accessory structures shall be located on a lot.

*(Ord. 15-01, Section 1104, Adopted February 17, 2015.)*  
*(Ord. 18-01, Section 1104, Adopted February 20, 2018.)*

#### **1104.12 ACCESSORY STRUCTURES.**

1. All buildings and structures that are not attached to, or part of the principal building as allowed in this Ordinance and the Minnesota Building Code shall be considered an accessory structures and must comply with the zoning requirements for an accessory structure as stated in the City Code.
2. Garages, porches, sheds and other accessory structures, as determined by the Zoning Administrator, attached or connected to the principal building shall be considered an integral part of the principal building and must comply with the zoning requirements for a principal building as stated in this ordinance (excluding decks).
3. Reserved.
4. Accessory structures twenty-five (25) square feet or less in foundation size and six (6) feet or less in height shall be exempt from standards pertaining to accessory structures, except standards applicable to the total number of accessory structures allowed per lot. Accessory structures twenty-five (25) square feet or less in foundation size and six feet or less in height shall be located in rear yards, setback at least five (5) feet from all property lines, and be placed external to easements. Accessory structures greater than twenty-five (25) square feet in foundation size or greater than six (6) feet in height shall comply with all standards applicable to accessory structures.
5. Accessory structures in excess of two hundred (200) square feet shall require a building permit. Accessory structures not exceeding two hundred (200) square feet shall require a zoning review.
6. All decks, both attached and detached to the principal building shall be considered accessory to the principal building unless covered and enclosed. Decks shall comply with the accessory building lot requirements and setbacks specified in each zoning district.
7. No detached accessory structure shall be constructed on a lot prior to the construction of a principal structure.
8. The foundation size of a detached accessory structure shall not be greater than the foundation size of the principal structure on the same lot.
9. Total combined square footage of all detached accessory structures on a lot shall not exceed nine-hundred (900) square feet.
10. Detached accessory structures two hundred and twenty (220) square feet or more in foundation size shall have driveway access.

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11. Detached accessory structures over two hundred (200) square feet in area shall have architectural details which are the same or reasonably similar to the principal structure based on, but not limited to, the following:
- A. Roofing materials employed on the principal structure;
  - B. Eave, overhang depth, and fascia/soffit type and appearance;
  - C. Exterior color;
  - D. Building openings (e.g. windows, doors);
  - E. As an exterior material, horizontal steel siding is allowed and vertical steel siding is prohibited.
12. Detached accessory structures two hundred (200) square feet or less in area shall be visually similar to the principal structure as viewed from adjacent property lines.
13. The following are prohibited in all zoning classifications:
- A. Carports.
  - B. Accessory structures with open side(s), except in conjunction with commercial retail display storage or gazebos.
  - C. Monoslope (shed), barrel vault, butterfly, and M-shaped roof types.
  - D. Structures with exterior materials that are primarily fabric, vinyl fabric, canvas, or similar type materials.
  - E. Temporary storage pods, shipping containers, and similar temporary storage items intended for semi-permanent or permanent use. "Temporary" is defined as over 180 days in aggregate and cumulative over the life of the property

*(Ord. 03-25, Sections 1101, 1104, 1105 and 1106, Adopted January 5, 2004.)*

*(Ord. 03-26, Section 1104.13, Adopted January 5, 2004.)*

*<sup>3</sup> Ord. 11-03, Section 1104.03, 1104.05, 1104.09, 1104.10, Adopted May 16, 2011. )*

*(Ord. 15-01, Section 1104, Adopted February 17, 2015.)*

*(Ord. 15-03, Section 1104.10, Adopted June 15, 2015.)*

*(Ord. 18-01, Section 1104.12, Adopted February 20, 2018.)*

*(Ord. 20-10, Section 1104.04, Adopted September 21, 2020.)*