

ORDINANCE NO. 2009-4

THE CITY COUNCIL OF THE CITY OF GREEN ISLE, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE AMENDING THE CITY OF GREEN ISLE ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES.

Section 11, Subdivision 3 is hereby amended as follows:

SECTION 11 GENERAL REGULATIONS.

SUBDIVISION 3. ACCESSORY STRUCTURES.

- A. Agricultural buildings on agricultural properties are exempt from the requirements of this Section.
- B. In cases where an accessory building is attached to the principal structure it shall be made structurally part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
- C. An accessory building unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure, unless a smaller separation is granted under a conditional use permit.
- D. Accessory buildings or structures shall not be constructed on any lot prior to the construction of a principal building.
- E. Accessory buildings shall not be constructed in the front yard. Accessory structures are allowed in side and/or rear yards providing setbacks are achieved.
- F. Private and public garages and accessory structures larger than one-hundred twenty (120) square feet shall be placed on a permanent foundation which shall be defined as a floating slab with a rodent inhibiting barrier extending to a depth of at least one (1) foot below the average grade. A storage or utility structure of one-hundred twenty (120) square feet or less shall be placed on a leveled four (4) inch gravel or rock base with a rodent inhibiting barrier provided between the base and the structure.
- G. Architectural Detail Requirements. Accessory structures shall have architectural details which are the same or reasonably similar to the principal structure based on, but not limited to, the following:
 - 1. Roof orientation and pitch, excluding flat roofs;
 - 2. Roof type (e.g. gabled or hipped);
 - 3. Eave, overhang depth, and fascia/soffit type and appearance;
 - 4. As an exterior material, steel siding is allowed provided it is architectural grade with concealed fasteners; and,
 - 5. Exterior color.

- H. **Size Limit.** Accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of both scale and bulk. Total accessory structure square footage, excluding attached garages, shall not exceed ten (10) percent of the lot area. The total accessory structure square footage may exceed ten (10) percent if a conditional use permit is granted.
- I. **Number of Accessory Structures Limited.** For all districts a maximum of one (1) detached accessory buildings less than or equal to one-hundred twenty (120) square feet is allowed per lot. In addition, a maximum of one (1) detached accessory structure greater than one-hundred twenty (120) square feet is allowed per lot unless a conditional use permit meeting the standards of Section 13, of the Green Isle Zoning Ordinance is issued.
- J. **Accessory Structure Setback Requirements.** These requirements may be modified if a conditional use permit is granted.

District	Side, Interior	Side, Corner	Rear
R-1	Underlying zoning standard.	Underlying zoning standard for front yard	Five feet unless rear loading, then 10 ft.
R-2	Underlying zoning standard.	Underlying zoning standard for front yard	Five feet unless rear loading, then 10 ft.
Commercial (B-1 and B-2)	Underlying zoning standard.	Underlying zoning standard for front yard	Underlying zoning standard.
Industrial (I-1 and I-2)	Underlying zoning standard.	Underlying zoning standard for front yard	Underlying zoning standard.

- K. **Accessory Structure Height Limited.** The height of an accessory structure greater than one-hundred twenty (120) square feet shall not exceed eighteen (18) feet in height as measured from the average grade to the highest part of the structure. Structure heights exceed eighteen (18) feet in height may be approved under a conditional use permit.
- L. **Accessory structures shall not encroach upon easements.**
- M. **CUP Requirements.**
 1. The purpose of this Subsection is to provide the City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.
 2. In making the determination whether or not a conditional use permit is to be allowed, the City shall consider the requirements of Section 13 of the Zoning Ordinance and may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining streets, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

3. In recommending or approving a conditional use permit when required for an accessory structure, the Council may impose conditions which are considered necessary to meet the standards of the Zoning Ordinance as set forth in Section 13 of the Zoning Ordinance. In addition, the City may impose additional conditions to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Section and Ordinance. Additional conditions imposed may include but are not limited to the following:
 - a. Require the use of trim, wainscoting and lighting or other additional architectural detail to soften the impact of the bulk and height of the proposed structure(s).
 - b. Require the structure be designed and placed on a lot so as to reasonably maintain a scale/size difference between the principal and accessory structure with the accessory structure being clearly subordinate to the principal structure.
 - c. Require the visibility of the accessory structure be minimized as viewed from adjacent lots and rights of way through the use of topography, increased setbacks, increased lot size, fencing, existing or proposed vegetative landscaping and the like.
 - d. Require garage door openings are placed so as to reduce their visibility from adjacent lots and rights-of-way
 - e. Require the accessory structure be reasonably compatible with the architectural detail of the principal structure. The applicant holds the burden of proving the proposed structure is reasonably compatible with the architectural detail of the principal structure.
 - f. Require the use of the same or similar window and exterior door proportion and type to soften the impact of the bulk and height of the proposed structure(s).
 - g. Require general compatibility with adjacent and other property in the district.
4. Prior to approving the CUP the City shall consider the action in relation to the specific policies and provisions of Section 13 of the Zoning Ordinance.

ALL OTHER TERMS AND CONDITIONS OF THE CITY OF GREEN ISLE ZONING ORDINANCE NOT SPECIFICALLY AMENDED HEREIN OR AMENDED BY PREVIOUS ORDINANCES SHALL REMAIN IN FULL FORCE AND EFFECT.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:


By Randal S. Bruegger

Its Mayor


By Dale ZumBerge

Its Vice Mayor

Reading: Nov. 10, 2009

Published: Oct 29, 2009