

## SECTION 1105.00 ZONING DISTRICTS AND ZONING MAP.

### 1105.01 ESTABLISHMENT OF ZONING DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP.

#### 1105.01 SUBD. 1. ESTABLISHMENT OF DISTRICTS.

For the purposes of this Ordinance, the City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereof, are hereby adopted by reference and declared to be part of this Ordinance. Said districts shall be known as:

- A-2 Rural Residential District
- R-1 Single Family (Low Density) Residential District
- R-2 Single Family (Low Density) Residential District
- R-3 Single and Two Family (Low to Medium Density) Residential District
- R-7 Mixed Housing (Medium to High Density) Residential District
- R-MH Manufactured Housing District
- B-2 Highway Commercial District
- B-3 Central Business District
- I-C Industrial/Commercial District
- I-2 General Industrial District
- PD Planned Unit Development
- FP Flood Plain District

#### 1105.01 SUBD. 2. ZONING MAP.

The location and boundaries of the districts established by this text are hereby set forth on the Zoning Map entitled, "Zoning Map of Belle Plaine." Said map shall be on file with the Zoning Administrator, and hereinafter referred to as the "Zoning Map." Said map and all the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

#### 1105.01 SUBD. 3. UNAUTHORIZED CHANGES.

Any unauthorized change of the Official Zoning Map by any person or persons, shall be considered a violation of this Ordinance.

#### 1105.01 SUBD. 4. VACATIONS.

Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then, and henceforth, be subject to all appropriate regulations of the extended districts.

## 1105.02 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

### SUBD. 1. RULES.

Where uncertainty exists as to the boundaries of districts, as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of right-of-way lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated approximately following city limits shall be construed as following the city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, and should be construed as moving with the actual center line.
6. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the City Council shall interpret the district boundaries in accordance with Section 1103.00 of this Ordinance.
8. Where there is question as to the location of the floodway or flood fringe boundary, the determination will be based upon the one hundred (100) year flood profile and other technical information referenced in Section 1105.16 of this Ordinance.

1105.03 RESTRICTING CERTAIN RETAIL DEVELOPMENT IN THE CITY.

Repealed Section 1105.03, Ordinance 09-01 March 16, 2009.

*(Ord. 08-02, Section 1105.03, Adopted May 5, 2008.)*

*(Ord. 09-01 Repealed Section 1105.03, March 16, 2009)*

## SECTION 1105.04 A-2 RURAL RESIDENTIAL DISTRICT.

### 1105.04 SUBD. 1. PURPOSE.

The purpose of the A-2 Rural Residential District is to allow agricultural uses to exist, but not to expand. The intent of the A-2 district is to allow for single-family residential development.

### 1105.04 SUBD. 2. PERMITTED USES.

The following are permitted uses in an A-2 District:

1. Single family detached dwellings.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.
4. Crop land.

### 1105.04 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses in an A-2 District:

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds, as regulated by Section 1107.12 of this Ordinance. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. The storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses, gardens and conservatories.
5. Swimming pools, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.<sup>1</sup>
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
7. Buildings and structures for the storage of agricultural-related equipment.

### 1105.04 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in an A-2 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Public or semi-public recreation buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools, non-profit organizations serving a

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charitable educational purpose; hospitals and religious institutions such as churches, chapels, temples and synagogues.

3. Foster homes licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
4. Golf courses.
5. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
6. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

#### 1105.04 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following requirements shall be observed in an A-2 District subject to additional requirements, exceptions and modifications set forth in this Ordinance. Listed are minimum requirements, unless specifically identified as "maximum."

1. Lot Area:
  - a. Minimum: Twelve thousand (12,000) square feet.
  - b. Maximum: Two and one-half (2½ ) acres.
2. Lot Width:
  - a. Interior: Eighty-five (85) feet.
  - b. Corner: One hundred (100) feet.
3. Setbacks: Principal Building:
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard: Thirty (30) feet.
4. Setbacks: Accessory Buildings:
  - a. Front Yard: Accessory Buildings shall be located behind the front building line of the principal building and not less than thirty (30) feet from the front property line.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Ten (10) feet.
    2. If entrance is fronting onto a public right-of-way: Twenty (20) feet.
5. Site Coverage.
  - a. No structure or combination of structures shall occupy more than twenty-five (25) percent of the lot area.

- b. Accessory structure or combination of structures, including detached garages, shall not occupy more than twenty-five (25) percent of the rear yard.
6. Placement of Buildings.
- a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).
  - b. There shall be no structures of any kind within any City easement.

1105.04 SUBD. 6. BUILDING STANDARDS.

- 1. Maximum Height:
  - a. Principal Building: Thirty-five (35) feet.
  - b. Accessory Building: Fifteen (15) feet.
- 2. Floor Area:
  - a. Principal Building:
    - 1. Minimum:
      - a. Two Bedrooms: nine hundred sixty (960) square feet.
      - b. Three plus Bedrooms: one thousand forty (1,040) square feet.
    - b. Garages:
      - 1. Minimum - attached: four hundred (400) square feet (new construction).
      - 2. Maximum – detached: nine hundred (900) square feet.
  - c. Accessory Building:
    - 1. Maximum: nine hundred (900) square feet.
- 3. Garage door height shall not exceed eight (8) feet.
- 4. Minimum Width and Depth:

All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of least twenty (20) feet for at least fifty (50) percent of their depth.

5. Garage floor elevations shall be not less than eighteen (18) inches and not more than thirty-six (36) inches as measured from the top of the curb at the mid-point of the garage to the garage floor at the mid-point of the garage door opening. The minimum slope of the driveway shall be 2% and the maximum slope of the driveway shall be 10%. Exceptions to these standards may be approved by the Zoning Administrator, after consultation with the City or development engineer, for special circumstances such as an increased setback, site topography and flooding potential, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. (Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 11-03 Section 1105, Adopted May 16, 2011.)

SECTION 1105.05 R-1 SINGLE FAMILY (LOW DENSITY) RESIDENTIAL DISTRICT.

1105.05 SUBD. 1. PURPOSE.

The purpose of the R-1 Single Family (Low Density) Residential District is to provide for single-family detached residential dwelling units and directly related, complementary uses.

1105.05 SUBD. 2. PERMITTED USES.

The following are permitted uses in an R-1 District:

1. Single family detached dwellings.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

1105.05 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses in an R-1 District:

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and not more than one truck in excess of a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. The storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses, gardens and conservatories.
5. Swimming pools, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

1105.05 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in an R-1 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; hospitals and religious institutions such as churches, chapels, temples and synagogues.
3. Foster homes licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

4. Golf courses.
5. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
6. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

#### 1105.05 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-1 District subject to additional requirements, exceptions and modifications set forth in this Ordinance. Listed are minimum requirements, unless specifically identified as “maximum.”

1. Lot Area: Twelve thousand (12,000) square feet.
2. Lot Width:
  - a. Interior: Eighty-five (85) feet.
  - b. Corner: One hundred (100) feet.
3. Setbacks: Principal Building:
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard: Thirty (30) feet.
4. Setbacks: Accessory Buildings:
  - a. Front Yard: Accessory Buildings shall be located behind the front building line of the principal building and not less than thirty (30) feet from the front property line.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Five (5) feet.
    2. If entrance is fronting a public right-of-way: Twenty (20) feet.
5. Site Coverage.
  - a. No structure or combination of structures, including detached garages, shall occupy more than twenty-five (25) percent of the lot area.
  - b. Accessory structure or combination of structures shall not occupy more than twenty-five (25) percent of the rear yard.
6. Placement of Buildings.
  - a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).

- b. There shall be no structures of any kind within any City easement.

#### 1105.05 SUBD.6. BUILDING STANDARDS.

1. Maximum Height:
  - a. Principal Building: Thirty-five (35) feet.
  - b. Accessory Building: Fifteen (15) feet.
2. Floor Area:
  - a. Principal Building:
    1. Minimum:
      - a. Two Bedrooms: nine hundred sixty (960) square feet.
      - b. Three plus Bedrooms: one thousand forty (1,040) square feet.
  - b. Garages.
    1. Minimum - attached: four hundred (400) square feet (new construction).
    2. Maximum – detached: nine hundred (900) square feet.
  - c. Accessory Building:
    1. Maximum: nine hundred (900) square feet.
3. Garage door height shall not exceed eight (8) feet.
4. Minimum Width and Depth:

All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of least twenty (20) feet for at least fifty (50) percent of their depth.
5. Garage floor elevations shall be not less than eighteen (18) inches and not more than thirty-six (36) inches as measured from the top of the curb at the mid-point of the garage to the garage floor at the mid-point of the garage door opening. The minimum slope of the driveway shall be 2% and the maximum slope of the driveway shall be 10%. Exceptions to these standards may be approved by the Zoning Administrator, after consultation with the City or development engineer, for special circumstances such as an increased setback, site topography and flooding potential, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. (Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).  
(Ord. 11-03, Section 1105, Adopted May 16, 2011).

SECTION 1105.06 R-2 SINGLE-FAMILY (LOW DENSITY) RESIDENTIAL DISTRICT.

1105.06 SUBD. 1. PURPOSE.

The purpose of the R-2 Single-Family (Low Density) Residential District is to provide for single-family detached residential dwelling units on large lots.

1105.06 SUBD. 2. PERMITTED USES.

The following are permitted uses in an R-2 District:

1. Single-family detached dwellings.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

1105.06 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses in an R-2 District:

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and not more than one truck in excess of a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. The storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses, gardens and conservatories.
5. Swimming pools, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

1105.06 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in an R-2 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; hospitals; and religious institutions such as churches, chapels, temples and synagogues.
3. Foster homes licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

4. Golf courses.
5. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
6. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

#### 1105.06 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-2 District subject to additional requirements, exceptions and modifications set forth in this Ordinance. Listed are minimum requirements, unless specifically identified as "maximum."

1. Lot Area: Twenty thousand (20,000) square feet.
2. Lot Width:
  - a. Interior: One hundred (100) feet.
  - b. Corner: One hundred (100) feet.
3. Setbacks: Principal Building:
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard: Thirty (30) feet.
4. Setbacks: Accessory Buildings:
  - a. Front Yard: Accessory buildings shall be located behind the front building line of the principal building and not less than thirty (30) feet from the front property line.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Five (5) feet.
    2. If entrance is fronting a public right-of-way: Twenty (20) feet.
5. Site Coverage.
  - a. No structure or combination of structures, including detached garages, shall occupy more than twenty-five (25) percent of the lot area.
  - b. Accessory structure or combination of structures shall not occupy more than twenty-five (25) percent of the rear yard.
6. Placement of Buildings.
  - a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).

- b. There shall be no structures of any kind within any City easement.

#### 1105.06 SUBD.6. BUILDING STANDARDS.

1. Maximum Height:
  - a. Principal Building: Thirty-five (35) feet.
  - b. Accessory Building: Fifteen (15) feet.
2. Floor Area:
  - a. Principal Building:
    1. Minimum:
      - a. Two Bedrooms: nine hundred sixty (960) square feet.
      - b. Three plus Bedrooms: one thousand forty (1,040) square feet.
  - b. Garages.
    1. Minimum - attached: four hundred (400) square feet (new construction).
    2. Maximum – detached: nine hundred (900) square feet.
  - c. Accessory Building:
    1. Maximum: nine hundred (900) square feet.
3. Garage door height shall not exceed eight (8) feet.
4. Minimum Width and Depth: All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of least twenty (20) feet for at least fifty (50) percent of their depth.
5. Garage floor elevations shall be not less than eighteen (18) inches and not more than thirty-six (36) inches as measured from the top of the curb at the mid-point of the garage to the garage floor at the mid-point of the garage door opening. The minimum slope of the driveway shall be 2% and the maximum slope of the driveway shall be 10%. Exceptions to these standards may be approved by the Zoning Administrator, after consultation with the City or development engineer, for special circumstances such as an increased setback, site topography and flooding potential, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. (Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 11-03, Section 1105, Adopted May 16, 2011).

SECTION 1105.07 R-3 SINGLE AND TWO-FAMILY (LOW TO MEDIUM DENSITY) RESIDENTIAL DISTRICT.

1105.07 SUBD. 1. PURPOSE.

The purpose of the R-3 Single and Two-Family (Low to Medium Density) Residential District is to provide for single and two-family residential dwelling units and directly related, complementary uses.

1105.07 SUBD. 2. PERMITTED USES.

The following are permitted uses in an R-3 District:

1. Single and two-family dwellings.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet above ground or greater than one hundred fifteen (115) kilovolts.

1105.07 SUBD.3. ACCESSORY USES.

The following are permitted accessory uses in an R-3 District:

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and not more than one truck in excess of a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. The storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses, gardens and conservatories.
5. Swimming pools, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

1105.07 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in an R-3 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary,

- junior high and senior high schools; hospitals and religious institutions such as churches, chapels, temples, synagogues, and cemeteries.
3. Foster homes licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  4. Golf courses.
  5. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
  6. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.
  7. Bed and Breakfast Inn. (*Ord. 04-16, Section 1105.07, Adopted January 3, 2005*).

#### 1105.07 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-3 District subject to additional requirements, exceptions and modifications set forth in this Ordinance. Listed are minimum requirements, unless specifically identified as “maximum.”

1. Lot Area:
  - a. Single-Family:
    1. Eight thousand (8,000) square feet.
  - b. Two-Family:
    1. Total: Ten thousand five hundred (10,500) square feet.
    2. Per Unit: Five thousand two hundred fifty (5,250) square feet.
2. Lot Width:
  - Single-Family:
    - a. Interior: Seventy (70) feet.
    - b. Corner: Eighty-five (85) feet.
  - Two-Family:
    - a. Interior: Seventy-five (75) feet.
    - b. Corner: One hundred (100) feet.
3. Setbacks: Principal Building:
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard:
    1. Interior Lot:
      - a. Five (5) feet.
      - b. Zero (0) feet if the principal buildings share a common wall.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard: Thirty (30) feet.

4. Setbacks: Accessory Buildings:

- a. Front Yard: Accessory buildings shall be located behind the front building line of the principal building and not less than thirty (30) feet from the front property line.
- b. Side Yard:
  - 1. Interior Lot: Five (5) feet.
  - 2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
- c. Rear Yard:
  - 1. Five (5) feet.
  - 2. If entrance is fronting a public right-of-way: Twenty (20) feet.

5. Site Coverage.

- a. No structure or combination of structures, including detached garages, shall occupy more than thirty (30) percent of the lot area.
- b. Accessory structure or combination of structures, including detached garages, shall not occupy more than twenty-five (25) percent of the rear yard.

6. Placement of Buildings.

- a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).
- b. There shall be no structures of any kind within any City easement.

1105.07 SUBD. 6. BUILDING STANDARDS.

1. Maximum Height:

- a. Principal Building: Thirty-five (35) feet.
- b. Accessory Building: Fifteen (15) feet.

2. Floor Area:

- a. Principal Building:
  - 1. Minimum:
    - a. Two Bedrooms: nine hundred sixty (960) square feet.
    - b. Three plus Bedrooms: one thousand forty (1,040) square feet.

- b. Garages.
  1. Minimum - attached: four hundred (400) square feet (new construction).
  2. Maximum – detached: nine hundred (900) square feet.
- c. Accessory Building:
  1. Maximum: nine hundred (900) square feet.
3. Garage door height shall not exceed eight (8) feet.
4. Minimum Width and Depth:

All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of least twenty (20) feet for at least fifty (50) percent of their depth.
5. Garage floor elevations shall be not less than eighteen (18) inches and not more than thirty-six (36) inches as measured from the top of the curb at the mid-point of the garage to the garage floor at the mid-point of the garage door opening. The minimum slope of the driveway shall be 2% and the maximum slope of the driveway shall be 10%. Exceptions to these standards may be approved by the Zoning Administrator, after consultation with the City or development engineer, for special circumstances such as an increased setback, site topography and flooding potential, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. (Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 11-03, Section 1105, Adopted May 16, 2011).

SECTION 1105.08 R-7 MIXED HOUSING (MEDIUM TO HIGH DENSITY)  
RESIDENTIAL DISTRICT.

1105.08 SUBD. 1. PURPOSE.

The R-7 Mixed Housing (Medium to High Density) Residential District is intended to provide a district which allows for a full and complete range and intermixing of residential activities, and to accommodate development areas which existed prior to the establishment of this Ordinance.

1105.08 SUBD. 2. PERMITTED USES.

The following are permitted uses within an R-7 District.

1. Multiple-family units, including two-family dwellings.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

1105.08 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses within the R-7 Zoning District.

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds, as regulated by Section 1107.12 of this Ordinance. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. Storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses and conservatories.
5. Swimming pools, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

#### 1105.08 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in an R-7 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational Institutions limited to elementary, junior high and senior high schools; hospitals and religious institutions such as churches, chapels, temples, synagogues and cemeteries.
3. Nursing homes and similar group housing.
4. Elderly (senior citizen) housing.
5. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
6. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

#### 1105.08 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-7 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance. Listed are minimum requirements, unless specifically identified as "maximum."

1. Lot Area: Ten thousand five hundred (10,500) square feet for up to four (4) units, plus two thousand (2,000) square feet for each additional unit.
2. Lot Width:
  - a. Interior: Seventy-five (75) feet.
  - b. Corner: One hundred (100) feet.
3. Setbacks: Principal Building:
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard:
    1. Interior Lot:
      - a. Single or two-family dwellings:
        - 1 Ten (10) feet.
        2. Zero (0) feet if the principal buildings share common walls.
      - b. All other uses:
        1. Equal to the height of the building.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Twenty (20) feet or height of the building, whichever is greater.
    2. Zero (0) feet if the principal buildings share common walls.

4. Setbacks: Accessory Buildings:
  - a. Front Yard: Accessory buildings shall be located behind the front building line of the principal building and not less than thirty (30) feet from the front property line.
  - b. Side Yard:
    1. Interior Lot: Ten (10) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Five (5) feet.
    2. If entrance is fronting a public right-of-way: Twenty (20) feet.
5. Site Coverage.
  - a. No structure or combination of structures, including detached garages, shall occupy more than sixty (60) percent of the lot area.
6. Placement of Buildings.
  - a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).
  - b. There shall be no structures of any kind within any City easement.

#### 1105.08 SUBD. 6. BUILDING STANDARDS.

1. Maximum Height:
  - a. Principal Building: Thirty-five (35) feet.
  - b. Accessory Building: Fifteen (15) feet.
2. Floor Area:
  - a. Principal Building – Two-Family.
    1. Minimum:
      - a. One Bedroom: seven hundred fifty (750) square feet.
      - b. Two Bedrooms: nine hundred sixty (960) square feet.
      - c. Three plus Bedrooms: one thousand forty (1,040) square feet.
  - b. Principal Building – Multi-Family.
    1. Minimum:
      - a. One Bedroom: seven hundred fifty (750) square feet.
      - b. Two Bedrooms: nine hundred sixty (960) square feet.
      - c. Three plus Bedrooms: one thousand forty (1,040) square feet.
  - c. Garages.
    1. Minimum - attached: four hundred (400) square feet (new construction).
    2. Maximum – detached:
      - a. Multiple family must conform with site coverage requirement.

d. Accessory Building:

1. Maximum: nine hundred (900) square feet.
3. Garage door height shall not exceed eight (8) feet.
4. Minimum Width and Depth:  
All dwellings, including manufactured homes, shall have a depth of at least twenty (20) feet for at least fifty (50) percent of their width. All dwellings, including manufactured homes, shall have a width of least twenty (20) feet for at least fifty (50) percent of their depth.
5. Garage floor elevations shall be not less than eighteen (18) inches and not more than thirty-six (36) inches as measured from the top of the curb at the mid-point of the garage to the garage floor at the mid-point of the garage door opening. The minimum slope of the driveway shall be 2% and the maximum slope of the driveway shall be 10%. Exceptions to these standards may be approved by the Zoning Administrator, after consultation with the City or development engineer, for special circumstances such as an increased setback, site topography and flooding potential, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area. (Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 05-09, Sect. 1105, Adopted Nov. 7, 2005).

(Ord. 11-03 Section 1105, Adopted May 16, 2011).

SECTION 1105.09 R-MH - MANUFACTURED HOUSING RESIDENTIAL DISTRICT.

1105.09 SUBD.1. PURPOSE.

The purpose of an R-MH Manufactured Housing Residential District is to provide a separate district for manufactured housing parks, distinct from other residential areas.

1105.09 SUBD. 2. PERMITTED USES.

The following uses are permitted uses in an R-MH District:

1. Single-family detached manufactured housing units.
2. Public parks and playgrounds.
3. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

1105.09 SUBD.3. ACCESSORY USES. The following are permitted accessory uses in an R-MH District:

1. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds, as regulated by Section 1107.12 of this Ordinance. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on.
2. The storage of recreational vehicles and equipment.
3. Home occupations as regulated by Section 1107.16 of this Ordinance.
4. Non-commercial greenhouses, gardens and conservatories.
5. Swimming pool, decks, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
6. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

1105.09 SUBD.4. CONDITIONAL USES.

The following are conditional uses in an R-MH District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.01 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City.
2. Detached garages and accessory buildings exceeding nine hundred (900) square feet.
3. Essential services exceeding sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts.

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1105.09 SUBD. 5. HOUSING SITE REQUIREMENTS AND SETBACKS. The following minimum requirements shall be observed in an R-MH District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1. Housing Sites with homes less than fourteen (14) feet wide.
  - a. Site Area: five thousand (5,000) square feet.
  - b. Site Width: fifty (50) feet.
  - c. Site Depth: one hundred (100) feet.
2. Housing Sites with homes greater than fourteen (14) feet and less than eighteen (18) feet wide.
  - a. Site Area: six thousand fifty (6,050) square feet.
  - b. Site Width: fifty-five (55) feet.
  - c. Site Depth: one hundred ten (110) feet.
3. Housing Sites with homes greater than eighteen (18) feet wide.
  - a. Site Area: six thousand five hundred (6,500) square feet.
  - b. Site Width: sixty-five (65) feet.
  - c. Site Depth: one hundred (100) feet.
4. Setbacks: Principal Building.
  - a. Front Yard: Thirty (30) feet.
  - b. Side Yard: Ten (10) feet.
  - c. Rear Yard: Ten (10) feet.
5. Setbacks: Accessory Buildings:
  - a. Front Yard: Accessory buildings shall be located behind the front building line of the principal building.
  - b. Side Yard:
    1. Interior Lot: Five (5) feet.
    2. Corner Lot: Twenty (20) feet on the side yard abutting onto a public street.
  - c. Rear Yard:
    1. Five (5) feet.
    2. If entrance is fronting a public right-of-way: Twenty (20) feet.
6. Placement of Buildings.
  - a. There shall be a minimum of ten (10) feet between principal and accessory buildings (excluding decks).
  - b. There shall be no structures of any kind within any City easement.
  - c. Each manufactured housing site shall have frontage on an approved roadway and the corner of each manufactured home shall be marked and each site shall be numbered.
7. Garage door height shall not exceed eight (8) feet.

1105.09 SUBD. 6. BUILDING STANDARDS.

1. Maximum Height:
  - a. Principal Building: One story or twenty-five (25) feet, whichever is less.
  - b. Accessory Building: Fifteen (15) feet.
2. Floor Area:
  - a. Principal Building:
    1. Minimum: five hundred sixty (560) square feet.
3. The unit structure is in compliance with the guidelines for Manufactured Home Building Code.
4. Garage door height shall not exceed eight (8) feet.

1105.09 SUBD.7. DESIGN/OPERATIONAL STANDARDS FOR MANUFACTURED HOUSING.

1. General Provisions.
  - a. The minimum park area size required for a manufactured housing park designation shall be five (5) acres.
  - b. All land area shall be (1) adequately drained; (2) landscaped to control dust; and (3) clean and free from refuse, garbage, rubbish or debris.
  - c. No tents shall be used for other than recreational purposes in a manufactured housing park.
  - d. There shall not be outdoor camping anywhere in a manufactured housing park.
  - e. Access to manufactured housing parks shall be as approved by the City.
  - f. All structures (fences, storage, car ports, etc.) shall require a building permit from the Building Official.
  - g. The area beneath a manufactured housing unit shall be enclosed except that such enclosure must have access for inspection.
  - h. Laundry and clothing shall be hung out to dry only on lines located in City approved areas established and maintained exclusively for that purpose, as identified on the manufactured housing park site plan.
  - i. A manufactured housing park shall have an adequate central community building with the following features: (1) laundry drying areas and machines; (2) laundry washing machines; (3) public toilets and lavatories; and (4) storm shelter. Such buildings shall have adequate heating in all areas and be maintained in a safe, clean and sanitary condition.
2. Site Plan Requirements.
  - a. Legal description and size in square feet of the proposed manufactured housing park.
  - b. Location and size of all manufactured housing unit sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking spaces, exact mobile home sites, etc.).
  - c. Detailed landscaping plans and specifications.
  - d. Location and width of sidewalks.

- e. Plans for sanitary sewage disposal, surface drainage, water systems, underground electrical service and gas service.
  - f. Location and size of all streets abutting the manufactured housing park and all driveways from such streets to the manufactured housing park.
  - g. Road construction plans and specifications.
  - h. Plans for any and all structures.
  - i. Name and address of developer or developers.
  - j. Description of the method of disposal of garbage and refuse.
  - k. Detailed description of maintenance procedures and grounds supervision.
  - l. Phasing details of development.
  - m. Such other information as required or implied by these manufactured park standards or requested by public officials.
3. Site Design.
- a. Parking.
    - 1. Each manufactured housing site shall have off-street parking space for two (2) automobiles.
    - 2. Each manufactured housing park shall maintain additional hard surfaced off-street parking lot(s) for guests of occupants in the amount of one (1) space for each three (3) sites.
    - 3. Access drives off roads to all parking spaces and unit sites shall be hard surfaced according to specifications established by the City.
  - b. Utilities.
    - 1. All manufactured housing units shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health.
    - 2. All installations for disposal of surface storm water must be approved by the City.
    - 3. All utility connections shall be as approved by the City.
    - 4. The source of fuel for cooking, heating or other purposes at each manufactured housing site shall be as approved by the City.
    - 5. All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
    - 6. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile home equipment.
    - 7. The method of garbage, waste and trash disposal must be approved by the City.
    - 8. The owner shall pay any required sewer connection fees to the City.
    - 9. The owner shall pay inspection and testing fees for utility service to the City.
    - 10. Facilities for fire protection shall be installed as required by the City.
  - c. Internal Roads and Streets.

1. Roads shall be blacktopped or concrete surfaced as approved by the City.
  2. All roads shall have a concrete (mountable, roll type) curb and gutter.
  3. All roads shall be developed with a roadbed of not less than twenty-four (24) feet in width. If parking is permitted on the street then the roadbed shall be at least thirty-six (36) feet in width. To qualify for the lesser sized street, adequate off-street parking must be provided and demonstrated.
  4. The park shall have a street lighting plan approved by the City.
- d. Recreation.
1. All manufactured housing parks shall have at least twenty (20) percent of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator's expense.
  2. In lieu of land dedication for public park purposes, a cash contribution as established by City Code shall be paid to the City.
- e. Landscaping.
1. Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks and the like.
  2. A compact hedge, redwood fence or landscaped area shall be installed around each manufactured home park and be maintained in first-class condition at all times as approved.
  3. All areas shall be landscaped in accordance with landscaping plan approved by the Council.
- f. Lighting.
1. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.
  2. The manufactured housing park grounds shall be lit as approved by the City from sunset to sunrise.
- g. Storage.
1. Enclosed storage facility shall be located either adjacent to the manufactured home in a manufactured housing park or at such other place in the park as to be convenient to the unit for which it is provided.
- h. General.
1. For those items not specifically referenced, the design standards as established by City Subdivision Ordinance shall be utilized for general development guidelines.

#### 1105.09 SUBD.6. REGISTRATION.

1. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The register shall contain the following information:
  - a. The name and address of the occupant of each unit.

- b. The name and address of the owner of each unit.
  - c. The make, model and year of the unit.
  - d. The state, territory or county issuing such license.
  - e. The date of arrival and departure of each unit.
  - f. The number and type of motor vehicles of residents in the park.
2. The park operator shall keep the register available for inspection at all times by authorized City, State and County officials, public health officials and other public offices whose duty necessitates acquisition of the information contained in the register. The register shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.

#### 1105.09 SUBD. 7. MAINTENANCE.

The operator of any manufactured housing park, or a duly authorized attendant or caretaker shall be responsible at all times for keeping the park, its facilities and equipment, in a clean, orderly, operable and sanitary condition. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.

#### 1105.09 SUBD. 8. MANUFACTURED HOME BUILDING CODE.

No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

#### 1105.09 SUBD. 9. MANUFACTURED HOMES IN OTHER DISTRICTS.

Manufactured homes in other districts shall conform to the provisions of this Section in order to qualify for a conditional use permit to be located in that district.

#### 1105.09 SUBD. 10. REVIEW PROCEDURES.

Proposals for manufactured housing park expansions on properly zoned land shall be reviewed for compliance with the applicable standards and requirements contained in this Section by all designated and official City review bodies.

(Ord. 11-03, Section 1105, Adopted May 16, 2011).

SECTION 1105.10 B-2 HIGHWAY COMMERCIAL DISTRICT.

1105.10 SUBD. 1. PURPOSE.

The purpose of the B-2 Highway Commercial District is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.

1105.10 SUBD. 2. PERMITTED USES.

The following are permitted uses in a B-2 District:

1. Essential services are permitted except those that exceed sixty (60) feet above ground or greater than one hundred fifteen (115) kilovolts.
2. Convenience grocery stores without motor fuel facilities.
3. Grocery stores.
4. Government and public related utility buildings and structures.
5. Funeral homes and mortuaries.
6. Restaurants, cafes, on and off-sale liquor, excluding convenience type.
7. Auto accessory store.
8. Motor vehicle, farm implement and recreation equipment sales, uses and structures.
9. Commercial recreational uses.
10. Motels, hotels and bed and breakfasts.
11. Private clubs or lodges.
12. Pharmacies and drug stores.
13. Medical, professional and commercial offices.
14. Banking institutions.
15. Barber, haircutting and beauty parlors, personal care salons and spas.
16. Contractors offices.

1105.10 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses within a B-2 District:

1. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent, of the gross floor space of the principal use.
2. Off-street parking as regulated by Section 1107.12 of this Ordinance, including semi-trailer trucks.
3. Off-street loading as regulated by Section 1107.13 of this Ordinance.

#### 1105.10 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in a B-2 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.02 of this Ordinance.

1. Drive-in and convenience food establishments.
2. Commercial car washes (drive-through, mechanical and self service).
3. Motor vehicle fuel sales, truck stop or auto repair, including minor and tire and battery stores and service.
4. Convenience store with gasoline.
5. Open or outdoor service, sale and rental other than those specified as a principal use in this district.
6. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section.
7. Garden and landscaping services.
8. Theaters.
9. Funeral homes and mortuaries including residential occupancy.  
Residential occupancy shall not exceed thirty (30) percent of the total square footage.
10. Veterinary clinic or animal hospitals.
11. Day care nursery facilities.
12. Retail centers.
13. Any use that exceeds twenty thousand (20,000) square feet of gross floor area. (*Ord. 08-01, Section 1105.10, Adopted April 21, 2008*).

#### 1105.10 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in a B-2 District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Size: None.
2. Lot Width: One hundred (100) feet.
3. Setbacks:
  - a. Front Yard: Thirty-five (35) feet.
  - b. Side Yard:
    1. Interior Lot:
      - a. Twenty (20) feet.
      - b. Thirty-five (35) feet abutting a Residential District.
    2. Corner Lot: Thirty (30) feet.
  - c. Rear Yard:
    1. Twenty (20) feet.
    2. Thirty-five (35) feet abutting a Residential District.

#### 1105.10 SUBD. 6. MAXIMUM BUILDING HEIGHT.

The maximum building height shall be thirty-five (35) feet.

1105.10 SUBD. 7. MAXIMUM SITE COVERAGE.

The maximum site coverage shall be seventy (70) percent and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by an impervious surface.

1105.10 SUBD. 8. MINIMUM DISTRICT SIZE.

The minimum district size shall be five (5) acres, with a minimum frontage of two hundred feet (200).

1105.10 SUBD. 9. HIGHWAY COMMERCIAL DESIGN STANDARDS.

Highway commercial design standards are set forth and regulated in Section 1107.17.

*(Ord. 08-01, Section 1105.10, Adopted April 21, 2008).*

SECTION 1105.11 B-3 CENTRAL BUSINESS DISTRICT.

1105.11 SUBD. 1. PURPOSE.

The purpose of the B-3 District is to provide specifically for the regulation of high intensity commercial uses located within the downtown Central Business District of the City.

1105.11 SUBD. 2. PERMITTED USES.

The following are permitted uses in the B-3 District.

1. Essential services are permitted except those that exceed sixty (60) feet in height or greater than one hundred fifteen (115) kilovolts,
2. Laundromats, self-service washing and drying.
3. Funeral homes and mortuaries.
4. Barber, haircutting and beauty parlors, personal care salons and spas.
5. Furniture stores.
6. Pharmacies and drug stores.
7. Grocery stores and convenience grocery stores without motor fuel facilities.
8. Retail shops such as florist, gift and jewelry.
9. Hardware stores.
10. Medical, professional and commercial offices and services.
11. Photography studios.
12. Printing shops.
13. Theaters.
14. Government and public related utility buildings and structures.
15. Restaurants and bakeries, excluding drive-ins, and convenience type.
16. Liquor establishments.

1105.11 SUBD. 3. ACCESSORY USES.

The following are permitted accessory uses in a B-3 District:

1. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor space of the principal use.

1105.11 SUBD. 4. CONDITIONAL USES.

The following are conditional uses in a B-3 District requiring a conditional use permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.03 of this Ordinance.

1. Motels, hotels and bed and breakfast inns.
2. Automobile sales.
3. Antique shops.
4. Bicycle sales and repair shops.
5. Residential uses as a principal or accessory use.
6. Pet grooming, not to include overnight boarding of animals.

7. Day care nursery facilities.

8. Other uses determined by the Planning Commission and City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and to the general public health, safety, and welfare.

(Ord. 07-10, Section 1105.11, Subd. 4, Adopted October 17, 2007).

(Ord. 08-08, Section 1105.11, Subd. 2 & 4, Adopted November 17, 2008.)

#### 1105.11 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in a B-3 District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Area: None.

2. Lot Width: None.

3. Setbacks:

a. Front Yard: None.

b. Side Yard:

1. Interior Lot: None.

2. Corner Lot: None.

3. Abutting a Residential District: Twenty (20) feet.

c. Rear Yard: Twenty (20) feet

#### 1105.11 SUBD. 6. MAXIMUM BUILDING HEIGHT.

The maximum building height shall be thirty-five (35) feet.

#### 1105.11 SUBD. 7. MAXIMUM SITE COVERAGE.

No structure or combination of structures shall occupy more than eighty-five (85) percent of the lot area.

#### 1105.11 SUBD. 8. PRESERVATION OF BELLE PLAINE'S CHARACTER DESIGN STANDARDS.

Preservation of Belle Plaine's Character Design Standards are set forth and regulated in Section 1107.23.

(Ord. 07-10, Section 1105.11, Subd. 4, Adopted October 17, 2007).

(Ord. 08-08, Section 1105.11, Subd. 2 & 4, Adopted November 17, 2008.)

## SECTION 1105.12 I-2 GENERAL INDUSTRIAL DISTRICT.

### 1105.12 SUBD. 1. PURPOSE.

It is the intent of the I-2 General Industrial District to provide areas suitable for the location of general industrial activities which have adequate and convenient access to thoroughfares and provide effective controls for nuisance and pollution characteristics. It is further the intent of this district to encourage industrial development in a compact and orderly manner consistent with the general locations shown in the Comprehensive Plan providing a compatible relationship with other land uses where a full complement of urban services are provided.

### 1105.12 SUBD. 2. APPLICATION OF PERFORMANCE REQUIREMENTS.

All uses provided for under the I-2 District shall show proof of ability to comply with the performance requirements of this Ordinance prior to issuance of any construction permit.

### 1105.12 SUBD. 3. PERMITTED USES.

The following are permitted uses in an I-2 District.

1. Manufacturing or assembly of a wide variety of products that produces no exterior noise; glare; fumes; obnoxious products; by-products or wastes; in excess of Minnesota Pollution Control Agency standards, or creates other objectionable impact on the environment including the generation of large volumes of traffic.
2. Warehousing of non-explosive material or equipment.
3. Machine shops.
4. Automobile repair.
5. Appliance service, assembly and warehousing.
6. Freight terminals and yards.
7. Concrete products plants.
8. Building materials production, including lumber yards.
9. Essential services are permitted except those that exceed sixty (60) feet above ground or greater than one hundred fifteen (115) kilovolts.

### 1105.12 SUBD. 4. ACCESSORY USES.

The following are permitted accessory uses in an I-2 District.

1. Office or retail space, related to the principal use, which does not exceed thirty (30) percent of the gross floor space of the principal use.
2. Off-street loading as regulated by Section 1107.13 of this Ordinance.
3. Semi-truck and trailer parking.

#### 1105.12 SUBD. 5. CONDITIONAL USES.

The following are conditional uses in an I-2 District requiring a conditional use permit based upon procedures set forth and regulated by Sections 1103.08 and 1106.04 of this Ordinance.

1. Open or outdoor service, sale and rental as a principal or accessory use.
2. Accessory, enclosed retail, rental, service, or processing, manufacturing activity other than that allowed as a permitted use or accessory use within this Section.
3. Municipal compost site.
4. Crude oil, gasoline or other liquid storage tanks.
5. Municipal sanitation facility.
6. Adult Uses as regulated by City Code, Chapter 3, Section 308.
7. Mini-storage.

(Ord. 02-16, Section 1105.12, Subd. 5, Adopted December 2, 2002.)

#### 1105.12 SUBD. 6. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Area: Twenty Thousand (20,000) square feet.
2. Lot Width: One Hundred (100) feet.
3. Setbacks:
  - a. Front Yard: Thirty-five (35) feet.
  - b. Side Yard: Twenty (20) feet.
    1. Interior Lot:
      - a. Twenty (20) feet.
      - b. Fifty-five (55) feet abutting onto a Residential District.
    2. Corner Lot: Thirty (30) feet.
  - c. Rear Yard:
    1. Twenty-five (25) feet.
    2. Fifty-five (55) feet abutting a Residential District.
  - d. Where railroad loading facilities exist or are to be provided, the rear and side yards may be modified through a variance.

#### 1105.12 SUBD. 7. MAXIMUM BUILDING HEIGHT:

The maximum building height shall be thirty-five (35) feet.

#### 1105.12 SUBD. 8. MAXIMUM SITE COVERAGE.

The maximum site coverage shall be eighty-five (85) percent and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by an impervious surface.

1105.12 SUBD. 9. MINIMUM DISTRICT SIZE.

The minimum district size shall be five (5) acres, with a minimum frontage of three hundred (300) feet.

1105.12 SUBD. 10. INDUSTRIAL DESIGN STANDARDS.

Industrial design standards are set forth and regulated in Section 1107.22.

(Ord. 02-16, Section 1105.12, Subd. 5, Adopted December 2, 2002.)

## SECTION 1105.13 INDUSTRIAL/COMMERCIAL DISTRICT.

### 1105.13 SUBD. 1. PURPOSE.

It is the purpose of the I/C District to allow for development of areas where there is a transition in use occurring, but sites are not available which would allow for compliance with other district requirements. Industrial or commercial development will be allowed only as a conditional permitted use to (1) ease land use transition, (2) control development so that it is compatible with surrounding property, and (3) establish dimensional requirements on an individual basis.

### 1105.13 SUBD. 2. PERMITTED USES.

There are no permitted principal uses in the I/C District.

1105.13 SUBD 3. CONDITIONAL USES. Building or land may be used for the following if granted a Conditional Use Permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.05 of this Ordinance, and provided further that any objectionable features normally associated with the uses, such as those deemed to be hazardous, offensive or objectionable by reason of order, dust cinders, gas fumes, noise, vibration, refuse matter or water-carried waste, shall be ameliorated, controlled or eliminated through design, mechanical devices, screen planting and/or walls or other measures. Any use not listed shall be reviewed by the Zoning Administrator and shall follow standards as set forth in this Section.

1. Trade and services, including any retail store, personal service or business service establishments, subject to all regulations and such permits and licenses as may be required by law, including the following and other similar uses.
2. Animal hospitals.
3. Automobile or trailer sales and service establishments.
4. Building material and hardware, retail sales/repairs
5. Business and professional offices.
6. Cultural, entertainment and recreational establishments.
7. General merchandising, apparel and accessories and establishments.
8. Car wash operations, including automated lanes.
9. Catering establishments.
10. Churches and houses of worship and related facilities.
11. Convenience goods and food shops, subject to a maximum of five thousand (5,000) square feet of sales area.
12. Drive-in or drive-up restaurants.
13. Banking facilities.
14. Hotels, motels and bed and breakfast inns.
15. Manufacturing or assembly of a wide variety of products that produces no exterior noise; glare; fumes; obnoxious products; by-products or wastes; in excess of Minnesota Pollution Control Agency standards, or creates other objectionable impact on the environment including the generation of large volumes of traffic.

16. Motor vehicle body shops.
17. Post offices and other public service operations.
18. Publishing, job printing, and blue printing.
19. Nurseries, garden supply centers.
20. Restaurants.
21. Services stations, automobile repair shops.
22. Theaters.
23. Warehousing, Storage and Wholesaling: The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use. This does not include truck terminals, which are not allowed in this District.
24. Daycare Nursery Facilities.

#### 1105.13 SUBD. 4. ACCESSORY USES.

Any accessory use, building or structure customarily incidental to a permitted principal use and located on the same lot as the permitted principal use.

1. Off-street parking and loading as regulated by Sections 1107.12 and 1107.13 of this Ordinance.
2. Semi truck and trailer parking.

#### 1105.13 SUBD. 5. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Area: Twenty Thousand (20,000) square feet.
2. Lot Width: One Hundred (100) feet.
3. Setbacks:
  - a. Front Yard: Thirty-five (35) feet.
  - b. Side Yard: Twenty (20) feet.
    1. Interior Lot:
      - a. Twenty (20) feet.
      - b. Fifty-five (55) feet abutting a Residential District.
    2. Corner Lot: Thirty (30) feet.
  - c. Rear Yard:
    1. Twenty-five (25) feet.
    2. Fifty-five (55) feet abutting a Residential District.
  - d. Where railroad loading facilities exist or are to be provided, the rear and side yards may be modified through a variance.

#### 1105.13 SUBD. 6. MAXIMUM BUILDING HEIGHT:

The maximum building height shall be thirty-five (35) feet.

1105.13 SUBD. 7. MAXIMUM SITE COVERAGE.

The maximum site coverage shall be eighty-five (85) percent and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by an impervious surface.

1105.13 SUBD. 8. MINIMUM DISTRICT SIZE.

The minimum district size shall be five (5) acres, with a minimum frontage of three hundred (300) feet.

1105.13 SUBD. 9. INDUSTRIAL/COMMERICAL DESIGN STANDARDS.

Industrial/commercial design standards are set forth and regulated in Section 1107.22.

*(Ord. 11-13, Section 1105.13, Subd. 3, Adopted November 21, 2011.)*

## SECTION 1105.14 PUBLIC-INSTITUTIONAL DISTRICT.

### 1105.14 SUBD. 1. PURPOSE.

It is the purpose of the Public-Institutional District to accommodate governmental, public utility, recreational, cultural, and educational facilities. It is the intent of this District to provide procedures for the orderly establishment of public facilities, expansion of operations or change in use of public facilities for any public purpose while minimizing the impact of any such public use which is incompatible with or detrimental to the essential character of land adjoining the Public-Institutional District.

### 1105.14 SUBD. 2. PERMITTED USES.

1. Public and private educational institutions limited to elementary, junior high and senior high schools.
2. Municipal Wastewater Operations.
3. Recreational buildings, community centers and swimming pools.
4. Municipal government administration buildings, fire stations, police stations, and public works buildings.
5. Public libraries.
6. Religious Institutions, such as churches, chapels, temples and synagogues.
7. Public hospitals, nursing homes, and convalescent centers.

1105.14 SUBD 3. CONDITIONAL USES. Building or land may be used for the following if granted a Conditional Use Permit based upon procedures set forth in and regulated by Sections 1103.08 and 1106.05 of this Ordinance.

1. Daycare facilities associated with churches.
2. Electrical substations.
3. Towers.
4. Cemeteries.

### 1105.14 SUBD. 4. INTERIM USES.

The following are interim accessory uses in the Public-Institutional District.

1. None.

### 1105.14 SUBD. 5. ACCESSORY USES.

The following are permitted accessory uses in the Public-Institutional District.

1. Off-street loading and parking areas as regulated in Section 1107.12 and 1107.13.
2. Parks, playgrounds or athletic fields.

### 1105.14 SUBD. 6. LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements, exceptions and modifications set forth in this Ordinance.

1. Lot Area: Twenty Thousand (20,000) square feet.
2. Lot Width: One Hundred (100) feet.
3. Setbacks:
  - a. Front Yard: Thirty-five (35) feet.
  - b. Side Yard: Twenty (20) feet.
    1. Interior Lot:
      - a. Twenty (20) feet.
      - b. Fifty-five (55) feet abutting a Residential District.
    2. Corner Lot: Thirty (30) feet.
  - c. Rear Yard:
    1. Twenty-five (25) feet.
    2. Fifty-five (55) feet abutting a Residential District.

1105.14 SUBD. 7. MAXIMUM BUILDING HEIGHT:

The maximum building height shall be thirty-five (35) feet.

1105.14 SUBD. 8. MAXIMUM SITE COVERAGE.

The maximum site coverage shall be eighty (80) percent and shall be calculated to include building footprints; parking areas; driveways; loading, storage and trash areas and other areas covered by an impervious surface.

*(Ord. 09-05, Section 1105.14, Adopted December 21, 2009.)*

## SECTION 1105.15 PLANNED UNIT DEVELOPMENT (OVERLAY).

### 1105.15 SUBD. 1. PURPOSE.

This Section is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities, or use types when applied to a Planned Unit Development (PUD) District. The PUD process, by allowing deviation from the strict provisions of this Ordinance related to setbacks, height, lot area, width and depth, yards, etc., and by mix of uses by PUD zoning, is intended to encourage:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design and siting of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
3. More convenience in location and design of development and service facilities.
4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
5. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
7. A development pattern in harmony with the objectives of the Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles).
8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
9. Clustered developments that respect the overall planned density for the area and that minimize the impact of development of the environment and significant natural features.

*(Ord. 09-05, Section 1105.15, Adopted December 21, 2009.)*

## 1105.15 SUBD. 2. GENERAL REQUIREMENTS AND STANDARDS.

### 1. OWNERSHIP.

An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

### 2. COMPREHENSIVE PLAN CONSISTENCY.

The proposed PUD shall be consistent with the City Comprehensive Plan.

### 3. SANITARY SEWER PLAN CONSISTENCY.

The proposed PUD shall be consistent with the City Comprehensive Sewer Plan.

### 4. STANDARDS FOR COMMON OPEN SPACE.

No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

- A. The location, shape, size and character of the common open space must be suitable for the planned development.
- B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography and the number and type of dwellings to be provided.
- C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
- D. Wetlands, flood plains and other such lands designated as undevelopable shall not be considered as common open space.

## 5. CONVEYANCE AND MAINTENANCE OF COMMON OPEN SPACE.

- A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the discretion of the City:
1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings structures or improvements which have been placed on it.
  2. It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the City Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended space.
- B. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs incurred back to the land benefited by the improvement.

## 6. DENSITY.

The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases the negotiated standards shall be consistent with the development policies as contained in the Comprehensive Plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.

## 7. UTILITIES.

In any PUD all utilities, including telephone, electricity, gas and cable communications shall be installed underground.

## 8. UTILITY CONNECTIONS.

- A. Water Connections. Where more than one (1) property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
- B. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

## 9. ROADWAYS.

All streets shall conform to the design standards contained in the subdivision regulations, unless otherwise approved by the City Council.

## 10. LANDSCAPING.

In any PUD, landscaping shall be provided according to a plan approved by the Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

## 11. URBAN/RURAL SERVICING REQUIREMENTS.

All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services may be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Ordinance, the City Code, and state regulations are complied with.

## 12. SETBACKS.

The yard setbacks of the PUD shall be the same as imposed in the base zoning districts, unless otherwise approved by the City Council.

### 1105.15 SUBD. 3. PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

#### 1. APPLICATION CONFERENCE.

Upon filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his/her proposal for the area for which it is proposed and its conformity to the provisions of this Section before incurring substantial expense in the preparation of plans, surveys and other data.

## 2. GENERAL CONCEPT PLAN.

### A. Purpose.

The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the significant elements for City review and comment.

1. Overall maximum PUD density range.
2. General location of major streets and pedestrian ways.
3. General location and extent of public and common open space.
4. General location of residential and non-residential land uses with approximate type and intensities of development.
5. Staging and time schedule of development.
6. Other special criteria for development as requested by the Zoning Administrator, Planning Commission or City Council.

### B. Schedule.

1. Developer shall meet with the Zoning Administrator to discuss the proposed developments.
2. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by Council resolution.
3. After verification by the staff that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
4. The Planning Commission shall conduct a public hearing in accordance with Section 1103.09 of this Ordinance and report its findings and make recommendations to the Council.
5. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the Council.
6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent Sections of this Ordinance.
7. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
8. Within the time frame provided by Minnesota Statutes section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City Council.

### C. Optional Submission of Development Stage Plan.

In cases of single stage PUD's or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, he/she may, at his/her option, initially submit Development Stage Plans for the proposed PUD. In such case, the Planning Commission and Council shall consider such plans, grant or deny Development Stage Plan approval in accordance with the provisions of this Section.

D. Effect of Concept Plan Approval.

Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Ordinance or of any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.

E. Limitation on General Concept Plan Approval.

Unless a Development Stage Plan covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date Council grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Ordinance and of an approved General Concept Plan, the approval may be revoked by Council action. In such case, the Council shall forthwith adopt a resolution repealing the General Concept Plan approval for that portion of the PUD that has not received final approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable.

### 3. DEVELOPMENT STAGE.

#### A. Purpose.

The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the Final Plan.

#### B. Submission of Development Stage.

Within six (6) months of approval of the General Concept Plan, the applicant shall file with the Zoning Administrator a Development Stage Plan. The Development Stage Plan shall refine, implement and be in substantial conformity with the approved General Concept Plan.

#### C. Review and Action by City Staff and Planning Commission.

Immediately upon receipt of a completed Development Stage Plan, the Zoning Administrator shall refer such plan to the following City staff and/or official bodies for the indicated action:

1. The City Attorney for legal review of all documents.
2. The City Engineer for review of all engineering data and the City/Developer agreement.
3. The Building Official for review of all building plans.
4. The Planning Commission shall review the plan and make its recommendation to the Council. Within the time frame provided by Minnesota Statutes section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such plans and specifications shall remain a part of the permanent records of the City Council.
5. When appropriate, as determined by the Zoning Administrator to other special review agencies such as the Watershed Districts, Soil Conservation Services, Highway Departments or other affected agencies.

D. Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Ordinance and/or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the Council at its discretion may extend for not more than six (6) months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where Development Plan approval expires, the Council shall forthwith adopt a resolution repealing the General Concept Plan approval and the Development Stage Plan approval for that portion of the PUD that has not received Final Plan approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable.

#### E. Site Improvements.

At any time following the approval of a Development Stage Plan by the Council, the applicant may, pursuant to the applicable City Code provisions apply for, and the City Engineer may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given.

#### 4. FINAL PLAN.

##### A. Purpose.

The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Code provisions as the land use regulation applicable to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.

##### B. Schedule.

1. The Planning Commission shall review the plan and make its recommendation. Within the time frame provided by Minnesota Statutes Section 15.99 following receipt of the completed application, the City Council shall render its decision granting or denying the report and plans. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed plan. Such plans and specifications shall remain a part of the permanent records of the City Council.

##### C. Building and Other Permits.

Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plat has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plat provided; however, no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been satisfied.

##### D. Limitation on Final Plan Approval.

Within one (1) year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this Ordinance, and other City Code Provisions, applicable in the district in which it is located. In such cases, the Council shall forthwith adopt an ordinance repealing the PUD permit and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, at the discretion of the Council, be extended for not more than one (1) year.

E. Inspection During Development.

1. Compliance with Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the Zoning Administrator shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
2. If the Zoning Administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, he/she shall immediately notify the Council. Within thirty (30) days of such notice, the Council shall either by ordinance revoke the PUD zoning, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

1105.15 SUBD. 4. SUBMISSION REQUIREMENTS. Ten (10) copies of the following exhibits, analysis and plans shall be submitted to the Planning Commission and Council during the PUD process.

1. GENERAL CONCEPT STAGE

A. General Information:

1. The landowner's name and address and his/her interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

B. Present Status:

1. The address and legal description of the subject property.
2. The existing zoning classification and present use of the subject property and all lands within one thousand (1,000) feet of the subject property.
3. A map depicting the existing development of the subject property and all land within one thousand (1,000) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of the subject property.

C. Written Statement.

A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

D. Site Conditions.

Graphic reproductions of the existing site conditions at a scale of one hundred (100) feet.

1. Contours shown at minimum two (2) foot intervals.
2. Location, type and extent of tree cover.
3. Slope analysis.
4. Location and extent of water bodies, wetlands and streams and floodplains within three hundred (300) feet of the subject property.
5. Significant rock outcroppings.
6. Existing drainage patterns.
7. Vistas and significant views.
8. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

E. Schematic Drawing.

Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, fire lanes, public and common open space, residential and other land uses.

F. Number of Dwelling Units.

A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

1. Area devoted to uses.

2. Area devoted to use by building type.
3. Area devoted to common open space.
4. Area devoted to public open space.
5. Area devoted to streets.
6. Area devoted to, and number of, off-street parking and loading spaces and related access.

#### G. Schedule of Development.

When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

#### H. Common Space Provisions.

When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

#### I. Restrictive Covenants.

General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

#### J. Utility Plans.

Schematic utilities plans indicating placement of water, sanitary and storm sewers and lighting.

#### K. Exceptions.

The City Council may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

#### L. Submittal of Additional Information.

The City Council may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

## 2. DEVELOPMENT STAGE.

Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

- A. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.
- B. Ten (10) sets of preliminary plans, drawn to a scale of not less than one (1) inch equals one hundred (100) feet (or scale requested by the Zoning Administrator) containing at least the following information:
  1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Scott County).
  2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  3. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.
  4. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.
  5. Location, designation and total area of all common open space.
  6. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  7. Proposed lots and blocks.
  8. The location, use and size of structures and other land uses on adjacent properties.
  9. Detailed sketches and provisions of proposed landscaping.
  10. General grading and drainage plans for the developed PUD.
  11. Any other information that may have been required by the Planning Commission and City Council in conjunction with the approval of the general concept plan.
- C. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
- D. A tabulation indicating the number of residential dwelling units and expected population.
- E. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drug store, dry cleaning, supermarket).
- F. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes.

- G. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structure, including mobile homes and uses.
- H. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.
- I. A preliminary plat prepared in accordance with the subdivision regulations.
- J. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.
- K. A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.
- L. Such other information as the Planning Commission, Zoning Administrator or Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- M. The City Council may excuse an applicant from submitting any specific item of information or document required in this Section it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

### 3. FINAL PLAN STAGE.

After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant will submit the following material for review by the City staff prior to issuance of a building permit.

- A. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- B. All certificates, seals and signatures required for the dedication of land and recording of documents.
- C. Final architectural working drawings of all structures.
- D. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/Developer Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

E. Any other plan, agreements, or specifications necessary for the City staff to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

*(Ord.09-05, Section 1105.15, Adopted December 21, 2009).*

## SECTION 1105.16 FP FLOOD PLAIN DISTRICT

### 1105.16 SUBD. 1. PURPOSE.

It is the purpose of the FP Flood Plain District to promote the public health, safety and general welfare and to minimize those losses by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

### 1105.16 SUBD. 2. LANDS TO WHICH ORDINANCE APPLIES.

This Ordinance shall apply to all lands within the jurisdiction of City of Belle Plaine shown on the Official Zoning Map and attached flood insurance rate map (FIRM) as being located within the boundaries of the Floodway and Floodway Fringe Districts.

### 1105.16 SUBD. 3. ESTABLISHMENT OF OFFICIAL ZONING MAP.

The Official Zoning Map, together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the City of Belle Plaine prepared by the Federal Emergency Management Agency dated December 18, 1986, and the Flood Boundary and Floodway Maps and Flood Insurance Rate maps therein. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

### 1105.16 SUBD. 4. REGULATORY FLOOD PROTECTION ELEVATION.

The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood (100-year flood) plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

### 1105.16. SUBD. 5. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Belle Plaine or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### 1105.16 SUBD. 6. ESTABLISHMENT OF ZONING OVERLAY DISTRICTS.

The flood plain areas within the jurisdiction of this Ordinance are hereby divided into the two districts: Floodway Districts (FW) and Flood Fringe Districts (FF). The boundaries of these districts shall be shown on the Official Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses shall be prohibited.

#### 1105.16 SUBD. 7. FLOODWAY DISTRICT (FW).

##### 1. PERMITTED USES.

The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. No use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream, drainage ditch or any other drainage facility or system.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. Industrial-commercial uses such as loading areas, parking area or airport landing strips.
- C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- D. Residential uses such as lawns, gardens, parking areas and play areas.

##### 2. CONDITIONAL USES.

- A. The following uses which involve structures (temporary or permanent), fill or storage of materials or equipment may be permitted only upon application to the Zoning Administrator and the issuance of a Conditional Use Permit by the City Council, as provided in Section 1103.08 Conditional Uses, of this Ordinance. These uses are also subject to the provisions of Section 1105.16 Subd. 7 (3) which apply to all floodway Conditional Uses.
  - 1. Uses or structures accessory to open space or Permitted Uses.
  - 2. Extraction of sand, gravel, and other materials.
  - 3. Marinas, boat rentals, docks, piers or wharves.
  - 4. Railroads, streets, bridges, utility transmission lines and pipelines.
  - 5. Storage yards for equipment, machinery or materials.
  - 6. Other uses similar in nature to uses described in Section 1105.16 Subd 7 (1) which are consistent with the provisions of this Section.

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B. Conditional Use Permits shall be approved by the Minnesota Department of Natural Resources Area Hydrologist prior to Council approval.

### 3. STANDARDS FOR FLOODWAY CONDITIONAL USES.

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a Conditional Use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway conditional uses shall be subject to the standards contained in Section 1105.16 Subd. 11 and the following standards:

#### A. Fill.

1. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

#### C. Structures (temporary or permanent).

1. Structures shall not be designed for human habitation.
2. Structures shall have a low flood damage potential.
3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow.
  - b. So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.
  - c. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
  - d. Service facilities such as electrical and heating equipment shall be constructed or floodproofed in accordance with applicable building codes.

#### D. Storage of Material and Equipment.

1. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

1105.16 SUBD. 8. FLOOD FRINGE DISTRICT (FF).

1. PERMITTED USES.

- A. The following uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Flood Fringe District to the extent that they are not prohibited by any other ordinance. No use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
  2. Industrial-commercial uses such as loading areas, parking areas or airport landing strips.
  3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
  4. Residential uses such as lawns, gardens, parking areas and play areas.
- B. Structures constructed on fill so that the first floor and basement floor are at or above the regulatory flood protection elevation. The fill shall be at a point no lower than one (1) foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

However, no use shall be constructed which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.

2. CONDITIONAL USES.

The following uses which involve structures (temporary or permanent), fill or storage of materials or equipment may be permitted only upon application to the Zoning Administrator and the issuance of a Conditional Use by the City Council, as provided in Section 1103.08, Conditional Uses, of this Ordinance.

- A. Where existing streets or utilities are at elevations which make compliance with Section 1105.16 Subd. 8 (1) impractical or in other special circumstances, the City Council may authorize other techniques for elevation of residences. Structures other than residences shall ordinarily be elevated on fill as provided in Section 1105.16 Subd. 8 (1) but may, in special circumstances, be otherwise elevated or protected as provided in Section 1105.16 Subd. 11 to a point above the regulatory flood protection elevation.

- B. The City Council may authorize the location of uses listed in Section 1105.16 Subd. 7 of this Ordinance and other similar uses at an elevation below the regulatory flood elevation if such uses will not be subject to substantial flood damage and which will not cause flood damage to other lands.

#### 1105.16 SUBD. 9. BUILDING PERMIT.

##### 1. BUILDING PERMIT REQUIRED.

A building permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition or alteration of any building or structure or portion thereof, prior to the use or extension of a nonconforming use.

##### 2. APPLICATION FOR BUILDING PERMITS.

Application for a building permit shall be made in duplicate to the Zoning Administrator on forms furnished by her/him and shall include the following where applicable: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill, storage of materials, and the location of the foregoing in relation to the channel, the floodway and the flood protection elevation.

##### 3. CERTIFICATE OF ZONING COMPLIANCE FOR NEW ALTERED, OR NONCONFORMING USES.

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued therefore by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- B. No nonconforming structure or use shall be used after extension or substantial alteration until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. The Certificate of Zoning Compliance shall state specifically the particulars, if any, in which the nonconforming structure or use differs from the provisions of this Ordinance.

##### 4. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits, Conditional Uses or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 1108. The applicant shall ordinarily be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor designated by the governing body that the finished fill and building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance.

#### 1105.16 SUBD. 10. NOTIFICATION AND CERTIFICATION REQUIREMENTS.

The Zoning Administrator shall send copies of all notices of hearings or meetings relating to variances, conditional uses and ordinance amendments to the appropriate DNR area office ten (10) days prior to such hearings, and shall send copies of the final decisions relating to such variances, conditional uses and amendments within ten (10) days of the final action.

#### 1105.16 SUBD. 11. CONDITIONAL USES.

##### 1. PROCEDURE.

Upon receiving an application for a conditional use permit involving the use of fill, construction of structures or storage of materials, the Council shall, prior to rendering a decision thereon:

- A. Require the applicant to furnish such of the following information as is deemed necessary by the Council for determining the suitability of the particular site for the proposed use.
  1. Plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the channel floodway and regulatory flood protection elevation.
  2. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
  3. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, size, location and spatial arrangement of all proposed and existing structures on the site, location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
  4. Profile showing the slope of the bottom of the channel or flow line of the stream.
  5. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- B. Transmit one (1) copy of the information described (in Subsection A above) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities; the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

- C. Based upon the technical evaluation of the designated engineer or expert, the Council shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

## 2. DETERMINING FACTORS.

In passing upon such applications, the Planning Commission and City Council shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- L. Such other factors which are relevant to the purposes of this Ordinance.

## 3. CONDITIONS.

Upon consideration of the factors listed above and the purposes of this Ordinance, the Planning Commission and City Council may attach such conditions to the granting of conditional uses or variances as it deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:

- A. Modification of waste disposal and water supply facilities.
- B. Limitations on periods of use and operation.
- C. Imposition of operational controls, sureties and deed restrictions.
- D. Requirements for construction of channel modifications, dikes, levees and other protective measures.
- E. Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces and other factors associated

with the regulatory flood. The City Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with regulatory flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration.

1. Anchorage to resist flotation and lateral movement.
2. Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
3. Reinforcement of walls to resist water pressures.
4. Use of paints, membranes or mortars to reduce seepage of water through walls.
5. Addition of mass or weight to structures to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
8. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
9. Construction to resist rupture or collapse caused by water pressure or floating debris.
10. Installation of valves or, controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
11. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding to provide protection from inundation by the regional flood.
12. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory flood protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

*Ord. 09-03, Sections 1101.01, 1105.04, 1106.01, Adopted July 20, 2009.*

SECTION 1105.17 S-1 SHORELAND DISTRICT.

1105.17 SUBD. 1. SHORELAND DISTRICTS.

The shorelands within the City of Belle Plaine are hereby designated as Shoreland Districts (S-1 Districts), and the requirements set forth in this Ordinance shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas, according to said classification.

1105.17 SUBD. 2. DISTRICT APPLICATION.

The S-1 District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the S-1 District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

1105.17 SUBD. 3. BOUNDARIES.

The boundaries of the shoreland district are established within five hundred (500) feet from the ordinary high water mark of the Minnesota River and three hundred (300) feet from the ordinary high water marks of Brewery Creek, South Creek, and Robert Creek classified for general development.

1105.17 SUBD. 4. MINIMUM REQUIREMENTS.

The following table sets forth the minimum requirements of each classification. Where the requirements of the zoning district are more restrictive, the more restrictive standards shall apply.

DEVELOPMENTAL STANDARD	REQUIREMENTS
Lot Area	10,000 square feet
Water Frontage & Lot Width at Building Line	75 feet
Bldg. Setback from Ordinary High Water Mark	50 feet
Lowest Floor Elevation above Highest Known Water Level	2 feet
Building Height Limitation	35 feet
Total Lot Area Covered by Impervious Surface	30 percent
Sewage System Setback from Ordinary High Water Mark	50 feet
Sewage System Elevation Above Highest Groundwater Level of Bedrock	3 feet

1105.17 SUBD. 5. SHORELAND ALTERATIONS.

Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. An alteration is defined as a clear cutting, grading, filling, removal of natural vegetation, dredging, etc., which involves the removal or addition of underbrush or vegetation which may have a detrimental impact by allowing soil erosion or runoff of excess nutrients to enter the public waters. Within the required building setback as provided in Subdivision 4 of this Section, the following shoreland alterations shall apply:

- A. Clear cutting shall be prohibited, except as necessary for placing public roads, utilities, structures and parking areas.
- B. Natural vegetation shall be restored insofar as feasible after any construction project.
- C. Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.
- D. Grading and filling or any other substantial alteration of the natural topography shall be permitted, if the applicant can demonstrate that:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.
3. Methods to prevent erosion and trap sediment shall be employed.
4. Fill shall be stabilized to accepted engineering standards.

1105.17 SUBD. 6. LAND SUITABILITY.

No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful the health, safety or welfare of future residents.

1105.17 SUBD. 7. INCONSISTENT PLATS.

All plats recommended for approval by the Planning and Zoning Commission, which are inconsistent with this Section, shall be reviewed by the Minnesota Commissioner of Natural Resources before approval by the City may be granted.

1105.17 SUBD. 8. NOTIFICATION PROCEDURES.

- A. Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under the Shoreland District shall be submitted to the Commissioner of the Minnesota Department of Natural Resources at least ten (10) days prior to such hearing.
- B. A copy of all amendments and final decisions granting variances or conditional uses under the Shoreland District shall be submitted to the Commissioner of the Minnesota Department of Natural Resources within ten (10) days of final action or amendment.

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

*Ord. 06-08, Replacing Section 1105.18 with Section 1109, Adopted July 17, 2006.*

*Ord. 09-03, Sections 1101.01, 1105.04, 1106.01, Adopted July 20, 2009.*

*Ord. 11-03, Sections 1101, 1104 and 1105, Adopted May 16, 2011.*

*(Ord. 11-13, Section 1105.13, Subd. 3, Adopted November 21, 2011.)*