



MEMORANDUM

DATE:	June 8, 2020
TO:	Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM:	Cynthia Smith Strack, Community Development Director
RE:	5.2 Public Hearing Ordinance 20-06 Amend Non-Conformance Expansion Permit Review Criteria

GENERAL INFORMATION

The Commission previously discussed amendment of Section 1102.03, Subd. 2(3)(A) of the Code pertaining to review criteria for issuance of non-conformance expansion permits. Please find Ordinance 20-06 which includes proposed replacement language for Subd. 2(3)(A). Public hearing of the proposed amendment is scheduled for June 8th. Notice of the hearing was published and posted. Following is marked up version of the proposed language change, minus formatting updates. The purpose of the amendment is to adjust review criteria to distinguish a lower threshold for approval of non-conforming use expansion permits verses having the same threshold as a variance.

3. Decisions.

A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as:

- a. Functional and aesthetic justifications for the expansion;
- b. Adequacy of off-street parking for the expansion;
- c. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking; and
- d. Improvement to the appearance and stability of the property and neighborhood;
- e. Will not endanger public safety;
- f. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
- g. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

~~2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and~~

~~3. The expansion would not adversely affect or alter the essential character of the neighborhood.~~

ACTION

The Commission is to hold the public hearing and make a recommendation to the City Council. Resolution 20-006 is provided for consideration.

ATTACHMENTS

- Ordinance 20-06 Amending Section 1102.03, Subd. 2(3)(A)
- Resolution 20-007 Recommending Approval of Ordinance 20-06.

**CITY OF BELLE PLAINE
ORDINANCE 20-06**

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 1102.03, SUBD. 2(3)(A) OF THE BELLE
PLAINE CITY CODE PERTAINING TO REVIEW CRITERIA FOR NON-CONFORMANCE
STRUCTURE EXPANSION PERMITS**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. The City Council of the City of Belle Plaine hereby amends Chapter 11, Section 1102.03, Subd. 2(3)(A) to be as follows:

3. Decisions.

- A. An expansion permit for a non-conforming use or structure may be granted, but is not mandated, when the applicant meets the burden of proving that he proposed expansion is a reasonable use of the property, considering such things as:
1. Functional and aesthetic justifications for the expansion;
 2. Adequacy of off-street parking for the expansion;
 3. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking;
 4. Improvement to the appearance and stability of the property and neighborhood;
 5. Will not endanger public safety;
 6. Will not interfere with adopted City plans or regulations requiring additional right-of-way width; and,
 7. Is not expansion of a non-conformity previously allowed through the non-conformance variance process.

Section 2. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this 15th day of June, 2020.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ_20-007**

**RECOMMENDING APPROVAL OF ORDINANCE 20-06, AN ORDINANCE AMENDING CHAPTER 11,
SECTION 1102.03, SUBD. 2(3)(A) OF THE BELLE PLAINE CITY CODE PERTAINING TO REVIEW
CRITERIA FOR NON-CONFORMANCE STRUCTURE EXPANSION PERMITS**

WHEREAS, the City placed language providing for non-conformance expansion permits into effect in December of 2011; and,

WHEREAS, the 2011 language provides for non-conformance expansion permit issuance and variance issuance in certain situations under certain review criteria; and,

WHEREAS, the Planning Commission finds the review criteria are nearly identical since variance review language was updated to reflect Minnesota Statutes; and,

WHEREAS, the Planning Commission has studied the issue and developed language contained in Ordinance 20-06 which provides for an adjusted review criteria threshold for non-conformance expansion permits; and,

WHEREAS, the Planning Commission conducted a public hearing on June 8, 2020 following duly published notice to accept public comment on proposed Ordinance 20-06, An Ordinance amending Chapter 11, Section 1102.03, Subd. 2(3)(A) of the Belle Plaine City Code pertaining to review criteria for non-conformance structure expansion permits; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 20-06.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends approval of Ordinance 20-06, An Ordinance amending Chapter 11, Section 1102.03, Subd. 2(3)(A) of the Belle Plaine City Code pertaining to review criteria for non-conformance structure expansion permits.

The adoption of the foregoing resolution was duly moved by Commissioner _____, and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof: _____.

and the following voted against the same: _____.

Whereupon said resolution was declared duly passed and adopted. Dated this 8th day of June, 2020.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director