

CITY OF BELLE PLAINE  
ZONING ORDINANCE  
BELLE PLAINE CITY CODE CHAPTER 11

ORDINANCE 02-07

ORDINANCE 02-07 OF THE CITY OF BELLE PLAINE, MINNESOTA, AMENDING THE CITY CODE BY REPLACING CHAPTER 11 ENTITLED “LAND USE REGULATION (ZONING)”, CONTAINING REGULATORY POWERS TO THE END THAT ADEQUATE LIGHT, PURE AIR, AND SAFETY FROM FIRE, FLOOD, AND OTHER DANGERS MAY BE SECURED; THAT THE TAXABLE VALUE OF THE LAND AND BUILDINGS THROUGHOUT THE CITY MAY BE CONSERVED; THAT CONGESTION IN THE PUBLIC STREETS MAY BE LESSENERED OR AVOIDED; THAT THE HAZARDS TO PERSONS AND DAMAGE TO PROPERTY RESULTING FROM THE ACCUMULATION OR RUNOFF OF STORM WATER MAY BE LESSENERED OR AVOIDED; THAT THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS, AND WELFARE MAY OTHERWISE BE PROMOTED; AND TO INSURE AND FACILITATE THE PRESERVATION OF SITES, AREAS AND STRUCTURES OF HISTORICAL, ARCHITECTURAL AND AESTHETIC IMPORTANCE; BY REPEALING ORDINANCE NO. 88-01; AND, BY ADOPTING BY REFERENCE, CITY CODE CHAPTER 11, TOGETHER WITH A SECTION OF THIS CHAPTER, CONTAINING PENALTY PROVISIONS.

THE CITY OF BELLE PLAINE ORDAINS:

SECTION 1100.00 INTENT, PURPOSE AND SCOPE.

1100.01 INTENT AND PURPOSE.

The intent and purpose of this Ordinance shall be:

1. To regulate and limit the height and placement of buildings hereafter to be erected;
2. To establish, regulate and limit the building or setback lines on or along any street, drive or parkway;
3. To regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces surrounding buildings hereafter to be erected;
4. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses;
5. To divide the entire municipality into districts of such number, shape and area, and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces, and other classifications, as may be deemed best suited to regulate development;
6. To set design, performance and construction standards to which buildings or structures therein shall conform;
7. To prohibit uses, buildings or structures incompatible with the character of established districts;
8. To prevent additions to, and alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed;
9. To classify, regulate and restrict the use of property on the basis of land use relationship;
10. To provide for variations from such regulations, standards, restrictions and limitations;
11. To provide for conditional uses within the established districts;
12. To provide administrative bodies and procedures as shall be necessary for the implementation and enforcement of the various provisions of this Ordinance;
13. To provide for the orderly amendment of this Ordinance; and
14. To provide regulations pertaining to pre-existing lots, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this Ordinance.

#### 1100.02 RULES.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural, and the plural the singular.
2. The present tense includes the past and the future tenses, and the future the present.
3. The words "shall" and "must" are mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.

#### 1100.03 RELATION TO COMPREHENSIVE PLAN.

It is the policy of the City of Belle Plaine that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning Commission, City Council and Metropolitan Council. The Council recognizes the City Comprehensive Plan as the policy for the responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

#### 1100.04 INTERPRETATION.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare. Where the provisions of this Ordinance impose greater restriction than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulations shall be controlling.

#### 1100.05 COMPLIANCE.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter and all enlargements of, or additions to, existing uses occurring hereafter, shall be subject to all regulations of this Ordinance which are applicable to the zoning district in which such buildings, uses or land are located.

However, where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, which has not by its terms expired prior to such effective date, and provided that construction is begun before the permit's expiration and within one year of its effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of this Ordinance relating to non-conformities.

#### 1100.06 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to the development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for that particular use or shall find that the use is not compatible for development within the City.

#### 1100.07 SEPARABILITY.

It is hereby declared to be the intention of the City of Belle Plaine that several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall determine any provision of this Ordinance to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall determine invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

#### 1100.08 AUTHORITY.

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.364.

#### 1100.09 COMPREHENSIVE; REVISION.

The Council intends Ordinance 02-07 to be a comprehensive revision to Ordinance No. 88-01 of the City, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

1100.10 REPEAL.

Ordinance No. 88-01, as amended, of the City of Belle Plaine is hereby repealed.

1100.11 ADOPTION OF STATUTES AND RULES BY REFERENCE.

It is the intention of the City that any amendments to a rule or statute adopted by reference in the City Code shall be included by reference in the Code as if the amended statute or rule had been in existence at the time the Code was adopted.