

SECTION 1103.08 CONDITIONAL USES.

1103.08 SUBD. 1. PURPOSE.

The purpose of a Conditional Use Permit is to provide the City of Belle Plaine with a reasonable degree of discretion in determining A) the suitability of certain designated uses upon the general welfare, public health and safety, and B) the ability of such uses to achieve the objectives of the Comprehensive Plan. In making this determination, such Conditional Uses require special consideration so they may be located properly with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant or to deny applications for Conditional Use Permits, and to impose reasonable conditions upon the granting of these Permits.

1103.08 SUBD. 2. AUTHORITY.

The City Council may, after review and recommendation by the Planning Commission, grant a Conditional Use Permit or overturn the vote of the Planning Commission with a two-thirds (2/3) vote.

1103.08 SUBD. 3. PROCEDURE.

1. The property owner or their agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.

2. The applicant shall file the completed application form together with the required exhibits and filing fee with the Zoning Administrator. As applicable, the application shall contain the following information and any such additional information as requested by the Zoning Administrator:

A. Site Development Plan:

- 1). Location of all buildings on lots including both existing and proposed structures.
- 2). Location of all adjacent buildings located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
- 3). Location and number of existing and proposed parking spaces.
- 4). Vehicular circulation.
- 5). Architectural elevations (type and materials used in all external surface).
- 6). Location and type of all proposed lights.
- 7). Curb cuts, driveways, number of parking spaces.

B. Dimension Plan:

- 1). Lot dimensions and area.
- 2). Dimensions of proposed and existing structures.
- 3). "Typical" floor plan and "typical" room plan.
- 4). Setbacks of all buildings located on property in question.
- 5). Proposed setbacks.
- 6). Sanitary sewer and water plan with estimated use per day.

C. Grading Plan:

- 1). Existing contours.
- 2). Proposed grading elevations.
- 3). Drainage configuration.
- 4). Storm sewer catch basins and invert elevations.
- 5). Spot elevations.
- 6). Proposed road profile.

D. Landscape Plan:

- 1). Location of all existing trees including the type, diameter and potential removal.
- 2). Location, type and diameter of all proposed plantings.
- 3). Location and material used of all screening devices.

E. Legal description of property under consideration.

F. Proof of ownership of the land for which a Conditional Use Permit is requested, or written permission from the property owner.

3. The Zoning Administrator shall transmit the application and exhibits to the Planning Commission. Written notice of the public hearing shall be mailed at least ten days before the date of the hearing to the property owners within 350 feet of the outer boundaries of the area in question. Failure of any property owner to receive notification shall not invalidate the proceedings.
4. The Zoning Administrator shall have notice of the required public hearing published in the official municipal newspaper not less than ten (10) calendar days prior to the date of the hearing.
5. The Planning Commission shall hold a public hearing, study the application in relation to the General and Specific Standards as outlined in Section 1107.08, SUBDS. 4 and 5 to determine possible adverse effects of the proposed conditional use, determine what additional requirements may be necessary to reduce such adverse effects and provide a recommendation to the City Council for its official action.
6. The City Council may hold such public hearings as it may consider necessary on a proposed Conditional Use Permit, consider application materials and the recommendation of the Planning Commission and make a final decision on the Conditional Use Permit request.
7. If an application for a Conditional Use Permit has been considered and denied by the City Council, a similar application for the Conditional Use Permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial,

unless a decision to reconsider such matter is made by not less than two-thirds (2/3) vote of the full City Council.

1103.08 SUBD. 4. GENERAL STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT.

No Conditional Use Permit shall be granted unless the City Council determines that all of the following general standards will be met. In addition to these general standards, the City Council may impose any other conditions deemed necessary to protect the health, safety and general welfare of the public.

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan.
2. The use is consistent with the intent of this Ordinance.
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
4. The use does not have an undue adverse impact on the public health, safety or welfare.
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site.
9. The use meets all of the performance criteria requirements as established in Section 1107.01 of this chapter.
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

1103.08 SUBD. 5. SPECIFIC USE STANDARDS FOR GRANTING OF A CONDITIONAL USE PERMIT.

In addition to the General Standards specified in Section 1103.08 Subd. 4, no Conditional Use Permit shall be granted unless the City Council determines that each of the following specific use standards have been met for the following uses:

A. Conditional Uses in Residential Districts.

The following are conditional uses in the A-2, R-1, R-2, R-3 and R-7 Residential Districts requiring a conditional use permit based upon procedures set forth and regulated by Section 1103.08 of this Ordinance.

1. Governmental and public regulated utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
 - a. Compatibility with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.

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- b. Equipment is completely enclosed in a permanent structure with no outside storage.
 - c. Adequate screening from neighboring uses and landscaping is provided in compliance with Section 1107.03 of this Ordinance.
2. Event Centers, provided that:
- a. Access to the site must be from a public street.
 - b. Event center activities are limited to indoor spaces, unless and outdoor café permit and/or large assembly permit is issued.
 - c. Any conditional use permit issued to permit operation of an event center may include limits on the number of patrons or attendees and other appropriate limitations based on the size of the site, structures, parking availability, and other relevant factors.
 - d. Compliance with all applicable regulations which include but may not be limited to: licensing standards contained in Chapter Three of the City Code, performance standards contained in Section 1107.01 of the City Code, the State Health Code, State building codes, and local liquor license requirements.
3. 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, non-profit organizations serving a charitable educational purpose; and religious institutions such as churches, chapels, temples, synagogues and cemeteries, provided that:
- a. Side yards shall be double that required for the district, but no greater than twenty (20) feet.
 - b. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1107.03 of this Ordinance.
 - c. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 1107.12 of this Ordinance.
 - d. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1107.13 of this Ordinance.
 - e. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
4. Nursing homes and similar group housing, but not including hospitals or similar institutions, provided that:
- a. Side yards shall be double that required for the district, but no greater than twenty (20) feet.
 - b. Screening and landscaping is provided in compliance with Section 1107.03 of this Ordinance.
 - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 - d. All State laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
 - e. Adequate off-street parking is provided in compliance with Section

- 1107.12 of this Ordinance.
- f. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1107.13 of this Ordinance.
5. Elderly (senior citizen) housing, provided that:
- a. Not more than ten (10) percent of the occupants may be persons sixty (60) years of age or under.
 - b. There is adequate off-street parking in compliance with Section 1107.12 of this Ordinance.
 - c. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1107.13 of this Ordinance.
 - d. Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 1107.03 of this Ordinance.
 - e. Elevator service is provided to each floor level above ground floor and such specifications shall be accessible for emergency medical transport equipment.
6. Golf courses, provided that:
- a. The minimum size shall be not less than nine (9) holes and fifteen (15) acres.
 - b. There shall be no more than one (1) principal building for use as a club house. The club house design shall be of residential character and exterior materials shall be primarily wood and brick.
 - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 - d. There is adequate off-street parking in compliance with Section 1107.12 of this Ordinance.
 - e. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1107.13 of this Ordinance.
 - f. Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 1107.03 of this Ordinance.
7. Hospitals, provided that:
- a. Side yards shall be double that required for the district, but no greater than twenty (20) feet.
 - b. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 1107.03 of this Ordinance.
 - c. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with Section 1107.12 of this Ordinance.
 - d. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 1107.13 of this Ordinance.
 - e. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

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8. Reserved.
(Ord. 18-01 Section 1103.08, February 20, 2018.)
 9. Bed and Breakfast Inn.
 - a. The owner or resident manager of the establishment shall operate and reside at the facility.
 - b. The establishment shall conform to State Health and Building Code requirements.
 - c. The establishment's owner must furnish evidence that licenses required by the State of Minnesota either have been issued or will be issued before commencing operation.
 - d. The establishment shall be limited to five (5) guest rooms.
 - e. Guests shall not stay at the establishment for more than thirty (30) days within any ninety (90) day period.
 - f. The establishment shall provide a minimum of one (1) off-street automobile parking space for each guest room and one (1) off-street automobile parking space for the owner of the establishment.
 - g. Identifying signs for the establishment to be no more than twenty (20) square feet in total, located on the building and consistent with the character of the building.
 - h. No cooking or cooking facilities shall be allowed or provided in the establishment's guest rooms.
 - i. Meals shall be provided only to overnight guests of the establishment. The City Council may approve, at its sole discretion, the provision of meals for non-guests for special events such as banquets or family gatherings. Approval may be limited to a single event or on an annual basis.
 - j. The City Council may at its sole discretion, waive parking and other non-health and safety requirements of land use and zoning ordinances of the City for facilities listed on the National Register of Historic Places.

B. Conditional Uses in B-2 Highway Commercial District.

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

1. Drive-in and convenience food establishments, provided that:
 - a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area so as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. At the boundaries of a residential district, a strip not less than five (5) feet shall be landscaped and screened in compliance with Section 1107.03 of this Ordinance.
 - c. Each light standard island and all islands in the parking lot shall be landscaped or covered.

- d. Parking areas shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
- e. Parking areas and driveways shall be curved with continuous curbs not less than six (6) inches high above the parking lot or driveway grade.
- f. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, shall comply with Section 1107.12 of this Ordinance and shall be subject to the approval of the City Engineer.
- g. Vehicle stacking shall be a minimum of eighty (80) feet.
- h. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
- i. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
- j. The entire area other than occupied by buildings or plantings shall be surfaced with blacktop or concrete which is subject to the approval of the City Engineer.
- k. Public address systems shall not be audible from any residential parcel.
- l. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.

2. Commercial car washes (drive-through, mechanical and self service), provided that:

- a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
- b. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer.
- c. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1107.03 of this Ordinance.
- d. Each light standard island and all islands in the parking lot shall be landscaped or covered.
- e. Parking and car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
- f. The entire area other than that occupied by buildings or plantings shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.

- g. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
- h. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
- i. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
- j. Provisions shall be made to control and reduce noise.
- k. All washing facilities shall be completely enclosed within the structure.
- l. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent property.

3. Motor vehicle fuel sales, truck stop, auto repair - minor and tire and battery stores and service, provided that:

- a. Regardless of whether the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for the other uses of the property.
- b. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- c. The entire site, other than that taken up by a building, structure or plantings, shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
- d. A drainage system subject to the approval of the City Engineer shall be installed.
- e. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
- f. Wherever fuel pumps are to be installed, pump islands shall be installed and shall observe the required front yard setback, of which fifteen (15) feet or more shall be landscaped.
- g. At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1107.03 of this Ordinance.
- h. Each light standard shall be landscaped.

- i. Parking and car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
- j. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with Section 1107.12 of this Ordinance and shall be subject to the approval of the City Engineer.
- k. Provisions are made to control and reduce noise.
- l. No outside storage except as allowed in compliance with Section 1107.08 of this Ordinance.
- m. All fuel storage tanks shall be placed in conformance with Minnesota Pollution Control Agency rules and State fire codes and so located that tanks may be serviced without the vehicle extending beyond the property line.
- n. Public address systems shall not be audible from any residential parcel.

4. Convenience Store With Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:

- a. Convenience/deli food is of the take-out type only and that no provisions for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed fifteen (15) percent of the gross floor area.
- b. That any sale of food items is subject to the approval of the State Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County Regulations.
- c. All fuel storage tanks shall be placed in conformance with Minnesota Pollution Control Agency rules and State fire codes and so located that tanks may be serviced without the vehicle extending beyond the property line.
- d. Wherever fuel pumps are to be installed, pump islands shall be installed and shall observe the required front yard setback, of which fifteen (15) feet or more shall be landscaped.
- e. A protective canopy located over pump island may be an accessory structure on the property and may be located twenty (20) feet or more from the front lot line, provided adequate visibility is provided both on and off site is maintained.
- f. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.
- g. The entire site, other than that taken up by buildings or plantings, shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
- h. At the boundaries of the lot, a strip of not less than five (5) feet shall be

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- landscaped and screened in compliance with Section 1107.03 of this Ordinance.
- i. Each light standard shall be landscaped. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
 - j. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 - k. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - l. Public address systems shall not be audible from any residential parcel.
 - m. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.
5. Garden and landscaping services provided that:
- a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. The entire site other than that taken up by a building, structure or plantings shall be surfaced with blacktop or concrete to control dust and drainage which is subject to the approval of the City Engineer.
 - c. At the boundaries of the lot, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1107.03 of this Ordinance.
 - d. Each light standard shall be landscaped. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
 - e. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 - f. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - g. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.
 - h. There shall be no more than one (1) principal building for use

as a green house.

6. Theaters provided that:
 - a. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
 - b. That any sale of food items is subject to the approval of the State Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County Regulations.
 - c. At the boundaries of the lot, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 1107.03 of this Ordinance.
 - d. Each light standard shall be landscaped. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
 - e. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 - f. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - g. Parking areas shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
 - h. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.

7. Animal Hospitals provided that:
 - a. All structures and parking lots must be landscaped in accordance with this Ordinance.
 - b. Noise controls shall be as required in noise control provisions of Section 1107.01 of this Ordinance.
 - c. The animals shall be confined within an enclosed building at all times except for supervised walks.
 - d. Parking areas shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
 - e. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.

8. Day Care Nursery Facilities provided that:
 - a. Day care facility structure and operations shall be in compliance with State of Minnesota, Department of Welfare and Department of

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- Human Services Regulations and be licensed accordingly.
- b. The submittal of a site plan drawn to scale and dimensioned, displaying the information required by Section 1103.07 of this Ordinance.
 - c. With or without notice, the City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section or any conditions additionally imposed.
 - d. Each light standard shall be landscaped. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle as measured from the center of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles as measured from said property.
 - e. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.
 - f. Parking areas shall be screened from view of abutting residential districts in compliance with Section 1107.03 of this Ordinance.
 - g. No outside storage except as allowed in compliance with Section 1107.08. An enclosed screened area is to be provided for rubbish and dumpsters.

9. Indoor Firing Range, as a principal or accessory use, subject to the following:

- a. The firing range shall not be located on any lot adjacent to an existing residential district, unless separated by a public right-of-way or alley.
- b. The use, occupancy, and construction of the building shall conform to the International Building Code.
- c. The building and method of operation shall comply applicable state and federal regulations.
- d. The building and method of operation shall conform to the applicable Minnesota Pollution Control Agency, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, indoor sound levels, lead containment and outside noise standards.
- e. The design and construction of the firing range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered engineer in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls and floors.

The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.

- f. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
- g. Firearms stored on the premises when the range is closed for business shall be stored in an acceptable gun safe or other secure locking device.
- h. On-site supervision is required at all times by an adult who is an experienced range operator. The range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
- i. On-site instruction shall be given only by firearms instructors certified within the prior five years by an organization or government entity that has been approved by the Minnesota Department of Public Safety. Current certificates for firearms instructors shall be on display in a conspicuous location in the premises and available for public inspection.
- j. Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
- k. In multi-tenant buildings, the firing range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
- l. Hours of operation are limited to between 7 a.m. and 10 p.m.

(Ord. 17-02, Section 1103.08, Adopted March 20, 2017.)

C. Conditional Uses in the B-3 Central Business District.

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

- 1. Bed and Breakfast Establishments, provided that:
 - a. The owner or resident manager of the establishment shall operate and reside at the facility.
 - b. The establishment shall conform to State Health and Building Code requirements.
 - c. The establishment's owner must furnish evidence that licenses required by the State of Minnesota either have been issued or will be issued before commencing operation.
 - d. The establishment shall be limited to five (5) guest rooms.

- e. Guests shall not stay at the establishment for more than thirty (30) days within any ninety (90) day period.
- f. The establishment shall provide a minimum of one (1) off-street automobile parking space for each guest room and one (1) off-street automobile parking space for the owner of the establishment.
- g. Identifying signs for the establishment to be no more than twenty (20) square feet in total, located on the building and consistent with the character of the building.
- h. No cooking or cooking facilities shall be allowed or provided in the establishment's guest rooms.
- i. Meals shall be provided only to overnight guests of the establishment. The City Council may approve, at its sole discretion, the provision of meals for non-guests for special events such as banquets or family gatherings, but only if adequate parking is provided and no increase in traffic volume will occur as a result of the special event. Approval may be limited to a single event or on an annual basis.
- j. The City Council may at its sole discretion, waive parking and other non-health and safety requirements of land use and zoning ordinances of the City for facilities listed on the National Register of Historic Places.

D. Conditional Uses in the I-2 General Industrial District.

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

1. Open or outdoor service, sale and rental as a principal or accessory use, provided that:
 - a. Outside services, sales and equipment rental connected with the principal use is limited to fifty (50) percent of the gross floor area of the principal structure.
 - b. Outside sales areas are fenced and screened from view of neighboring residential uses or an abutting Residential District in compliance with Section 1107.03 of this Ordinance.
 - c. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 1107.01 of this Ordinance.
 - d. The use does not take up parking space as required for conformity to this Ordinance.
 - e. Sales area is grassed or surfaced to control dust.
 - f. The provisions of Section 1103.08 of this Ordinance are considered and satisfactorily met.
2. Accessory, enclosed retail, rental, service, processing or manufacturing activity other than that allowed as a permitted use or conditional use within an I-2 District, provided that:

- a. Such use is allowed as a permitted use in the B-2, Highway Commercial District.
- b. Such use does not constitute more than fifty (50) percent of the gross floor area of the principal structure.
- c. Adequate off-street parking and off-street loading in compliance with requirements of Sections 1107.12 and 1107.13 of this Ordinance is provided.
- d. All signing and informational or visual communication devices shall be in compliance with the provisions of the City Code relating to signs.
- e. The provisions of Section 1103.08 of this Ordinance are considered and satisfactorily met.

3. Scrap Recycling Facilities, provided that:

- a. The operator of the facility has obtained and provides proof to the city of compliance with the Scott County Hazardous Waste Ordinance regulations, as amended; including but not limited to any and all licensing required to operate the facility on the premise.
- b. Outdoor storage shall be prohibited unless screened according to Section 1107.08 of this Chapter.
- c. Household appliances stored outdoors shall comply with Chapter 4, Section 400.03. Public Nuisances Affecting Peace and Safety.
- d. No more material shall be collected on-site than can be processed within a sixty (60) day period.
- e. Material which has been processed shall be promptly removed from the premises.

1103.08 SUBD. 6. AMENDMENT OF A CONDITIONAL USE PERMIT.

Any modification to the conditions of a Conditional Use Permit shall be required to complete a Conditional Use Permit amendment. A Conditional Use Permit amendment is subject to all conditions and approvals required for Conditional Use Permit review as specified in Section 1107.03 SUBD. 3.

1103.08 SUBD. 7. REVOCATION OF A CONDITIONAL USE PERMIT.

A. A Conditional Use Permit shall become null and void without further action by the Planning Commission or City Council whenever within one (1) year after granting a Conditional Use Permit, the use as allowed by the Permit has not have been initiated or utilized, unless a petition for an extension of time in which to complete or utilize the use that has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

B. A Conditional Use shall expire if that use shall cease for more than 12 consecutive

months.

- C. Inspections may be conducted at least annually and an update provided to the City Council to determine compliance with the terms of a Conditional Use Permit.
- D. Failure to comply with any condition set forth in a Conditional Use Permit shall be a misdemeanor and shall also constitute sufficient cause for the revocation of the Conditional Use Permit by the City Council following a public hearing. The property owner shall be notified in advance of the City Council's review of the Permit. A public hearing scheduled to consider the revocation of a Conditional Use Permit shall be conducted pursuant to Section 1103.08 SUBD 3.

1103.08 SUBD. 7. USES BY CONDITIONAL USE PERMIT NOT NONCONFORMING USES.

Uses authorized by a Conditional Use Permit under Section 1103.08 shall not be deemed a Nonconforming Use, but shall without further action be considered a Conforming Use, but only in accordance with the conditions set forth in the Conditional Use Permit.

1103.08 SUBD. 8. FILING. A certified copy of any Conditional Use Permit shall be filed with the Scott County Recorder or Registrar of Titles and shall include a legal description of the subject property.

1103.08 SUBD. 9. PERFORMANCE SECURITY.

1. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of a conditional use permit the City shall be provided, where deemed necessary, with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.
2. The security shall be in the amount equal to one hundred twenty-five (125) percent of the City Engineer's or City Building Official's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Engineer and Building Official.
3. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the City has been issued by the City Building Official.
4. Failure to comply with the conditions of the conditional use permit or the ordinances of the City shall result in forfeiture of the security.

(Ord. 14-06, Section 1103.08, Adopted October 20, 2014).

(Ord. 17-02, Section 1103.08, Adopted March 20, 2017.)

(Ord. 18-01, Section 1103.08, Adopted February 20, 2018.)
(Ord. 20-04, Section 1103.08, Adopted February 18, 2020.)