



MEMORANDUM

DATE: April 8, 2019
TO: Chairperson Carter, Members of the Planning Commission, and Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Agenda Item 5.5: Ordinance 19-05: Outside Storage Code Update

REQUEST: Recommendation to City Council – Ordinance 19-05 An Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outside Storage.

GENERAL INFORMATION

Last Spring the Planning Commission considered an update to Section 1107.08 of the City Code pertaining to outside storage. Following Planning Commission review the City Council redirected the proposed Code amendment back to the Public Works Committee for input. The Public Works Committee referred the matter to department heads for further discussion.

Following a meeting in November of 2018 the amendment was referred to the City Attorney for redraft. City Attorney Vose updated the code and department heads have subsequently reviewed.

The attached amendment is provided for public hearing at this time. Please find attached both marked up code and a clean copy of Ordinance 19-05 for consideration.

Full repeal and replacement of existing text is proposed. The amendment is intended to clarify what may or may not be stored outside, especially within residential zones. The amendment increases the number of recreational type items (i.e. boats, trailers, RV, ATV, etc) that can be stored on site at any one time from two items to three items. Recreational vehicles and equipment is further defined within the proposed code amendment.

ACTION:

The Planning Commission is hold a public hearing on the proposed amendment make a recommendation to the City Council pertaining to Ordinance 19-05. Attached Resolution 19-011 is provided for consideration.

SECTION 1107.08 OUTSIDE STORAGE: RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES.

1107.08 SUBD. 1. STORAGE REQUIRED: RESIDENTIAL.

1. ~~All outside storage of materials and equipment for residential uses shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following~~ **The following materials, equipment and personal property on any residentially-zoned property shall be stored within a building or lawful structure:**

~~A. Clothes line pole and wire.~~

~~B. Not more than two (2) recreational vehicles and equipment.~~

A. Recreational vehicles, provided that up to three (3) such vehicles may be stored outside at any time.

1. Recreational vehicles are defined as:

a. Any self-propelled vehicle and any vehicle propelled, drawn, towed or carried by a self-propelled vehicle, which is designed to be used for temporary living quarters while engaged in recreational or vacation activities.

b. Any trailer intended and generally used for transporting personal property or recreational vehicles such as watercraft and snowmobiles.

c. Any snowmobile, all-terrain vehicle, any type of watercraft whether motorized or not, and similar items.

2. Recreational vehicles stored or parked outside shall:

a. Be located entirely on and over an improved surface consisting of bituminous, concrete, a minimum of four (4) inches of compacted gravel, or landscape pavers.

b. Maintain a minimum five (5) foot setback from any property line.

3. Recreational vehicles stored or parked outside may not contain visible quantities of junk, miscellaneous debris, vegetative or food matter, rubbish or other types of personal property.

4. Camping vehicles and motor homes may not be occupied while parked on a residential property, must be owned by the owner or tenant of the property, and must be operable, clean, and well-kept with a current license.

B. Construction and landscaping material ~~currently being used on the premises~~ and equipment provided that materials and equipment associated with a project for which a building permit has been issued may be stored outside for a period no longer than three months.

C. ~~On and Off~~ street parking of currently registered and operable ~~and insured~~ Any passenger vehicles and trucks ~~not exceed~~ exceeding a gross capacity of nine thousand (9,000) pounds.

D. The following items, provided they are owned by the property owner or tenant and placed on private property, may be stored outdoors: lawn furniture, cooking equipment, basketball hoops, and other items to be used in

**conjunction with normal outdoor residential activities on the property and
or furniture used and constructed explicitly for outdoor use.**

- E. **Firewood, provided that** ~~Rear or side yard exterior storage of firewood for the purpose of consumption only by the person **owner** or **tenant** persons on whose **of such** property **may be stored outside in the rear or side yard** it is stored.~~
2. Restrictive covenants within subdivisions may be more restrictive than this Section.

1107.08 SUBD. 2. CONDITIONS: COMMERCIAL AND INDUSTRIAL.

1. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of Section 1103.08 of this Ordinance and all non-residential outside storage shall conform to the following conditions:
- A. The area occupied is not within a required front or required side yard.
 - B. The storage area is totally fenced, fully screened and landscaped as defined according to Section 1107.03 of this Ordinance.
 - C. If abutting a residential district or use, screening and landscaping is provided according to a plan approved by the City Council.
 - D. The storage area is grassed or hard surfaced to control dust. Should a grassed surface prove to be unmaintainable, the City shall require that a hard surface be installed within three (3) months of formal written notice to the property owner.
 - E. 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 Subdivision 3 of this Ordinance.
 - F. The storage area does not encroach upon parking space, loading space or snow storage area as required by this Ordinance.
 - G. A site plan documenting the location and grading of the storage operation shall be submitted and shall be subject to the approval of the City Engineer.
2. Passenger automobiles, **recreational vehicles**, and trucks in Residential, Industrial, and Commercial districts not currently licensed by the State, or which are because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days are considered junk or refuse and shall be disposed of.

**CITY OF BELLE PLAINE
ORDINANCE 19-05**

**AN ORDINANCE REPEALING AND REPLACING SECTION 1107.08 OF THE CITY CODE
PERTAINING TO OUTSIDE STORAGE**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Section 1107.08 of the City Code is hereby repealed and replaced as follows.

SECTION 1107.08 OUTSIDE STORAGE: RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES.

1107.08 SUBD. 1. STORAGE RESIDENTIAL.

1. The following materials, equipment and personal property on any residentially-zoned property shall be stored within a building or lawful structure:

A. Recreational vehicles, provided that up to three (3) such vehicles may be stored outside at any time.

1. Recreational vehicles are defined as:

a. Any self-propelled vehicle and any vehicle propelled, drawn, towed or carried by a self-propelled vehicle, which is designed to be used for temporary living quarters while engaged in recreational or vacation activities.

b. Any trailer intended and generally used for transporting personal property or recreational vehicles such as watercraft and snowmobiles.

c. Any snowmobile, all-terrain vehicle, any type of watercraft whether motorized or not, and similar items.

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4. Camping vehicles and motor homes may not be occupied while parked on a residential property, must be owned by the owner or tenant of the property, and must be operable, clean, and well-kept with a current license.

B. Construction and landscaping material and equipment provided that materials and equipment associated with a project for which a building permit has been issued may be stored outside for a period no longer than three months.

C. Any passenger vehicles and trucks exceeding a gross capacity of nine thousand (9,000) pounds.

- D. The following items, provided they are owned by the property owner or tenant and placed on private property, may be stored outdoors: lawn furniture, cooking equipment, basketball hoops, and other items to be used in conjunction with normal outdoor residential activities on the property and or furniture used and constructed explicitly for outdoor use.
- E. Firewood for the purpose of consumption only by the owner or tenant of such property may be stored outside in the rear or side yard.
- F. Garbage/Refuse Containers. Residential refuse and recycling containers shall be stored in rear or side yards or kept indoors. At no time shall residential refuse or recycling containers be stored in front yards.

2. Restrictive covenants within subdivisions may be more restrictive than this Section.

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- 2. Passenger automobiles, recreational vehicles, and trucks in Residential, Industrial, and Commercial districts not currently licensed by the State, or which are because of mechanical deficiency, incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days are considered junk or refuse and shall be disposed of.

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 April, 2019.

BY: _____

Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

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BY: _____

Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ_19-011**

RECOMMENDING APPROVAL OF ORDINANCE 19-05 AN ORDINANCE REPEALING AND REPLACING SECTION 1107.08 OF THE CITY CODE PERTAINING TO OUTSIDE STORAGE

WHEREAS, the Planning Commission from time to time reviews existing code standards to ensure consistency with current laws and to promote clarity and ease of use; and,

WHEREAS, in 2018 the Planning Commission initiated discussion of outside storage standards following direction by the City Council to increase public knowledge, awareness, and compliance with outside storage regulations; and,

WHEREAS, the Planning Commission studied existing standards pertaining to outside storage and finds clarification of the volume, type, and surfacing requirements is needed to clearly communicate and administer said standards; and,

WHEREAS, the Planning Commission has reviewed a draft a code revision; and,

WHEREAS, the Planning Commission conducted a public hearing on March 12, 2018 following duly published notice to accept public comment on proposed Ordinance 18-03, An Ordinance Amending Section 1107.08 of the City Code Pertaining to Outside Storage; and,

WHEREAS, the Planning Commission following the public hearing discussed Ordinance 18-03 and recommended approval of said Ordinance; and,

WHEREAS, the City Council on March 19, 2018 denied ordinance approval and referred the matter to the Public Works Committee and the Public Works Committee referred the matter to department head staff; and,

WHEREAS, the City Attorney has drafted Ordinance 19-05 (renumbered from 18-03) An Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outside Storage; and,

WHEREAS, department head staff have reviewed Ordinance 19-05 and recommend approval; and,

WHEREAS, the Planning Commission conducted a public hearing on April 8, 2019 following duly published notice to accept public comment on proposed Ordinance 19-05, An Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outside Storage.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council approve Ordinance 19-05, An Ordinance Repealing and Replacing Section 1107.08 of the City Code Pertaining to Outside Storage.

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 April, 2019.

Ashby Carter
Chairperson

Cynthia Smith Strack
Community Development Director