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***ZONING ORDINANCE FOR CITY OF GREEN ISLE, MN***

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**CITY OF GREEN ISLE  
ORDINANCE NO. 14-01**

**An Ordinance Repealing and Replacing the Zoning Ordinance  
of the City of Green Isle**

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THE COMMON COUNCIL OF THE CITY OF GREEN ISLE DOES ORDAIN AS FOLLOWS:

## **SECTION 1. PURPOSES, SCOPE, INTERPRETATION, SHORT TITLE**

### **Subdivision 1. Purpose.**

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City of Green Isle by lessening congestion in the streets, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties; and encouraging the most appropriate use of land.

### **Subdivision 2. Scope.**

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to or relocated and every use within a building or use accessory thereto, in the City of Green Isle shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming properties or uses.

### **Subdivision 3. Compatibility with Other Regulations.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

### **Subdivision 4. Short Title.**

This Ordinance shall be known as the Zoning Ordinance of the City of Green Isle, and may be cited as the “Zoning Ordinance”, “this Ordinance”, or “this Chapter”.

### **Subdivision 5. Relation to the Comprehensive Plan and/or Land Use Plan.**

It is the policy of the City that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the recommendations contained in the City Comprehensive Plan and/or the City Land Use Plan, as developed and amended from time to time by the City Council. The Council recognizes the City Comprehensive Plan and/or the Land Use Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

**Subdivision 6. Conformance to Ordinance.**

No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

**Subdivision 7. Reduction of Yards or Lots Not Permitted.**

No lot area, yard or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other space for another use.

**Subdivision 8. Uses Not Provided for Within Zoning Districts.**

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. The City Council or property owner, may, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.

**Subdivision 9. Application.**

All applications required by this Ordinance shall be fully completed and filed in the City records.

**Subdivision 10. Fees and Expenses.**

Any person filing a petition for an application required by this Ordinance shall pay a prescribed fee according to a fee schedule establish by the City Council. All fees shall be set annually by Ordinance or fee resolution of the City Council.

**Subdivision 11. Building Permits.**

As required, no person shall erect, alter, or move any building or part thereof without first securing a building permit. Zoning review shall accompany building permit review and may result in additional application filings.

## **SECTION 2. RULES AND DEFINITIONS**

### **Subdivision 1. Rules.**

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" or "must" is mandatory and not discretionary. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. All distances, unless otherwise specified, shall be measured horizontally. Where a term is not herein defined the definition given in the most recent edition of *Merriam-Webster's Collegiate Dictionary* shall apply.

### **Subdivision 2. Definitions.**

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Use or Structure. A subordinate detached building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

Agriculture. The growing of soil crops in the customary manner on open tracts of land, the raising of animals or poultry, including incidental retail selling by the producer of the product raised on the premises, providing customer parking space is furnished off the public right-of-way.

Alley. A public thoroughfare less than thirty (30) feet in width which provides secondary access to the abutting property.

Amendment. Any modification of the Ordinance text or map. A map amendment shall be known as a rezoning.

Apartment. A part of the building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building. Three (3) or more apartments grouped in one building sharing common hallways and building entry.

Appeal. An action brought by an applicant where it is alleged that there is an error in any order, request, decision or determination by the City Administrator in the enforcement of the Zoning Ordinance.

Automobile Repair, Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

Automobile Repair, Minor. Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under Automobile repair, major.

Automobile Service Station. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. When sales, services and repairs as detailed here are offered to the public, the premises will be classified as a public garage. Automobile service stations shall not include the sale or storage of vehicles; shall not include premises offering major automobile repairs, automobile wrecking or detached car washes.

Bed and Breakfast. An owner-occupied single-family dwelling where lodging, in up to four guest rooms, and breakfast are provided to the traveling public by the resident owner for compensation.

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;
- C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
- D. The slope must drain toward the waterbody;
- E. An area with an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more shall not be considered part of the bluff.

Bluff Impact Zone. A bluff and land located within twenty (20) feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Building. Any structure for the shelter, support or enclosure of persons, animals, or property of any kind.

Building Height. The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the Earth.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.

Commercial Recreational Uses. Uses including, miniature golf, waterslides, amusement centers, bowling alley, pool hall, dance hall, skating and similar uses.

Conditional Use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the Comprehensive Land Use Plan of the community, and the use is compatible with the existing neighborhood.

Condominium. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the City of Green Isle Zoning Ordinance; provisions of the Minnesota Condominium Act, Minnesota Statutes, Chapter 515; or the Uniform Condominium Act, Minnesota Statutes, Chapter 515A.

Contractor Operations. An area and/or building devoted to use by a business that contracts to supply materials or work in the building trade field.

Convenience Store. A retail establishment, which generally sells a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products, which can be heated and/or prepared onsite, and retailing of nonautomotive goods.

Convenience Store with Motor Fuel Sales. A convenience store as defined herein that also sells gasoline from pump islands.

Day Care Facility. Any state licensed facility, public or private, which provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and day services as defined by Minn. Stat. Section 245.782, Subd. 5.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above ground.

Drive-In Establishments. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family for living purposes and having separate permanently installed cooking and sanitary facilities.

Earth Sheltered. A building constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the Building Code Standards are satisfied.

Essential Services. Erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

Expansion, Enlargement, or Intensification. Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.

Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51, as may be amended.

Fence. A partition, wall, hedge, or row(s) of continuous vegetative plantings that are erected as a dividing marker, visual, or physical barrier, or enclosure.

Fence, Permanent. A fence constructed of wood, rust-resistant chain link steel, prefabricated and rust resistant aluminum, prefabricated vinyl, landscape masonry units, landscape brick units, stone, or decorative concrete. If wooden material is used it shall be made of processed wood (i.e. cedar, green treated, brown treated) or resin (but not creosote) composite. For the purposes of this Ordinance trellises, arbors, pagodas, and the like shall not be considered a fence.

Fence, Natural Living. A divider or barrier comprised of living vegetative materials. The owner of the adjacent property may trim or prune parts of the living fence that extend onto their property.

Finance, Insurance and Real Estate. Establishments operating primarily in the fields of finance, insurance and real estate including, but not limited to, depository institutions, credit institutions, investment companies, security and commodity exchanges, insurance agents and brokers, real estate developers, buyers, agents and lessees.

Flood Plain. The areas adjoining a watercourse or lake which have been or hereafter may be covered by a regional flood.

Frontage. That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

Garage, Private. An accessory building designed or used for the private (i.e. not commercial) storage of automobiles or trucks owned and used by the occupants of the building to which it is an accessory.

Garage, Public. Any premises except those described as a private or community garage used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Glare. The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls including basements.

Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Home Occupation. Home occupations are defined as and limited to all of the following: (i) Gainful occupations or professions engaged in by the occupant(s) of a dwelling; (ii) Which are carried on within a dwelling unit or structure(s) accessory thereto; and, (iii) Which are clearly incidental to the principal use of the property as a residential dwelling unit.

Hotel/Motel. Any building or portion thereof where lodging is offered to transient guests for compensation in which there are sleeping rooms, but not cooking facilities, within individual rooms or units.

Industry, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Junk Yard. Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of vehicles.

Lot. One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than a minimum area required by this code for a building frontage on a street.

Lot Area. The area of a horizontal plane within the lot lines.

Lot Corner. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot Coverage. The area or percentage of a lot's horizontal surface occupied by the combined sum of all structures.

Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot Double Frontage/Through. A lot having its front and rear yards each abutting on a street, not including an alley.

Lot Interior. A lot other than a corner lot.

Lot Line. The property line bounding a lot.

Lot Line, Front. The lot line separating the lot from the street other than the alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot, Width. The shortest horizontal distance between the side lot lines measured at the building setback line.

Lot of Record. A lot or parcel for which a deed has been recorded in the office of the County Register of Deeds prior to the date of adoption of this Ordinance.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. A luminaire does not include a pole or other support.

Manufactured Home Park. Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Mobile (Manufactured) Home. A factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be relocated as a structure or structures used for occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

Modular Home. A non-mobile housing unit that is fabricated at a factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one family dwelling.

Multiple-Family Dwelling. A dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway.

Non-Conforming Use or Legal Non-Conformity. Any land use, structure, physical form of land development, lot of record or sign legally established before the effective date of this Ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this Ordinance. A non-conformity or non-conforming use is one of three types: non-conforming land use, non-conforming structure or non-conforming lot of record.

Non-Conforming Land Use. An activity using land, buildings, and/or structures for a purpose that was legally allowed when established but that is not currently allowed as a use in the zoning district in which it is located.

Non-Conforming Structure. A legal non-conformity other than a non-conforming land use that complied with ordinance standards at the time it was established but that does not currently conform to an ordinance standard such as height, setback, or size.

Non-Conforming Lot of Record. An existing base lot of record at the time of approval of this Ordinance that is non-conforming in terms of lot area or lot width or depth and that has not at any time been the site of a principal use/structure.

Nurseries or Greenhouses. A place where plants are grown for sale, transplanting or experimentation.

Nursing Home, Rest Home or Convalescent. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

On-Sale Liquor Establishment. Any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises. Typical on-sale uses include but are not limited to the following establishments: ballrooms, dance bars, piano bars, billiard and/or game parlors, nightclubs, or other private clubs. This definition shall not include standard restaurants as defined herein, or veterans clubs.

Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Personal Services. An establishment or place of business primarily engaged in providing individual services generally related to personal needs, such as a beauty salon, spa, tanning salon, tailor shop, or similar.

Person(s). Any individual, firm, partnership, limited liability company, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee or similar representative thereof.

Planned Unit Development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Premises. A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Principal Use or Structure. The main building on a lot in which the intended allowable use of the property is conducted and any additions thereof.

Public Waters. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 15 and 15a, as may be amended. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities need be regulated for the purposes of parts 6120.2500 to 6120.3900, as may be amended. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the commissioner.

Residential Planned Unit Development. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption:

- A. Within restaurant building;
- B. Within a motor vehicle parked on the premises; or
- C. Off the premises as carry-out orders; and whose principal method of operation includes the following characteristics:
  1. Food and/or beverages are usually packaged prior to sale and are served in edible containers or in paper, plastic, or other disposable containers;
  2. The customer is not served food at a table by an employee, but receives it at a counter window, or similar facility and carries it to another location on or off the premises for consumption.

Restaurant, Standard. An establishment whose principal business is the sale of food and beverages, including alcohol, to customers in a ready-to-consume state, but not including an on-sale liquor establishment, and whose method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- B. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail Trade. Establishments engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. Retail trade includes the selling and renting of goods and products including but not limited to apparel, health and beauty products, food, appliances, furniture, tools, hardware, toys, and sporting goods.

Right-of-way. The area between property lines of a road, street, alley, pedestrian way or easement or other street.

Semipublic Use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland. Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single-Family Dwelling. A detached dwelling designed exclusively for occupancy by one family.

Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Story. That portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is not floor above it, the space between the floor and the ceiling next above it.

Street. A public way for vehicular traffic, whether designated as a street, highway, arterial parkway, throughway, road, avenue, lane, place, or however otherwise designated.

Street, Cul-De-Sac. A street with a single common ingress and egress and with a turn-around at the end.

Street, Dead-End. A local street open at one end only and without a special provision for vehicles turning around.

Street Frontage. That portion of a parcel of land abutting one or more streets. An interior lot has one street frontage and a corner lot two such frontages.

Street, Loop. A short, independent street that usually terminates along the same collector street of its origin.

Street, Through. A major collector or arterial street that serves more than one neighborhood, or carries traffic between neighborhoods, or streets that extend continuously between other major streets in the community. Through streets shall not include cul-de-sac streets, dead-end streets or loop streets.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

Structural Alteration. Any change or addition to the supporting members of a building such as bearing walls, columns, beams or girders.

Surface Water-Oriented Commercial Use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

Toe of the Bluff. The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Top of the Bluff. The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Townhouse. A single structure consisting of three or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Twin Home. A single structure consisting of two dwelling units, each designed for occupancy by one family with separate entrances connected only by a party wall with no openings.

Two-Family Dwelling. A dwelling with two units designed with a common corridor or entryway exclusively for occupancy by two families living independently of each other.

Use. The purpose for which land or premises of the building thereon is designated, arranged, or intended, or for which it may be occupied or maintained.

Variance. A modification or variation of the provisions of this Chapter, as applied to a specific piece of property.

Water-Oriented Accessory Structure or Facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), which is hereby incorporated by reference.

Wholesale Trade. Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Yard. An open space between a building and any lot line which is open to the sky obstructed by any permanent or temporary uses or structures.

Yard, Front. A yard extending across the full width of the lot and lying between the front lot line and the front building line.

Yard, Rear. A yard extending across the width of the lot and lying between the rear lot line and the nearest line of the principal building.

Yard, Side. A yard extending from the front lot line to the rear lot line and lying between the side lot line and nearest line of a building.

City Clerk or designee. The City Official appointed by the City Council from time to time to administer the Zoning Ordinance, to include monitoring compliance with the Ordinance, maintaining the City of Green Isle Zoning Map, and administering the application process for building permits, conditional use permits and variance requests and all other administrative matters pertaining to the Zoning Ordinance.

## **SECTION 3. ZONING DISTRICTS**

### **Subdivision 1. Establishment of Districts.**

For the purpose of this Ordinance, the City is divided into the following districts:

#### RESIDENTIAL DISTRICTS

R-1 One and Two Family Residence District

R-2 Multiple Family Residence District

#### BUSINESS DISTRICTS

B-1 Service Business District

B-2 General Business District

#### INDUSTRIAL DISTRICTS

I-1 Limited Industrial District

I-2 General Industrial District

#### OVERLAY DISTRICTS

Shoreland Overlay District

## **SECTION 4.ZONING INSTRUMENTS**

### **Subdivision 1. Zoning Map.**

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map and said map is hereby made a part of this Ordinance, which map shall be known as the "City of Green Isle Zoning Map". Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the City Clerk or designee to maintain said map, and amendments thereto shall be recorded on said zoning map within thirty (30) days after official publication of amendments. The official zoning map shall be kept on file in the City Hall.

### **Subdivision 2. District Boundaries.**

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated unless otherwise indicated.

## **SECTION 5. R-1 ONE AND TWO FAMILY RESIDENCE DISTRICT**

### **Subdivision 1. Purpose.**

The R-1 Residence District is intended to provide low density residential areas and restrict incompatible commercial and industrial use.

### **Subdivision 2. Permitted Uses.**

The following uses shall be permitted in the R-1 Residence District:

- A. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- B. Essential services.
- C. Golf courses, except club houses, miniature courses and driving tees operated for commercial purposes.
- D. One and two family dwellings.
- E. Parks and recreational areas owned or operated by governmental agencies.
- F. Public schools or private schools, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any Residence District.
- G. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
- H. Accessory buildings and uses:
  - 1. Private garages, carports and other accessory buildings used for the purpose of storing private vehicles and equipment but not including the storage of vehicles and equipment used for commercial purposes.
  - 2. Boarding or rental of rooms to not more than four people on the premises.
  - 3. Home occupations as allowed under Section 11, Subd. 6 of this Ordinance.
  - 4. Maintenance of dogs or cats or other household pets not to exceed three (3) full grown animals.
  - 5. Signs:

- a. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.
- b. One additional sign pertaining to an activity conducted on site, provided such sign does not exceed four (4) square feet in surface area for one and two family uses and home occupations; and thirty-two (32) feet for all other uses. Such signs shall not be illuminated.
- c. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

**Subdivision 3. Uses by Conditional Use Permit.**

Buildings or land may be used for the following if granted a Conditional Use Permit:

- A. Apartment buildings housing three or four families.
- B. Boarding or rental of rooms to five (5) to eight (8) persons on premises.
- C. Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot in a residential district.
- D. Municipal administration buildings, police and fire stations, museums, art galleries, post offices, and other municipal service buildings except those customarily considered industrial in use, providing that no building shall be located within fifty (50) feet of any lot in a residential district.
- E. Offices of professional persons as a home occupation.
- F. State licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons, providing:
  - 1. The conditional use permit requirements of this Ordinance are considered and satisfied.
  - 2. When abutting a residential use in an area guided toward future residential development within the Comprehensive Plan the required side yard width is doubled and a landscaped buffer yard is provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Clerk or designee shall approve the appropriateness of the landscaped buffer yard.
  - 3. The use complies with off-street parking requirements set forth in this Ordinance.
- G. Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility and service structures.

**Subdivision 4. Height, Yard and Lot Regulations.**

- A. Height Regulations: No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in

height, except that church spires, belfries, domes which do not contain usable space, and chimneys may be of any height which does not conflict with airport requirements.

B. Front and Corner Yard Regulations:

1. There shall be a front yard having a depth of not less than twenty-five (25) feet, except that in a block where two or more residences have been erected facing the same street, the setback for remaining lots in that block fronting on the same street shall be as far back as the longest setback.
2. There shall be a front yard on the street side of each corner lot except that for corner lots of record at the date of this Ordinance (March, 2014), the front yard on the side street side may be reduced to a depth of not less than fifteen (15) feet.
3. On double frontage lots the required front yard shall be provided on both streets.

C. Interior Side Yard Regulations: Each lot of less than one hundred (100) feet shall have interior side yards of not less than four (4) feet in width. Lots one hundred (100) feet and over shall have interior side yards of not less than ten (10) feet.

D. Rear Yard Regulations: Each lot shall have an unoccupied rear yard having a depth of not less than five (5) feet unless a rear loading accessory structure is proposed. A rear loading accessory structure must be a minimum of ten (10) feet from the rear property line

E. Setback Exceptions:

1. Cornices, canopies and eaves may extend into a required yard at a distance not exceeding four (4) feet, six (6) inches.
2. Fire escapes may extend into a required front or rear yard at a distance not exceeding four (4) feet, six (6) inches.
3. A landing place or uncovered porch may extend into a required front yard a distance not exceeding six (6) feet if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such structure.
4. A wall, fence or hedge may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets, intersecting streets and alleys, and a line joining points on said lines twenty-five (25) feet distant from said intersection. In this area there shall be no wall, fence or hedge.
5. Reasonable Accommodation:
  - a. In order to make housing available to an individual with a disability, property owners may request a temporary exception from any required yard for a reasonable accommodation under the Federal Fair Housing Act.

- b. A request for a reasonable accommodation shall be made by filing an administrative permit application with the City Clerk or designee.
- c. Required findings to establish a reasonable accommodation:
  - i. The subject dwelling shall be used by an individual with disabilities protected under fair housing laws.
  - ii. The request is necessary to make housing available to an individual with disabilities protected under fair housing laws.
  - iii. The requested action shall employ conventional building materials as opposed to flimsy, temporary, or makeshift materials such as pallets, plywood, wire, mesh, dock sections, and similar materials.
  - iv. The portion of the reasonable accommodation encroaching in the setback shall be removed if/when an individual with disabilities protected under fair housing laws no longer resides at the subject location.
  - v. The requested action will not impose an undue financial or administrative burden on the City.
  - vi. The requested action will not require a fundamental alteration of the nature of the City's land use plan, zoning standards, and/or building code.

F. Lot Size Regulations:

1. Every lot on which a one family dwelling is erected shall contain an area of not less than 10,400 square feet. Every lot on which a two family dwelling or twin home is erected shall contain an area of not less than 13,000 square feet. For lots on which three or four family dwellings are erected, 2,000 additional square feet shall be provided for each dwelling unit in excess of two.
2. Every lot on which a one family dwelling is erected shall not be less than eighty (80) feet in width or less than one hundred (100) feet in width for a two family or twin home lot. For lots fronting on curvilinear streets, minimum frontage shall be measured at the building line.
3. The lot area, width and depth regulations of this Section shall not apply to lots recorded prior to the adoption of this Ordinance. However, such lots shall not be altered in any way which would further reduce their dimensions and no lot in conformance with the provisions of this Section shall be reduced or subdivided to produce a lot not in full conformance with this Section.
4. For lots greater than 7,500 square feet not more than thirty-five (35) percent of the lot or plot shall be occupied by buildings. For lots of 7,500 square feet or less not more than forty (40) percent of the lot or plot shall be occupied by buildings.

## **Subdivision 5. Parking Regulations.**

- A. One (1) off-street parking space shall be provided for each dwelling unit on the premises, exclusive of required yards.
- B. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:
  - 1. Churches: One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
  - 2. Elementary school or junior high school: Two (2) parking spaces for each classroom.
  - 3. Senior high school: One (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based on design capacity.
  - 4. Offices of professional persons: Two (2) parking spaces for each professional person.

## **SECTION 6. R-2 MULTIPLE FAMILY RESIDENCE DISTRICT**

### **Subdivision 1. Purpose.**

To establish residential districts which will allow multiple dwellings (apartments, row houses, town houses, etc.) in those areas where such development is compatible with the Land Use Plan and which will maintain optimum space, height and lot requirements approximating the standards of single family residential development.

### **Subdivision 2. Permitted Uses.**

Within an R-2 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following:

- A. Any use permitted in SECTION 5, Subdivision 2.
- B. Boarding or lodging houses.
- C. Churches.
- D. Essential services.
- E. Hospitals, convalescent and nursing homes.
- F. Institutions of a religious, educational, charitable or philanthropic nature.
- G. Multiple dwellings, apartment buildings, townhouses, and group or row houses.
- H. Private clubs or lodges, except those whose chief activity is service customarily carried on as a business.
- I. State licensed residential facility or a housing with services establishment registered under Chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
- J. Accessory storage garages or other accessory uses or buildings customarily incident to the uses permitted in this Section.
- K. Home occupations as allowed under Section 11, Subd. 6 of this Ordinance.
- L. Signs as follows:
  - 1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

2. A sign pertaining to an activity conducted on the site, provided such sign does not exceed four (4) square feet in surface area for one and two family uses and home occupations, and thirty-two (32) square feet for all other uses. Such signs shall not be illuminated.
3. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

### **Subdivision 3. Uses by Conditional Use Permit.**

Within an R-2 District, buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:

- A. Manufactured home parks, provided they shall:
  1. Be served by public sewer and water systems;
  2. Have any private roadways installed to City specifications as determined by the City Council;
  3. And conform to the standards for manufactured home parks as regulated in SECTION 11, Subdivision 2.
- B. Housing projects for the elderly, excluding nursing homes, will be exempted from restrictions applied to multiple dwellings, except that such projects shall be approved as a total concept and shall observe such standards as not to materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- C. State licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons, providing:
  1. The conditional use permit requirements of this Ordinance are considered and satisfied.
  2. When abutting a residential use in an area guided toward future residential development within the Comprehensive Plan the required side yard width is doubled and a landscaped buffer yard is provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Clerk or designee shall approve the appropriateness of the landscaped buffer yard.
  3. The use complies with off-street parking requirements set forth in this Ordinance.

### **Subdivision 4. Height, Yard and Area Regulations.**

- A. Height Regulations: Structures shall not exceed four (4) stories or forty-five (45) feet in height, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smoke stacks, cooling towers, and elevated penthouses may be erected with no height limitations except airport requirements.

B. Frontand Corner Yard Regulations:

1. There shall be a front yard having a depth of not less than twenty-five (25) feet, except that for any building exceeding three (3) stories in height, there shall be an additional front yard setback of one (1) foot for every one (1) foot that the building exceeds the height of thirty (30) feet.
2. There shall be a front yard on each street side of a corner lot.

C. Interior Side Yard Regulations:

1. For one and two family dwellings, and their accessory buildings there shall be a side yard as required in SECTION 5, Subdivision 4(C).
2. For non-one and two family dwellings that do not exceed the lesser of two (2) stories or twenty (20) feet in height, there shall be two (2) side yards, each such yard having a width of not less than fifteen (15) feet.
3. For non-one and two family buildings exceeding the greater of two (2) stories or twenty (20) feet in height, there shall be two (2) side yards, each yard having a width of fifteen (15) feet plus one (1) foot for each one (1) foot of building height over thirty (30) feet.

D. Rear Yard Regulations:

1. For one and two family dwellings, and their accessory buildings there shall be a rear yard as required in SECTION 5, Subdivision 4(D).
2. For non-one and two family dwellings that do not exceed the lesser of two (2) stories or twenty (20) feet in height, there shall be a rear yard of not less than fifteen (15) feet.
3. For non-one and two family buildings exceeding the greater of two (2) stories or twenty (20) feet in height, there shall be a rear yard of fifteen (15) feet plus one (1) foot for each one (1) foot of building height over thirty (30) feet.

E. Setback Exceptions: The setback exceptions of the R-2 District shall be those of SECTION 5, Subdivision 4(E).

F. Lot Size Regulations:

1. Every lot on which a one family dwelling is erected shall contain an area of not less than 10,400 square feet. Every lot on which a two family dwelling or twin home is erected shall contain an area of not less than 13,000 square feet.
2. Every lot on which a one family dwelling is erected shall not be less than eighty (80) feet in width or less than one hundred (100) feet in width for a two family or twin home lot. For lots fronting on curvilinear streets, minimum frontage shall be measured at the building line.

3. The minimum lot area for a multiple dwelling containing three or more dwelling units shall not be less than 12,000 square feet, plus 2,000 square feet for each dwelling unit in excess of two.
4. For lots greater than 7,500 square feet not more than thirty-five (35) percent of the lot or plot shall be occupied by buildings. For lots of 7,500 square feet or less not more than forty (40) percent of the lot or plot shall be occupied by buildings.

**Subdivision 5. Parking Regulations.**

- A. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:
  1. Multiple dwelling units shall provide two (2) parking spaces per dwelling unit, except housing for populations not typically owning personal automobiles may, under Council approval, provide three-tenths (0.3) parking space for each dwelling unit.
  2. All other uses shall meet the parking standards contained in SECTION 5, Subdivision 5(A) and (B) of this Ordinance.

## **SECTION 7. B-1 SERVICE BUSINESS DISTRICT**

### **Subdivision 1. Purpose.**

The purpose of the B-1 District is to provide space for concentrated general business and commercial activities dependent upon high volumes of vehicular traffic. The intent of this section is to provide locations where the vehicular-oriented activities can be maximized with minimal infringement on residential neighborhoods and with minimal conflicts with uses allowed in the B-2 Central Business District.

### **Subdivision 2. Permitted Uses.**

Within a B-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except the following:

- A. Armories, convention halls, or exhibition halls.
- B. Bowling alleys, billiards or pool halls.
- C. Bakeries employing not more than four (4) persons in the baking process.
- D. Bus station.
- E. Cabinet, carpenter, upholstering, or furniture repair shops employing more than four (4) persons.
- F. Churches and places of worship.
- G. Dry cleaning establishments, laundries, laundromats, self-servicing or employing not more than four (4) persons in the laundering, cleaning, and pressing process.
- H. Essential services.
- I. Grocery, fruit, vegetable and meat stores.
- J. Greenhouses, nurseries and garden stores.
- K. Laboratories, medical and dental.
- L. Lumberyards.
- M. Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes.
- N. Monument sales, not including processing.
- O. Mortuaries or funeral homes.
- P. Motels, hotels or apartment hotels.

- Q. Newspaper distribution agencies.
- R. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- S. Pet and animal hospitals.
- T. Plumbing, heating and air conditioning contractor shops and showrooms.
- U. Printing and publishing shops.
- V. Public utility structures.
- W. Radio and television service and repair shops.
- X. Restaurants, Standard.
- Y. Taverns.
- Z. Theaters.
- AA. Accessory uses, other than signs, customarily incident to the uses permitted in SECTION 6, Subdivision 2, and SECTION 6, Subdivision 3.
- BB. Signs, as follows:
  1. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten (10) percent of the building frontage area, or seventy-five (75) square feet in area, whichever is greater; for corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street. Such signs may be illuminated.
  2. Off premises sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Off premises sign structures may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length. No off premises sign may be erected within one hundred (100) feet of an adjoining Residential District. Such signs may be illuminated. Off premises signs shall be considered as part of the sign allowance identified in Subsection (1) above related to total surface area of signs per lot.
  3. No sign shall project higher than the height of the building or thirty-two (32) feet above average grade at the building line, whichever is greater.
  4. Rotating signs, roof, and flashing signs shall not be permitted.
  5. Signs painted on a building shall be governed by the square footage limitations specified in subsection (1) above.

6. Signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the City Council, they are not so maintained.
7. No sign shall be placed that resembles any official marker erected by a governmental agency or displaying such words as "stop" or "danger".
8. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.
9. Upon notification by the City Council that a sign is rotted, unsafe, or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.
10. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way and such light shall be directed away from any Residential District.

### **Subdivision 3. Uses by Conditional Use Permit.**

Within a B-1 District buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:

- A. New or used marine, boat, and automobile sales or storage lots new or used implement sales or storage lots, automobile laundries, or car washes, and minor automobile repairshops provided:
  1. The area used for display of merchandise outdoors shall not exceed the area of showroom, repair, or office space indoors by more than 150 percent.
  2. The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, screening of exterior storage lots, and parking stalls shall accompany the request for a conditional use permit.
  3. Artificial lighting shall be directed away from any public right-of-way and any Residential District.
  4. A landscape buffer approved by the Council shall be constructed along the property line when said use is abutting any Residential District.
- B. Restaurants, Fast Food or similar uses that provide goods and services to patrons in automobiles through a drive-up or drive-thru lane, provided:
  1. A landscaped buffer approved by the Council shall be constructed along the property line when said use is abutting any Residential District.
  2. A landscaped buffer or site design shall prohibit automobile headlights from shining toward a public street or Residential District.
  3. Adequate stacking distance shall be provided for those lining up in drive-ups or drive-thru areas. Stacking distance needed shall be determined by the City Engineer.
  4. The parking area shall be surfaced with a dust-free material, and plans for the arrangements of

entrances, exits, and parking stalls shall accompany the request for a conditional use permit.

5. Lighting shall be directed away from any public right-of-way and any Residential District.

C. Parking in required yards.

#### **Subdivision 4. Height, Yard and Area Regulations.**

A. Height Regulations: The maximum height of structures within the B-1 District shall be thirty (30) feet.

B. Front and Corner Yard Regulations:

1. Front yards shall be at least twenty (20) feet in depth.
2. For corner lots there shall be two front yards required.

C. Interior Side Yard Regulations:

1. Interior side yards shall be at least ten (10) feet in width.
2. Lots sharing a common lot line with a Residential District shall provide a landscaped buffer approved by the City Council that is at least fifteen (15) feet in depth as measured from said common lot line.

D. Rear Yard Regulations:

1. There shall be a rear yard having depth of not less than twenty (20) feet, except that
2. Lots sharing a common lot line with a Residential District shall provide a landscaped buffer approved by the City Council that is at least fifteen (15) feet in depth as measured from said common lot line.

E. Lot Coverage Regulations: Not more than fifty (50) percent of a lot shall be occupied by buildings.

#### **Subdivision 5. Parking Regulations.**

A. Required parking and loading spaces shall be provided on the premises of each use.

B. No parking shall be allowed in any required yard except as provided in SECTION 7, Subdivision 3(C).

C. Each parking space shall contain a minimum area of not less than three hundred (300) square feet including access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.

D. The minimum number of required off-street parking spaces for various uses shall be as follows:

1. Automobile service and fueling stations: Four (4) parking spaces plus two (2) parking spaces for each service stall. Such parking spaces shall be in addition to gas pump service areas.
2. Sales establishments for autos, trailers, boats and marine equipment, farm implements, garden supplies, building materials, and minor auto repair services: Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
3. Bowling Alley: Five (5) parking spaces for each bowling lane.
4. Restaurant, Fast Food: Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
5. Hotel/Motel: One (1) parking space for each rental room or suite.
6. Miniature golf course, archery range, or golf driving range: Ten (10) parking spaces.
7. Assembly or exhibition hall, auditorium, places of worship, theater, or sports arena: One (1) parking space for each four (4) seats, based on design capacity.
8. Restaurant Standard, cafe, night club, tavern or bar: One (1) parking space for each one hundred (100) square feet of floor area.
9. Skating rink or dance hall: One (1) parking space for each two hundred (200) square feet of floor area.
10. Other retail stores, convenience stores, and personal or professional service establishments: One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) space for each three hundred fifty (350) feet of gross floor areawithin the building, whichever is greater.
11. Professional offices, medical and dental clinics, and animal hospitals: Four (4) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

## **SECTION 8. B-2 CENTRAL BUSINESS DISTRICT**

### **Subdivision 1. Purpose.**

The purpose of the B-2 Central Business District to provide for the establishment of commercial and service activities which draw and serve customers from the community and its surrounding areas within the 'downtown' area of the original townsite. The B-2 Central Business District is intended to provide areas appropriate for pedestrian oriented retail uses, professional office uses, professional services uses, single family uses, multiple family uses and mixed commercial/residential uses particularly in transitional situations between zones of varying intensities.

### **Subdivision 2. Permitted Uses.**

Within a B-2 District, unless otherwise provided by this Ordinance no building or land shall be used except for the following:

- A. Animal or pet shops.
- B. Antique, gifts or jewelry stores.
- C. Apparel, dry goods, or department stores.
- D. Appliance stores and small household machine sales and service.
- E. Art and school supply, book and stationery stores.
- F. Art, photographic, music and dance studios.
- G. Bakeries, employing not more than four (4) persons in the baking process.
- H. Banks, savings and loan associations, loan and finance companies.
- I. Barber and beauty shops.
- J. Bicycle sales and repair.
- K. Business, commercial, or trade schools.
- L. Camera, or photographic supply stores, hobby, toy, or record stores, sporting goods stores, musical instrument stores.
- M. Clinics, for people only.
- N. Drug and variety stores.
- O. Dry cleaning and laundry collection stations.
- P. Essential services.

- Q. Furniture store, carpet and rug stores.
- R. Government offices and schools.
- S. Grocery, fruit, vegetable, floral or meat stores; candy, ice cream, soft drink or confectionary stores, excluding drive-in type service.
- T. Hardware, paint and wallpaper stores.
- U. Liquor stores and taverns.
- V. Medical supply stores.
- W. Places of worship.
- X. Post Offices.
- Y. Professional and other business offices; employment agencies.
- Z. Restaurants, Standard, delicatessens, cafes, excluding drive-in type service.
- AA. Shoe stores and shoe repair service.
- BB. Tailor Shops.
- CC. Theaters.
- DD. Accessory uses as follows:
  - 1. Any accessory use, except signs, customarily incident to the above permitted uses.
  - 2. Signs as follows:
    - a. The following types of signs are not permitted:
      - i. Flashing or rotating signs.
      - ii. Off-premise signs.
    - b. The total area of all signs shall not exceed two (2) square feet per lineal foot of lot frontage, ten (10) percent of the building's front façade, or seventy-five (75) square feet, whichever is greater. For corner lots, the "lot frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
    - c. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above average grade at the building line, whichever is greater.

### **Subdivision 3. Uses by Conditional Use Permit.**

A. Buildings or land may be used for the following, if granted a Conditional Use Permit:

1. Any business activity of the same general character as those listed in Section 8, Subdivision 2 and the purpose of the District established in Section 8, Subdivision 1.
2. Multiple dwelling units either stand alone or in conjunction with a storefront commercial use.

### **Subdivision 4. Height, Yard and Area Regulations.**

A. Height Regulations: The height regulations of the B-2 District shall be those of Section 6, Subdivision 4(A).

B. Yard Regulations and Lot Coverage Regulations:

1. None required except to provide off-street parking and loading if required.
2. A landscaped buffer approved by the City Council shall be provided in side or rear yards directly abutting a lot zoned for residential use.

### **Subdivision 5. General Regulations.**

A. Light sources shall be shielded and directed away from any public right-of-way or residential use.

B. An awning, canopy, or marquee suspended from a building may extend over the public right-of-way a maximum of ten (10) feet, except such projection shall not be closer than two (2) feet of the curb line extended. Such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.

## **SECTION 9.I-1 LIGHT INDUSTRIAL DISTRICT**

### **Subdivision 1.Purpose.**

The purpose of the I-1 Light Industrial District is to provide space for light manufacturing activities as defined in Section 2, Subdivision 2 (Definitions) of this Ordinance and involving a minimum degree of refuse byproducts and air or noise pollution, and requiring a relatively low level of on-premise processing. These activities may include secondary commercial functions which are conducted on site. Heavy manufacturing activities as described in Section 2, Subdivision 2 (Definitions) are prohibited within the I-1 District.

### **Subdivision 2. Permitted Uses.**

Within an I-1 District, unless otherwise provided by this Ordinance, no building or land shall be used except for the following uses, and such uses must comply with the performance standards of this Section.

- A. All uses permitted in the B-1 Service Business District.
- B. Bottling establishments.
- C. Building materials sales and storage establishments.
- D. Cartage and express facilities, and railroad rights-of-way.
- E. Data centers.
- F. Distribution centers.
- G. Dry cleaning, dyeing and laundering establishments.
- H. Electrical and electronic manufacturing establishments; electrical service shops.
- I. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- J. Essential services.
- K. Jewelry, camera, and photographic manufacturing establishments.
- L. Medical, dental, and optical laboratories.
- M. Production facilities.
- N. Public utility structures and governmental buildings.
- O. Radio and television towers and stations; electric light or power generating stations.
- P. Storage and warehousing facilities; wholesale business and office establishments.
- Q. Accessory uses as follows:

1. All uses, except signs, customarily incident to the above permitted uses.
2. Signs as follows:
  - a. The total area of all business signs on a lot shall not exceed three (3) square feet of each lineal foot of lot frontage or twenty (20) percent of the building frontage or three hundred (300) square feet in area, whichever is greater. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street. Such signs may be illuminated.
  - b. Off premises sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Off premises sign structures may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length. No off premises sign may be erected within one hundred (100) feet of an adjoining Residential District. Such signs may be illuminated. Off premises signs shall be considered as part of the sign allowance identified in Subsection (1) above related to total surface area of signs per lot.

### **Subdivision 3. Uses by Conditional Use Permit.**

- A. Within an I-1 District, buildings or land may be used for the following, if granted a Conditional Use Permit:
  1. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods, or products similar to those listed in Section 9, Subdivision 2, which comply with the performance standards of this District.
  2. Retail and service establishments consistent with a Planned Industrial District and providing goods and services which are primarily for the use of persons employed in this District.

### **Subdivision 4. Height, Yard and Area Regulations.**

- A. Height Regulations: No structure shall exceed four (4) stories or forty-five (45) feet in height, except that cooling towers, elevator penthouses, domes which do not contain usable space, water towers, and smokestacks may be of any height which does not conflict with airport requirements.
- B. Front Yard Regulations: There shall be a front yard having a depth of not less than thirty (30) feet. Corner lots shall provide two front yards.
- C. Side Yard Regulations: There shall be a side yard on each side of a building, each yard having a width of not less than fifteen (15) feet, except that where a lot zoned I-1 abuts a Residential District, the side yard shall have a width of not less than thirty (30) feet, and shall contain a solid fence or a landscaped buffer approved by the City Council.
- D. Rear Yard Regulations: There shall be a rear yard having a depth of not less than thirty (30) feet,

except where a lot zoned I-1 abuts a Residential District the rear yard shall have a depth of not less than forty (40) feet and shall contain a solid fence or landscaped buffer approved by the City Council.

- E. Lot Area Regulations: Every individual lot, site, or tract shall have an area of not less than twenty thousand (20,000) square feet.
- F. Minimum District Area Regulations: No I-I District shall be established on any tract containing less than ten (10) acres in single ownership or other unified control. This requirement shall not apply where the tract abuts an existing industrial district.
- G. Lot Coverage Regulations: Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.

### **Subdivision 5. Performance Standards.**

- A. Noise, Smoke, Dust, Fumes or Gases, Sewer and Water Discharge:
  - 1. The City hereby adopts by reference all State of Minnesota standards in regard to pollution control, to include noise abatement standards, dust, fumes or gas sources, and sewer and water discharge standards.
  - 2. In order to insure compliance with said performance standards, the City Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. Such investigation or tests as are required shall be carried out by an independent testing organization selected by the owner or operator and approved by the City. Such investigations or testing shall be ordered by the owner or operator. The cost of same shall be paid by the owner or operator.
- B. Odors: No odors shall be detectable beyond the limits of the property.
- C. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining property. Glare, whether direct or reflected, such as from floodlights, spotlights, or high-temperature processing, and as differentiated from general illumination, shall not be visible beyond the limits of the property.
- D. Vibration: No vibration shall be discernible at any property line to the human sense of feeling for an accumulated total of three (3) or more minutes during any hour.

### **Subdivision 6. Parking.**

- A. Off-street parking shall be provided on the premises, exclusive of required yards, for uses as follows:
  - 1. Manufacturing, production, or processing plant: One (1) off-street parking space for each employee on the major shift or one (1) off-street parking space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater, plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises.
  - 2. Wholesale business establishments and storage or warehouse establishments: One (1) off-

street parking space for each employee on the major shift or one (1) off-street parking space for each two thousand (2,000) square feet or gross floor area, whichever is greater, plus one (1) off-street parking space for each company motor vehicle when customarily kept on the premises.

## **SECTION 10.I-2 GENERAL INDUSTRIAL DISTRICT**

### **Subdivision 1. Purpose.**

The purpose of the I-2 Heavy Industrial District is to provide space for heavy manufacturing activities as defined in Section 2, Subdivision 2 (Definitions) of this Ordinance.

### **Subdivision 2. Permitted Uses.**

A. Within an I-2 District, unless otherwise provided by this Ordinance no building or land shall be used except for the following:

1. Any use permitted in Section 9, Subdivision 2, except those uses permitted in a B-1 Secondary Business District.
2. Blacksmith shops.
3. Creameries.
4. Contractors' offices, shops, yards and storage facilities for plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, air conditioning, lumber, masonry, electrical, and refrigeration industries.
5. Essential services.
6. Freight and transportation terminals, including airports.
7. Fuel and ice sales and storage facilities.
8. Garages for storage, repair, and servicing of motor vehicles and farm implements.
9. Gasoline and oil bulk stations and distributing plants.
10. Highway maintenance shops and yards.
11. Monument works.
12. Manufacturing, processing, storage, servicing and testing establishments.
13. Public service structures, including power substations, gas regulator stations, sewage disposal plants, telephone exchanges, police or fire stations, elevated tanks, and waterworks.
14. Accessory uses as follows:
  - a. Accessory uses, except signs, customarily incidental to the above permitted uses.
  - b. Signs as regulated in SECTION 9, Subdivision 2(Q)2.

### **Subdivision 3. Uses by Conditional Use Permit.**

- A. Within an I-2 District, buildings or land may be used for one or more of the following uses if granted a Conditional Use Permit:
1. Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to those listed in Section 10, Subdivision 2, which comply with the performance standards and purpose of this District.
  2. Extraction, processing, or storage of sand and gravel, stone, or other raw materials.
  3. Retail and service establishments consistent with the operation of a General Industrial District.
  4. Sanitary landfills.

### **Subdivision 4. Height, Yard and Area Regulations.**

A. Height Regulations: No structure shall exceed six (6) stories or seventy-five (75) feet in height.

B. Yard Regulations:

1. Front yard and corner yard setback shall be at least fifty (50) feet.
2. Side yard setback shall be a minimum of thirty (30) feet. Any side yard abutting a Residential District shall include a Council-approved landscaped buffer of at least fifteen (15) feet in width or be screened from the residential area by a fence at least six (6) feet in height and fully opaque.
3. Rear yard setback shall be a minimum of fifty (50) feet. Any rear yard abutting a Residential District shall include a Council-approved landscape buffer of at least fifteen (15) feet in width or be screened from the residential area by a fence at least six (6) feet in height and fully opaque.
4. No building shall be located within seventy-five (75) feet any Residential District.
5. Except for railroad loading areas, no parking or loading space shall be located within twenty-five (25) feet of any Residential District.
6. Any open storage of materials or open loading areas shall be screened by a Council-approved landscape buffer, fence, or combination thereof so as not to be visible from any Residential District at any time of the year.

### **Subdivision 5. Performance Standards.**

The performance standards of the I-2 District shall be those of Section 9, Subdivision 5 of this Ordinance, except that measurement or determination of noise, odor, and vibration shall be made at the boundary of the I-2 District.



## **SECTION 11. GENERAL REGULATIONS**

### **Subdivision 1. Additional Height Regulations and Modifications.**

- A. Public, semi-public, public service buildings, hospitals, institutions, schools or churches may be erected to a height not exceeding sixty (60) feet in the districts in which they are permitted if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided for the district in which the building is located.
- B. Height limitations as set forth elsewhere in this Ordinance, may be increased by one hundred (100) percent when applied to the following:
1. Cooling towers.
  2. Elevator penthouses.
  3. Flag poles.
  4. Monuments.
- C. Height regulations as set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following, provided a conditional use permit is issued to increase height:
1. Chimneys or smokestacks.
  2. Church domes, spires, belfries and roof ridges.
  3. Fire towers.
  4. Lots, tanks.
  5. Ornamental towers and spires.
  6. Schools, colleges and university buildings.
  7. Television and radio broadcasting antennae.
  8. Water towers.

### **Subdivision 2. Building Requirements.**

- A. Any person desiring to improve property shall submit to the City Clerk information on the location and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances. Applicants shall be responsible for locating all property boundaries and providing certification of said property boundaries. If there is uncertainty as to actual location of property lines or if deemed necessary for the issuance of a building permit or zoning approval, the City Clerk may

require the applicant to provide a certificate of survey illustrating the property lines, existing buildings, proposed construction and the setbacks of both.

- B. All buildings shall be so placed that they will not obstruct future streets or alleys that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City. The apparent front of the building shall face the front of the lot, as determined by the City Clerk.
- C. Except in the case of Planned Unit Developments, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the City Clerk shall be final, subject to the right of appeal to the Planning Commission and City Council.
- D. In all districts, all buildings and structures and remodeling of either existing or new buildings shall take into account compatibility related to architectural quality and mass of the structures to be constructed. Elements of compatibility include, but are not limited to: building form, mass, height and bulk; exterior materials and their appearance, color and durability; setbacks; landscaping; exterior lighting and site improvements.
- E. All dwellings shall be placed on a complete, permanent perimeter foundation which complies with the Uniform Building Code as adopted by the State.
- F. The minimum widths of all dwellings shall be at least twenty-four (24) feet, measured from the face of the exterior wall across the narrowest portion. This shall not include the projection of a porch, sunroom or similar room, which is constructed as a permanent part of the principal structure.
- G. All dwellings shall be constructed of conventional exterior dwelling type material. No steel or metallic roofing is allowed on dwelling units, except in conformance with the Uniform Building Code.
- H. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any residential zoning district except in association with farming operations. Architectural grade exterior metal finishes with concealed fasteners are permitted for roofing and siding materials.
- I. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare, as determined by the City Clerk or designee.
- J. Exterior building finishes shall consist of durable finish-type materials of architectural grade and quality.
- K. In all zoning districts, yards shall not be graded or fill installed to elevate the lot in a manner which will divert storm water to an adjacent property. Individual lot drainage shall be coordinated with the general drainage of the area.

### **Subdivision 3. Manufactured Home Park Regulations.**

A. Minimum Density and Area Requirements: Lot areas and density as hereby established shall be considered the minimum requirements within a manufactured home park:

1. Minimum area requirements for a manufactured home park shall be five (5) acres and shall not be less than one hundred fifty (150) feet in width.
2. A minimum of five hundred (500) square feet per manufactured home shall be provided for definable play areas and open space within the manufactured home park. Such areas of open space and play areas shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width.
3. Minimum lot area per unit shall be 5,000 square feet, excluding private drives, parking spaces and streets rights-of-way.

B. Lot Coverage and Setback Requirements:

1. Maximum lot coverage for manufactured home parks shall be twenty-five (25) percent.
2. Minimum distance between units shall be not less than twenty (20) feet, or the sum of the heights of the two units, whichever is greater; the point of measurement being a straight line between the closest point of the units being measured.
3. When a manufactured home park abuts a single family residential use area, there shall be a minimum setback on that side of fifty (50) feet between the street right-of-way line and any manufactured home park use; which setback area shall act as a buffer zone and shall be landscaped according to a landscape plan, to be submitted at time of application. Such plan shall show the type of planting material, size and planting schedule.

C. General Internal Park Development Requirements:

1. There shall be a minimum front yard setback from the manufactured home unit to the street line of fifteen (15) feet.
2. The manufactured home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the manufactured home with a car, tow truck, or other customary moving equipment is practical. The manufactured home stand shall have a longitudinal grade of less than four (4) percent and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.
3. The entire manufactured home park shall be landscaped (excluding hard surfaced area) and there shall be planted, or otherwise located, one shade tree with a minimum diameter of two (2) inches placed and maintained near each unit pad.
4. All utilities supplied by the manufactured home park shall be underground. This shall include sanitary sewer, municipal water and electricity. When piped fuel and/or gas is provided by the manufactured home park to each manufactured home stand, such service shall also be located

underground. Connection to municipal water and sewer services is required.

D. Parking and Street Requirements:

1. Parking:

- a. Off-street parking areas shall be surfaced in accordance with the street surface standards below.
- b. All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designated.
- c. A minimum of one and one-half (1½) spaces of parking must be provided for each manufactured home unit space provided within the park. The one unit space for occupant use must be within the distance from the unit established above. The remaining spaces equivalent to one fourth (1/4) spaces must be in group compounds at an appropriate location within the park.

2. Streets:

- a. Streets shall be of sufficient width so as to permit ease of access to the manufactured home parking stands and the placement and removal of manufactured homes without causing damage to or otherwise jeopardizing the safety of any occupants or manufactured homes in the park.
- b. Streets shall have a minimum width so as to permit two (2) moving lanes of traffic. Minimum lane width shall be ten (10) feet.
- c. Public access to a manufactured home park shall be so designated as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.
- d. Streets shall be graded to their full width to provide proper grades for pavement and sidewalks to have adequate surface drainage to the storm sewer system. The improvements shall extend continuously from existing improved streets to provide access to each lot and to provide connections to existing or future streets at the boundaries of the manufactured home park.
- e. Streets and parking areas shall be surfaced for all weather travel with not less than four (4) inches of crushed stone, gravel, or other suitable base material topped with not less than one and one-half (1½) inches of bituminous concrete, or four (4) inches Portland cement concrete. The surface shall be limited at the edge by a cement curb not less than four (4) inches high.

3. Storage: Enclosed storage lockers when provided, shall be located either adjacent to the manufactured home in a manufactured home park or at such other place in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall not be accomplished at the site of the manufactured home unit, but rather

shall be provided in a separate screened area of the park.

4. Registration:

- a. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:
  - i. The name and address of each manufactured home occupant.
  - ii. The name and address of the owner of each manufactured home.
  - iii. The make, model, year and license and number of each manufactured home.
  - iv. The state, territory or county issuing such license.
  - v. The date of arrival and departure of each manufactured home.
  - vi. The number and type of motor vehicle of residents in the park.
- b. The park shall keep the register available for inspection at all times by County law enforcement officers, public health officials and other public offices whose duty necessitates acquisition of the information contained in the register. The register record for each occupant and/or manufactured home registered shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.

5. Maintenance: The operator of any manufactured home park, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the manufactured home park, its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with said operator, for the violation of any provisions of these regulations to which said operator is subject.

**Subdivision 4. Accessory Structures.**

- A. Agricultural buildings on agricultural properties and industrial buildings on industrial 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 the side and/or rear yard providing setbacks are achieved.
- F. Private 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 or six hundred (600) square feet, whichever is greater.
- I. Number of Accessory Structures Limited: For all districts a maximum of one (1) detached accessory building 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. In lieu of the additional detached structure of greater than one-hundred twenty (120) square feet two structures equal to or less than 120 square feet may be allowed.
- 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 exceeding eighteen (18) feet in height may be approved under a conditional use permit.

L. Accessory structures shall not encroach upon easements.

### **Subdivision 5.Outdoor Storage.**

A. Residential Uses: 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:

1. Clothes line pole and wire.
2. Parking of licensed and operable vehicles in compliance with this Ordinance (Off-street parking).
3. Any combination of five (5) or fewer licensed and operable recreational vehicles (RV's, boats, snowmobiles on a trailer, etc.) and/or seasonal automobiles may be parked or stored on property outside a home, provided:
  - a. They are not stored within the front yard, except if parked on an approved driveway.
  - b. If stored within the side or rear yard, they are at least five feet from the property line, placed on an improved surface (e.g. crushed rock, gravel, cement, etc.) and landscaped/screened so as to be less visible from adjacent properties. If stored on a corner lot said storage must not interfere with motorist's views from intersecting streets. Such items shall not be stored on a turf surface.
  - c. Standards of the City's Abandoned Car Ordinance are met.
4. Parking of one (1) commercial motor vehicle of not over 32 foot length used by the resident occupant, and parking of passenger cars, but not including the storage of vehicles which are inoperable or for sale or rent.
5. Construction and landscaping material currently being used on the premises for a period not to exceed six (6) months of any given project start date.
6. Lawn furniture or furniture used and constructed explicitly for outdoor use.
7. Playground equipment.
8. Dog houses.
9. Rear or side yard exterior storage of firewood for the purpose of consumption only by those inhabiting the property on which it is stored.

B. Commercial/Industrial Uses: All non-residential outside storage shall conform to the following conditions:

1. The area occupied is not within a required front yard.
2. If abutting a Residential District or a residential use a landscaped buffer of no less than 15 feet in width is provided according to a plan approved by the City.
3. The storage area is covered to control dust as approved by the City and proper storm water drainage is maintained, except drive aisles and entries/exits shall be covered with asphalt and/or cement.
4. All lighting is directed away from the public right-of-way and from neighboring residences.

C. Refuse: All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.

D. Waste Materials: Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The disposal service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.

### **Subdivision 6. Home Occupations.**

A. All home occupations shall comply with the following performance standards:

1. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
2. Home occupations shall not change the residential character of the neighborhood, be incompatible with surrounding land uses, disturb surrounding residential uses, or be intrusive to surrounding dwellings.
3. Home occupations shall not occupy or use greater than twenty-five percent (25%) of the combined footprint of structures on the subject parcel. In addition, a home occupation shall not occupy or use greater than twenty-five percent (25%) of the lot area; except that home day care providers may use greater than twenty-five percent (25%) of the lot area for play/recreation purposes.
4. A home occupation shall not be established before a dwelling unit exists on the subject property.

5. Operation of a home occupation shall be limited to the residential dwelling, an attached garage, or an accessory structure.
6. Home occupations shall not generate excessive employee, customer, or client traffic that is detrimental to the character of the surrounding properties.
7. Home occupations shall be conducted in a manner which produces no indication of noise, vibration, smoke, dust, odors, heat, or glare detectable at or beyond the property line.
8. Any equipment used in conjunction with a home occupation shall not create electrical interference to surrounding properties.
9. Home occupations shall not require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
10. Areas used for home occupations shall meet all applicable fire and building codes.
11. Home occupations shall comply with the city nuisance regulations.
12. Home occupation walk-in traffic shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m.
13. Home occupations shall be operated and licensed as required by applicable state and/or federal law.

B. Home occupations requiring a conditional use permit: The following home occupations require the issuance of a conditional use permit. The City Council may impose conditions on the use permit so as to maintain the residential integrity of the surrounding neighborhood.

1. Home occupations involving retail or wholesale trade on-site which is conducted by more persons than the occupant of the dwelling unit.
2. Home occupations providing services on-site which are conducted by the dwelling unit occupant and/or more than one employee.
3. Home occupations involving outdoor storage of materials not typically associated with residential dwellings.
4. Home occupations involving outdoor storage of items of which the dwelling unit occupant is not the fee owner.
5. Home occupations with the potential to reasonably involve the presence of five(5) or more adult customers at the subject property at one time.
6. Home occupations conducted between the hours of 10:00 p.m. and 6:00 a.m. that generate walk-in traffic.

7. Home occupations involving the regular, reoccurring delivery or pick-up of materials by commercial vehicles more than one time per week.

## **SECTION 12.FENCES**

### **Subdivision 1. Permit Required.**

This Section shall regulate the placement of fences within the City of Green Isle. From and after the date of adoption of this Ordinance, no fence shall be erected in any such zone without first obtaining a zoning and/or building permit from the City of Green Isle. Building permits are required for fences exceeding six (6) feet in height. Zoning review is required for all fences to ensure consistency with this Ordinance and this Section.

### **Subdivision 2. Residential Fence Standards.**

- A. Zoning and/or building permits shall be issued for fences in residential zones only if all provisions of this Ordinance are complied with. The City may, in its sole discretion, grant a variance for the placement of a fence that does not conform to the terms of this Ordinance.
- B. No fences shall be erected in the front yard of any property in a residential zone. The front yard for purpose of this Ordinance is defined as all that portion of the yard between the front wall of the dwelling structure and the public street fronting the dwelling.
- C. For corner lots in a residential zone, no fence shall be erected in the yard facing the public street fronting the property. No fence shall be erected on the portion of the yard facing the side street of the property any closer to the side street than a line which is the extension of the side wall of the home facing said side street.
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two feet, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than four feet in height, and shall use construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals, and will tend to maintain the property values of the surrounding properties.
- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

- H. It shall be at the responsibility of the property owner to locate and clearly mark their property corners when applying for a fence building permit under this Ordinance, so that the city building inspector may determine that the proposed fence meets the location and setback requirements of this Ordinance.

### **Subdivision 3. Commercial/Industrial and Non-Residential Fence Standards.**

- A. Zoning and/or building permits shall be issued for fences in commercial and industrial zones only if all provisions of this Ordinance are complied with. The City may, in its sole discretion, grant a variance for the placement of a fence that does not conform to the terms of this Ordinance.
- B. No fences shall be erected in the front yard of any property in a commercial and industrial zone. The front yard for the purpose of this Ordinance is defined as all of the portion of the yard between the front wall of the commercial or industrial structure and the public street fronting the property.
- C. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- D. For corner lots in a commercial or industrial zone, no fence shall be erected in the yard facing the public street fronting the property. A fifteen (15) foot setback is required on the portion of the yard facing the side street of the property.
- E. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet from the bottom line of said fence, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- F. Fences shall be no more than six (6) feet in height with an additional eighteen (18) inch allowance for barbed wire. The barbed wire addition, if any, shall be restricted to straight wire lines, held by bracket extensions from the main fence and slanted inward toward the property of the owner constructing the fence. The fence shall be of construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals, and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the City, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep and must be substantial enough to stabilize the fence to keep it in a straight and erect position.
- G. Fences may exceed six (6) feet in height, plus an additional eighteen (18) inch allowance for barbed wire, only if granted a special variance by the City, and in such case, shall be no higher than eight (8) feet, plus the eighteen (18) inch barbed wire allowance. The granting of such a height variance shall be in the sole discretion of the City. If the City chooses to grant such variance, it shall have the right to impose special conditions for such fence, in keeping with public health, safety, welfare and the maintenance of neighborhood property values.

- H. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- I. Any replacement, repair or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.
- J. If any fence is found to be in violation of this Ordinance, the City shall notify the property owner by written notice served on the property owner personally or by U.S. Mail to the property owner's last known address, stating that the property owner has 30 days to bring the fence in compliance with this Ordinance. If the property owner fails to bring the fence in compliance with this Ordinance within said 30 day notice term, then the fence permit shall be considered void and said fence must be immediately removed by the property owner.

## **SECTION 13. ANIMALS**

### **Subdivision 1. Requirements.**

- A. **Allowed Animals:** No animals shall be kept or housed by any person or entity within the city limits of Green Isle except as those allowed under the terms of this Ordinance. Household pets, being those animals commonly bred and used as domesticated household pets, and which are of a size and nature as to be reasonably fit for such purpose, are allowed in all areas of the City, subject to the other restrictions set out in this Ordinance. Household pets would include, but are not limited to, dogs, cats, caged rodents such as white mice and gerbils, ferrets, rabbits, small aquarium fish such as goldfish, and non-hunting birds such as pigeons, parakeets and parrots.
- B. The owning and possessing of chickens, ducks, geese, turkeys or other fowl in city limits is prohibited.
- C. **Farm Animals and Horses:** Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as agricultural zones, subject to any further restrictions contained in other City ordinances.
- D. **Wild or Predator Animals:** No wild animal of any kind taken from its natural habitat shall be kept or harbored in the City limits. These may include, but are not limited to, raccoons, squirrels, beavers, badgers, or muskrats. No predator animal, defined as any animal normally considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers, cougars, panthers, lynx, and other members of the large hunting cat family, eagles, hawks, falcons and other large hunting bird species, alligators, crocodiles, and any poisonous or constrictor snakes, shall be allowed to be kept or housed within the City of Green Isle. This section shall not prohibit the keeping or housing of hunting dogs within the city, these being recognized as household pet animals.
- E. **Exotic Animals:** Certain species of animals that are sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, may fit some or all of the other categories listed above. These exotic animals are of such a size and nature as to not be reasonably considered as appropriate domesticated household pets. Such animals include, but are not limited to, buffalo, elk, deer, llamas, ostriches and emus. No such exotic animals may be kept or housed within the City of Green Isle, except by conditional use permit in agricultural zones.
- F. **Pet Number Limitation:** No person or entity shall keep or house in the City of Green Isle more than four adult household pet animals of any species. An adult animal is defined as an animal of breeding age. For example, a person can keep two adult dogs and one adult cat, or two adult cats and one adult dog, or three adult dogs, or three adult cats, but in any case no more than a total of three adult pet animals. The immature offspring of the allowed adult animals may be kept or housed until they reach breeding age, at which time they must be immediately removed from the premises. For purposes of this section, neutered or spayed animals which have reached breeding age shall be considered adult animals, even though they have been altered and cannot actually breed. This section shall not apply to small animals subject to close confinement at all times in a cage or aquarium, such as small birds or fish.

- G. Licensing: All dogs and cats kept or held within city limits must obtain a license from the city and pay the required license fee, which is set by the City Council from time to time. Proof that the dog or cat has been vaccinated for rabies must be presented at the time the license application is made. Licenses are to be obtained no later than 30 days after the animal is first acquired to be kept or housed within city limits. Such licenses expire December 31 each year, and owners are given a month grace period in which to renew said licenses, which are to be renewed no later than January 31 of each year for that calendar year. The full year license fee is payable for any part year the animal is kept or held in city limits, and there shall be no refund of the yearly license fee for any animal that dies or is removed from city limits prior to the expiration of the 12 month license issued.
- H. Animal Care and Control: All animals kept or held within city limits must be physically controlled by the person or entity keeping or holding said animal, and in a manner to provide proper care for said animal. This control can be exercised as follows:
1. By keeping the animal caged, housed within a building that does not allow the animal free exit through a pet door or other uncontrolled opening; or
  2. By a fenced enclosure of sufficient construction and dimensions to prevent the animal from escape by jumping or climbing over or digging through under said enclosure. Escape by digging shall be prevented by providing a floor to the cage or enclosure consisting of concrete, plastic, wood of sufficient thickness, or other material that the animal cannot dig or chew through to escape from the enclosure. (Electronic control measures such as "invisible fencing" and electronic collars are not acceptable physical controls under this Ordinance.) or
  3. By controlling the animal by a leash of sufficient composition to prevent the animal from breaking free of said leash, and with said leash held at all times by a person of sufficient size and strength to control the animal, or by anchoring the leash to a stake, ring, bolt or other device of sufficient strength and composition to prevent the leash from detaching from said connection.
  4. In addition, any cage, building, enclosure or leash arrangement must be of sufficient composition, dimensions and location so as to reasonably prevent the animal from injuring any person or property. For example, if it is known that a dog has aggressive tendencies, it will not be considered sufficient control to merely stake the dog in the yard with a leash, if it can be reasonably anticipated that young children in the neighborhood may be able to approach the dog within the diameter of the leash. In this example, reasonable control would be to have the dog fenced in a cage or enclosure out of reach of any young children.
  5. Any animal restraint or enclosure shall be set up in such a way as to properly care for the health of the animal. This shall include providing the animal with sufficient source of food and water available to the animal, shade in the summer and shelter from the elements in the winter.
  6. Animals will be restrained or housed as required under this Ordinance only in the rear yards of lots in the City of Green Isle. No animals shall be leashed or housed in any manner in the front or side yards of any property in the City of Green Isle. No animals shall be leashed or

housed at a location which would allow the animal to trespass onto the property of any other owner or onto public street, sidewalk or alley rights of way.

- I. Noise Control: Any person or entity who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises during normal sleep hours, shall be considered as maintaining a public nuisance in violation of this ordinance. Normal sleep hours for purpose of this section shall be defined as any time after 11:00 P.M. and before 7 A.M. It shall also be a violation of this Ordinance if any person keeps or harbors a pet or other animal who emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase "continuous or persistent manner" for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.
- J. Manure Control: No person or entity shall keep or house any animal within the city limits in such a manner or in such a condition as to allow a build-up of manure which could reasonably be considered offensive to any neighbor. It shall automatically be considered a violation of this section if the person or entity keeping or holding the animal allows more than six separate bowel eliminations to remain on the premises for a period of more than 24 hours. Such manure must properly be disposed of in a garbage container, sealed sufficiently to avoid odors from escaping from the container, and to avoid the accumulation of flies and other insects. Such garbage containers must be picked up for disposal outside City limits at least once each week. This section does not apply to animals kept in an agricultural zone.
- K. No Trespassing: No person or entity shall allow any animal under their ownership, care, custody or control to trespass on the property of another person or entity under any circumstances. Said trespass will be considered a violation both of this Ordinance and the state trespass law. No person or entity shall allow any animal under their ownership, care, custody or control to leave a bowel elimination on the property of any other person or entity under any circumstances. Any such bowel eliminations must be picked up immediately by the person having responsibility for the animal, and removed and disposed of in an appropriate refuse container.
- L. Vicious Animals: No person will keep or harbor an animal within the city limits if said animal is known to have vicious tendencies. Any animal which attacks and causes serious injury to a person is automatically considered to be a vicious animal. Any animal which is found to have attacked or attempted to attack a person or another household pet animal at least two occasions shall automatically be considered a vicious animal. If such animal is not immediately removed from city limits by the person keeping or holding said animal after the second such attack, the police are authorized and directed to seize said animal and have it destroyed in a humane manner by a veterinarian. This section shall not apply to trained police dogs directed to attack in a law enforcement situation by their handler, or to an animal attacking a person or other animal in legitimate defense of itself, its owner or the owner's property. As an example, a family dog attacking a burglar inside the family home shall not be deemed a vicious animal on the basis of that attack.
- M. Penalty: Any person or entity keeping or housing an animal in violation of any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of \$50.00, plus all veterinary impoundment and boarding charges, and in the case of destruction of an animal, any veterinarian

charge for said service. Any person or entity violating this Ordinance more than once within a 12 month term shall be fined \$100.00 for each violation after the first violation, plus any veterinary fees as stated above. In addition, if the same animal is the subject of a second violation within a 12 month term, the police are authorized and directed to serve notice on the person or entity keeping or harboring the animal, that the animal will be confiscated if the violation is not corrected within 7 days after the second violation citation is issued. If the violation is not corrected within said 7 day term, the police are authorized and directed to impound the animal and dispose of it as the police deem appropriate, which may include sale, adoption or destruction, and the person or entity keeping or harboring the animal shall pay all costs related to said impoundment and disposal. If an animal is found to be the subject of a third violation within a 12 month term, the animal shall be impounded by the police without any further notice to the person keeping or harboring the animal, and disposed of by sale, adoption or destruction as the police deem appropriate, with the person or entity who kept or harbored the animal paying the impoundment and disposal costs.

- N. Exceptions: This Ordinance shall not prohibit the keeping of farm animals in appropriate places, and appropriately controlled, in any zone classified agricultural within city limits. In addition, the City Council, may, in its discretion, issue a conditional use permit from time to time to allow the presence of animals within city limits that would normally be restricted by this Ordinance, in conjunction with parades, circuses or other community celebrations, but in such case the city shall have the right to place conditions on the presence of such animals, to include provisions that will ensure that the animals are properly controlled and that the public health and safety are protected.

## **SECTION 14.SHORELAND MANAGEMENT**

### **Subdivision 1. Statutory Authorization and Policy.**

- A. Statutory Authorization:This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 (for counties) or Chapter 462 (for municipalities).
- B. Policy: The uncontrolled use of shorelands of the City of Green Isle, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Green Isle.

### **Subdivision 2. General Provisions.**

- A. Jurisdiction:The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Subdivision 4 of this Section. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.
- B. Compliance:The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.
- C. Enforcement:The City Clerk-Treasurer is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subdivision 3, subpart A of this Section.
- D. Interpretation:In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

- E. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- F. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

### **Subdivision 3. Administration.**

- A. Permits Required: A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), and those grading and filling activities not exempted by Subdivision 5, subpart C of this Section. Application for a permit shall be made to the City Clerk on the forms provided. The application shall include the necessary information so that the City Clerk can determine the site's suitability for the intended use.
- B. Certificate of Zoning Compliance: The City Clerk shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subdivision 3, subpart A of this Section. This certificate will specify that the use of land conforms to the requirements of this Section. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Section and shall be punishable as provided in Subdivision 2, subpart C of this Section.
- C. Variances:
  - 1. Variances may only be granted in accordance with Minnesota Statutes, 462. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
  - 2. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subdivision 3, subpart 3(b) below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - 3. Notifications to the Department of Natural Resources:
    - a. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least

ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

- b. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

#### **Subdivision 4. Shoreland Classification and Land Use Districts.**

A. Shoreland Classification System: The public waters of the City of Green Isle have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Sibley County, Minnesota:

1. The shoreland area for the waterbody listed in Subdivision 4, subpart A(2) shall be as defined as a distance of 1,000 feet from the Ordinary High Water Mark and as shown on the Official Zoning Map.
2. Natural Environment Lake. Inventory identification number: Lake Erin, Sibley County 72-18.

B. Land Use District Descriptions:

1. Criteria for designation: The land use district in Subdivision 4 subpart 4, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan (when available) and the following criteria, considerations, and objectives:
2. General Considerations and Criteria for All Land Uses:
  - a. Preservation of natural areas;
  - b. Present ownership and development of shoreland areas;
  - c. Shoreland soil types and their engineering capabilities;
  - d. Topographic characteristics;
  - e. Vegetative cover;
  - f. In-water physical characteristics, values, and constraints;
  - g. Recreational use of the surface water;
  - h. Road and service center accessibility;
  - i. Socioeconomic development needs and plans as they involve water and related land resources;

- j. The necessity to preserve and restore certain areas having significant historical or ecological value.
3. Land Use District Descriptions: The land use district provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. This land use district is in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3:
4. Land Use District For Lake Erin: The land use district for Lake Erin is classified as a Shoreland Residence District. The Zoning rules shall be the same as for the R-1 One and Two Family Residence District contained in the City of Green Isle Zoning Ordinance, except that only single family homes shall be allowed in the Shoreland Residence District. The Shoreland Residence District shall also be subject to the rules contained in the City of Green Isle Subdivision Ordinance. However, any provision of this Shoreland Management Ordinance which is in conflict with or more restrictive than said Zoning Ordinance or Subdivision Ordinance shall control over said Zoning Ordinance or Subdivision Ordinance for all areas in the Lake Erin Shoreland Residence District.

### **Subdivision 5. Zoning and Water Supply/Sanitary Provisions.**

- A. Lot Area and Width Standards: The lot area (in square feet) and lot width standards (in feet) for single and duplex residential lots created after the date of enactment of this Ordinance for the lake Shoreland Residence District classification is the following:
  1. Sewered Lakes - Natural Environment: A seventy-five foot wide buffer strip dedicated to stormwater management use must be established along any shoreland proposed for development. Said 75 foot wide corridor shall be measured as seventy-five feet contiguous to and inland of the ordinary high water level of the lake. This buffer strip shall be used only for those purposes approved by the City as part of the stormwater management plan approved for any subdivision plat to be established within the Shoreland Residence District. This area shall be maintained as a stormwater infiltration area with vegetation maintained to avoid erosion. The use of sod or fertilizer in this buffer zone is prohibited. A walking trail as approved by the City may be established within the buffer zone, but may only be surfaced with untreated wood chips or other natural material as approved by the City to promote natural water absorption.
    - a. *1<sup>st</sup> tier lots*: The first line of lots contiguous to the 75 foot buffer strip shall have a minimum width of 120 feet and minimum depth of 150 feet, and a minimum area of 18,000 square feet.
    - b. *2d tier lots*: All lots within a 1000 foot distance of the high water mark of the lake, excepting the 1<sup>st</sup> tier lots, shall be considered 2d tier lots. Lots in the 2d tier shall have a minimum width of 100 feet and minimum depth of 150 feet, and a minimum area of 15,000 square feet.
    - c. *All other lots*: Lots more distant from the lake high water mark than 1000 feet shall conform to the lot dimensions required in the City of Green Isle Zoning Ordinance and Subdivision Ordinance applicable to non-shoreland areas of the City.

2. Additional Special Provisions: Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewered lot area dimensions in Subdivision 5 subpart A(1) can only be used if publicly owned sewer system service is available to the property.

B. Placement, Design, and Height of Structures:

1. Placement of Structures on Lots: When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone. Structures shall be located as follows:
  - a. Structure setback (in feet) from Ordinary High Water Level: Structure setback minimum shall be 150 feet from the high water mark.
  - b. Additional Structure Setbacks: All structures shall also conform to the setback requirements in the City of Green Isle Zoning Ordinance established for the R-1 One and Two Family Residential Zone. In case of any conflict between that zoning Ordinance and this Shoreland Management Ordinance, the most restrictive setback requirements shall apply.

C. Design Criteria For Structures:

1. High Water Elevations: Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
  - b. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

D. Height of Structures: All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

E. Shoreland Alterations: Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations:

- a. Vegetation alteration necessary for the construction of structures and the construction of roads and parking areas regulated by Subdivision 5 subpart F of this Section are exempt from the vegetation alteration standards that follow.
- b. Removal or alteration of vegetation is allowed subject to the following standards:
  - i. Intensive vegetation clearing within the shore impact zone and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - ii. In shore impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    - a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
    - b) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

2. Topographic Alterations/Grading and Filling:

- a. Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures and driveways.
- b. Public roads and parking areas are regulated by Subdivision 5 subpart F of this Section.
- c. Notwithstanding Items (1) and (2) above, a grading and filling permit will be required for:
  - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore impact zones; and
  - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore impact zones.
- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

- I. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
  - a) sediment and pollutant trapping and retention;
  - b) storage of surface runoff to prevent or reduce flood damage;
  - c) fish and wildlife habitat;
  - d) recreational use;
  - e) shoreline or bank stabilization; and
  - f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

II. \*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- e. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- f. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- g. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- h. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- i. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- j. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- k. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;
- l. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

- m. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- n. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

F. Placement and Design of Roads, Driveways, and Parking Areas:

- 1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- 3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subdivision 5 subpart E(2) of this Section must be met.

G. Stormwater Management: The following general and specific standards shall apply:

- 1. General Standards:
  - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
  - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be

given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards:

- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

H. Conditional Uses: Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation criteria: A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. The visibility of structures and other facilities as viewed from public waters is limited;
  - c. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
2. Conditions attached to conditional use permits: The City Council, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
  - a. Increased setbacks from the ordinary high water level;
  - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
  - c. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.

I. Water Supply and Sewage Treatment:

1. Water Supply: Any premises used for human occupancy must be provided with a connection to the City-owned water supply system.

2. Sewage treatment: Any premises used for human occupancy must be provided with a connection to the City-owned sewage treatment system.

### **Subdivision 6. Subdivision/Platting Provisions.**

- A. Land suitability: Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inability to connect to public water supply or sewer systems, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- B. Consistency with other controls: Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. Each lot shall meet the minimum lot size and dimensional requirements of Subdivision 5 subpart A.
- C. Information requirements: Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
  1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
  2. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
  3. Adequate soils information to determine suitability for building capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  4. Information regarding extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  6. A line or contour representing the ordinary high water level, and the lake or stream.
- D. Dedications: When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

- E. Platting: All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

## **SECTION 15. NON-CONFORMING USES**

### **Subdivision 1. Purpose and Intent.**

- A. It is the purpose of this section to provide for the regulation of non-conforming uses of land, non-conforming structures and non-conforming lots of record and to specify requirements, circumstances and conditions under which non-conforming uses of land, non-conforming structures and non-conforming lots of record may be operated and maintained.
- B. This Section is intended to accomplish the following:
1. Recognize the existence of non-conforming uses of land and non-conforming structures which were lawful when established but which no longer meet all ordinance requirements;
  2. Discourage the enlargement, expansion, intensification or extension of any non-conforming use of land or non-conforming structure or any increase in the impact of a non-conforming use of land or a non-conforming structure on adjacent properties;
  3. Regulate the repair, replacement, restoration, and improvement of non-conforming uses and structures to prevent and abate nuisances and to protect the public health, safety, or welfare;
  4. Encourage the elimination of non-conforming uses of land and/or non-conforming structures or reduce their impact on adjacent properties;
  5. Eventually bring all non-conforming uses of land and non-conforming structures and uses into conformity.

### **Subdivision 2. Standards.**

- A. Non-Conforming Uses of Land:
1. A nonconforming use of land and conforming structures used for a non-conforming use of land may be used and continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
  2. There may be no expansion, enlargement, or intensification of any non-conforming use of land.
  3. Change of Non-Conforming Use of Land: A non-conforming use cannot be changed to another non-conforming use. Whenever a non-conforming use has been changed to a conforming use it shall not thereafter be changed to a non-conforming use of a less restricted district.
  4. Discontinuance of Non-Conforming Use of Land: If a non-conforming use of land is discontinued or ceased for a period of one (1) year or more, or if a nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property is damaged;

then, the subsequent use of such building or land shall conform thereafter to the uses allowed in the district in which it is located.

5. If a non-conforming use is superseded or replaced by a permitted use, the non-conforming status of the premises and any rights which arise under the provisions of this section terminate.
6. If replacement, reconstruction, or restoration of a legal non-conforming land use is allowed, it may occur without any land use approval from the city if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed. Work that would not meet this requirement and any work that would be an improvement to a non-conforming land use may not be undertaken unless a conditional use permit has been issued for the property. The city may impose conditions in a conditional use permit to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.
7. Notwithstanding the prohibitions contained in the foregoing paragraphs of this subdivision, if approved by the City Council a non-conforming use may be changed to another non-conforming land use of less intensity if it is in the public interest and a conditional use permit is issued. In all instances the applicant has the burden of proving that the proposed land use is less intense than the exiting nonconforming land use.

#### B. Non-Conforming Use of Structures:

1. A nonconforming structure may be used and continued, including through repair, replacement, restoration, maintenance, or improvement.
2. Expansion, Enlargement, or Intensification of a Non-conforming Structure: A non-conforming use of a building may not be expanded, enlarged or intensified by adding onto the building. Except that expansion, enlargement or intensification of conforming aspects of a non-conforming structure are exempt from this requirement. For example, if a structure has a non-conforming front setback, it may be expanded on the sides that do meet setback requirements as long as the expansion itself meets ordinance requirements.
3. Non-Conforming Structure, Structural Change: An existing non-conforming structure devoted to a non-conforming use may not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.
4. Maintenance of Non-Conforming Structure: Maintenance of a building or other structure will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.
5. Residential Alterations: Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability and safety of such units provided, however, that they do not increase the number of dwelling units in the building. The construction and alteration of garages and accessory buildings is also permitted, as long as the improvements conform to the zoning requirements for both the zoned use of the property, and the non-conforming use.

6. Continuation of Non-Conforming Use of Structure: The lawful use of a non-conforming structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the district provisions herein, unless the use ceases for a period of one (1) year or the non-conforming structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property was damaged.
  7. Restoration of Non-Conforming Structure after Destruction: Any non-conforming building or structure damaged greater than fifty (50) percent of its market value by fire, collapse, explosion or acts of God, or public enemy, shall not be restored or reconstructed and used as before such destruction if no building permit is issued within 180 days after the damage occurred; but, if fifty (50) percent or less of its market value is damaged it may be restored, reconstructed or used as before provided that it is done within twelve (12) months of the happening.
  8. If replacement, reconstruction, or restoration of a legal non-conforming structure is allowed, it may occur without any land use approval from the city if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed, except for internal improvements and improved materials used to replace roof surfaces, siding, windows, doors, and similar components. Work that would not meet this requirement or any other improvement to a non-conforming development may not be undertaken unless a conditional use permit is issued. The city may impose conditions in its approval to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.
  9. Signs: Signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination. New signs shall not exceed the maximum allowed under the City's sign ordinance, and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed. The accumulated square footage of new signs installed shall not exceed the square footage of signs previously on site, or the amount allowed in the City's sign ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated, but flashing intermittent or moving illumination shall not be permitted.
  10. Buildings Under Construction and Building Permits Granted Prior to Adoption of Ordinance: Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and/or use.
- C. Non-Conforming Lots of Record: An existing lot of record that is non-conforming and that is not improved with a principal use is entitled to be developed with a principal use providing setbacks can be achieved; unless the subject parcel has been in common ownership with an abutting lot or parcel of land, or if it has been part of a larger parcel of land, at any time after adoption of the standard that causes the lot or land to be non-conforming in which case the non-conforming lot of record is not entitled to be developed with a principal use. This provision shall apply even though a lot entitled to a

principal use fails to meet the zoning requirements for area or width, or both, that are generally applicable in the district. If, two (2) or more contiguous lots in any district are under the same ownership, and any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.

**Subdivision 3. Burden of Proof.**

A person who wishes to take advantage of the rights granted to a legal non-conformity has the burden of proving the status as a legal non-conformity by clear and convincing evidence.

## **SECTION 16. CONDITIONAL USE PERMITS**

### **Subdivision 1. Purpose.**

The purpose of this Section of the Zoning Ordinance 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.

### **Subdivision 2. Scope.**

A Conditional Use Permit is required when the use is classified as a 'conditional use' within a zoning district. If a proposed use is not specifically defined it shall be considered prohibited, unless found to be reasonably similar to a type of use that is allowed within the district. If the City Council finds the proposed use is reasonably similar to a type of use allowed within the district, the proposed use shall require the issuance of a conditional use permit. The City Council shall make a specific finding within the conditional use permit regarding conformance of the proposed use to any/all standards applicable to the type of use to which it has been found to be reasonably similar.

### **Subdivision 3. Review Procedure.**

The procedure defined in Section 19 of this Ordinance shall be followed.

### **Subdivision 4. Criteria for Review.**

- A. The City Council shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Law. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location:
1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan or Land Use Plan as may be adopted.
  2. The proposed use is or will be compatible with present and future land uses of the area.
  3. The proposed use conforms to all performance standards contained herein and the City Code.
  4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
  5. Traffic generation by the proposed use is within capabilities of streets serving the property.

### **Subdivision 5. Conditional Approval.**

All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. The Council may impose conditions which are considered reasonably necessary to meet the standards of this Ordinance and 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 Ordinance.

## **SECTION 17. BOARD OF ZONING ADJUSTMENT**

### **Subdivision 1. Creation and Membership.**

A Board of Zoning Adjustment is hereby established and vested with such administrative authority as is hereinafter provided. Such Board shall consist of the City Council.

### **Subdivision 2. Powers.**

- A. The Board of Zoning Adjustment shall have power to grant adjustments in and exceptions to any of the provisions of this Ordinance to the extent of the following and no further:
1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties of unnecessary hardships in the way of such strict application.
  2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.
  3. A variance shall not be granted by the Council acting as the Board of Zoning Appeals unless the Board first considers the following standards. At the hearing the applicant shall present a statement and evidence in such form as the Board of Zoning Adjustment may require, showing these facts:
    - a. The variance is consistent with the Comprehensive Plan or Land Use Plan, if adopted.
    - b. The variance is in harmony with the general purposes and intent of the ordinance.
    - c. The Applicant establishes that there are 'practical difficulties' in complying with the Zoning Ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
      - i. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;
      - ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
      - iii. The variance, if granted, will not alter the essential character of the locality.
      - iv. Economic considerations alone shall not constitute practical difficulties.
      - v. Practical difficulties shall include, but is not limited to, inadequate access to direct sunlight for solar energy systems.
    - d. Variances shall be granted for earth sheltered construction as defined in MN. Stat. 216C.06, Subd. 14 as may be amended, when in harmony with the Zoning Ordinance.

**Subdivision 3. Review Procedure.**

The procedure defined in Section 19 of this Ordinance shall be followed.

**Subdivision 4. Appeals.**

Any person, firm or corporation objecting to the ruling of any official on the administering of the provisions of this Ordinance shall have the right to appeal to the Board of Zoning Adjustment.

## **SECTION 18. TEXT AMENDMENT AND REZONING**

### **Subdivision 1. Purpose.**

The purpose of this subsection is to allow for the zoning ordinance (either text or official map) to be amended and modified by following the procedure specified in this section.

### **Subdivision 2. Amendment Initiation.**

The City Council may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. The procedural requirements of this Section shall not apply to such proposed amendments except to the extent required by Minnesota State Statute. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate, however such request shall be subject to the procedural requirement of this Section.

### **Subdivision 3. Application and Procedure.**

An amendment to this Ordinance (text or map) requires a public hearing and is to be processed in accordance with the procedures set forth in Section 19 (Application Review Procedures) of this Ordinance, as may be amended.

### **Subdivision 4. Criteria for Review.**

- A. The City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:
1. The proposed amendment has been considered in relation to the specific policies and provisions of and has been found to be consistent with an existing comprehensive plan or land use plan.
  2. The proposed amendment is or will be compatible with present and future land uses of the area.
  3. The proposed amendment conforms to all performance standards contained in the Zoning Ordinance.
  4. If applicable, actions resulting from the proposed amendment can be accommodated with existing public services and will not overburden the City's service capacity.
  5. If applicable, traffic generation resulting from the proposed amendment is within capabilities of streets serving the property.

### **Subdivision 5. Approvals Required.**

Approval of a proposed amendment shall require a majority vote of all members of the City Council. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial shall require a two-thirds (2/3) (four (4) out of five (5) members of the City Council) majority vote of all members of the City Council.

**Subdivision 6. Effective Date.**

The amendment shall become effective following City Council approval and publication in the official newspaper.

## **SECTION 19. APPLICATION REVIEW PROCEDURES**

### **Subdivision 1. Applications for City Council review.**

- A. Application for any action requiring City Council review and approval under this Ordinance shall be made to the City Clerk on an application provided.
- B. An application will be deemed complete unless the City Clerk or designee sends written notice within fifteen (15) business days of submission of the application indicating that it is not complete and indicating what information is missing.
- C. Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, an application shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.
- D. Completed applications shall be processed as follows:
  - 1. Further Data: The City Council, City consultants, and City staff may request additional information from the applicant concerning the application or may retain expert opinions at the expense of the applicant, or may require as a condition of proceeding with its consideration of any matter, that the applicant furnish expert opinion and data at the expense of the applicant.
  - 2. Technical Reports: The City Clerk shall instruct the appropriate staff persons or consultants to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the City Council. The technical reports are to be entered in and made part of the record of the public hearing.
  - 3. Notice of Hearing (if required): For applications involving Zoning Ordinance text amendments, rezoning, conditional use permits, and variances, the City Clerk or designee shall set a date for a public hearing.
  - 4. Notice of such hearing shall consist of a legal property description, a general description of the property location, and a description of the request. Said notice shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the records available to the City within three hundred fifty (350) feet of each parcel included in the request. In addition the public hearing notice shall be mailed to the Department of Natural Resource Area Hydrologist, Sibley County Highway Department and/or the Minnesota Department of Transportation if the application impacts shorelands/flood plains (DNR), County highways or State highways.
  - 5. Notice Not Received: Failure of the City to send, or a property owner to receive notice shall not invalidate any proceedings under this Section, provided that a bona fide attempt has been made to comply with the requirements of this Section.

6. Hearing: After receipt of the report of the City Clerk or designee, the City Council shall conduct the public hearing and consider the application at its next regular meeting.
  7. Presentation of Application: The applicant or a representative of the applicant may appear before the Council in order to present the case for the application and to answer questions concerning the request. Alternately, the City Clerk or designee may present the case for application.
  8. The City Council shall hold the public hearing.
- E. Action: Following the public hearing the City Council may:
1. Approve the request based on findings of fact, the approval may include conditions.
  2. Deny the request based on findings of fact.
  3. Postpone action to a specific future date or regular meeting to allow more time for receipt of information.
  4. Occasionally a public hearing may be continued to a specific future date or regular meeting to allow more time for receipt of information.
- F. Notice to Applicant: The City Clerk shall notify the applicant of the decision of the City Council in writing, including any relevant resolution and findings that may have been passed by the City Council.
- G. Filing of Notice of Action: A certified copy of any rezoning, conditional use permit, or variance authorized shall be filed with the Sibley County Recorder if the action has been approved.

### **Subdivision 2. Applications for Administrative review.**

- A. Application for an administrative permit shall be filed by the property owner or designated agent with the City Clerk on forms to be provided by the City. Applications shall be accompanied by information as may be required to fully review and evaluate the request. This subsection does not apply to requests requiring City Council approval which shall be processed under Section 19, Subdivision 1 of this Ordinance.
- B. The application shall be accompanied by a fee as established by Resolution or Ordinance. Applications for amending permits shall be accompanied by a fee as established by Resolution or Ordinance.
- C. The City Clerk or designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Ordinance. The City Clerk or designee shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.

- D. The City Clerk or designee shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
1. Compliance with and effect upon the Comprehensive Plan, Land Use Plan, and any existing public facilities plans as may be amended.
  2. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
  3. The use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
  4. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
  6. The City Clerk or designee shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
  7. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances and the standards of this Ordinance shall be attached to the permit.
  8. Determination of non-compliance with applicable codes, ordinances and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the City Clerk or designee is able to determine compliance.
  9. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 17, Subdivision 4 of the Zoning Ordinance as may be amended.
- E. Performance Standards: All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and any/all standards applicable to the proposed request.
- F. The City Clerk shall keep a record of applications and administrative permits.
- G. Enforcement of the provisions of this paragraph shall be in accordance with Section 20 of this Ordinance as may be amended.

- H. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.
- I. In cases where the City Clerk or designee is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in this Section as may be amended.

### **Subdivision 3. Zoning Review.**

The City Clerk or designee shall be responsible for determining the level of review required and shall ensure compliance with all Sections of this Ordinance as may be amended. Zoning review is appropriate for all proposed building permit activities, fences, uses, outdoor storage, accessory structures, sign placement, and similar land use activities contemplated.

### **Subdivision 4. Site Plan Review.**

- A. Purpose: The purpose of this Subdivision is to establish a formal site plan review procedure for commercial, industrial, institutional and multiple family uses and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.
- B. Exemptions: The following shall be exempt from the requirements of this Subdivision:
  - 1. Single family detached residential units subject to and consistent with an approved plat.
  - 2. Single family attached residential units (common wall structures) not exceeding two dwellings per unit provided they are subject to and consistent with an approved plat.
  - 3. Minor revisions or additions to existing structures that are consistent with the provisions of this Ordinance (including but not limited to: conformance, lot requirements, setbacks, building requirements, parking, etc.) provided that the proposed modifications do not exceed thirty (30) percent of the floor area of said structure or ten-thousand (10,000) square feet, whichever is less.
  - 4. Accessory structures provided the proposed accessory structure is consistent with the requirements of this Ordinance relating to accessory structures.
  - 5. Change in use provided the proposed use is consistent with the requirements of this Ordinance relating to permitted, accessory, and conditional uses.
- C. Site Plan as Formal Agreement: All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor, owner and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the City Clerk for their review and approval.
- D. Application for Site Plan Approval: Application for site plan approval shall be filed with the City Clerk on an approved form. Unless specifically waived by the City Clerk or designee, the site plan shall include the following information:

1. A site plan of the subject property (in some instances a certificate of survey prepared by a licensed land surveyor may be required as deemed necessary by the City Clerk, a designee of the City Clerk, and/or City Engineer) depicting the following, as applicable:
  - a. Name and address of developer/owner;
  - b. Name and address of architect/designer, if required by the City Clerk or designee;
  - c. Date of plan preparation and dates and descriptions of all revisions;
  - d. Name of project or development;
  - e. All proposed improvements, including (unless waived by the City Clerk or designee):
    - i. Required and proposed setbacks;
    - ii. Location, setback, and dimensions of all existing and proposed buildings and structures;
    - iii. Location of all adjacent buildings located within one-hundred (100) feet of the exterior boundaries of the property in question;
    - iv. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles;
    - v. Location, number, and dimensions of proposed loading spaces;
    - vi. Location, width, and setbacks of proposed curb cuts and driveways;
    - vii. Vehicular and pedestrian circulation;
    - viii. Sidewalks, trails, and walkways;
    - ix. Location and type of all proposed lighting, including details of all proposed fixtures;
    - x. Location of recreation and service areas;
    - xi. Location of all proposed outdoor storage including details for screening;
    - xii. Location of all exterior heating, ventilation and air conditioning equipment including details for screening;
    - xiii. Location of rooftop equipment and proposed screening;

- xiv. Location of proposed fire lanes and fire hydrants;
- xv. Proposed building exterior materials and color;
- xvi. Existing and/or proposed sign locations and dimensions;
- xvii. Existing and/or proposed drainage by contours (two foot maximum);
- xviii. Location, capacity and proposed ownership of existing and/or proposed stormwater facilities;
- xix. Existing and proposed landscaping by size and type of plant material;
- xx. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures; and
- xxi. Location, size, and type of water and sewer system mains and proposed service connections.

f. Supplemental Data: Additional information, data and other plans and information as required by the City Clerk or designee may be required including but not limited to:

- I. Color drawings or renderings and/or sample exterior building materials proposed for all principal and accessory buildings.
- II. Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity.
- III. Vicinity map showing the property in relation to nearby highways or major street intersections.
- IV. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program.
- V. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

E. Timeline: Pursuant to Minnesota Statutes Section 15.99, as amended, supplemented or replaced from time to time, an application shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City in accordance with Minnesota Statutes or a time waiver is granted in writing by the applicant.

- F. Required Fee: The applicant shall submit with the required application any/all required fees as established by ordinance related to site plan review. An application shall not be considered complete until the required fee has been paid.
  
- G. Review Procedures: The City Clerk or designee shall review completed applications for site plan approval. The site plan review shall be evaluated based on its compliance with the effective Comprehensive Plan or Land Use Plan, provisions of this Ordinance and other applicable City Codes and policies. The City Clerk, designee of the City Clerk, or the Applicant may refer the site plan to the City Council for review and approval.

## **SECTION 20. ENFORCEMENT AND PENALTY**

### **Subdivision 1. City Clerk or designee.**

The office of the City Clerk or designee is hereby established, for which the City Council may appoint such employee or employees of the City as it may deem proper. It shall be the duty of the City Clerk or designee to enforce this Ordinance through the proper legal channels.

### **Subdivision 2. Building Permits.**

Hereafter no person shall erect, alter, wreck or move any exterior dimension or structural member of any building without first securing a building permit.

### **Subdivision 3. Application.**

Application for a building permit shall be made to the City Clerk or designee on blank forms to be furnished by the City. Each application for a permit to construct or alter a building, shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The fee for a building permit shall be determined by the City Council. The City Clerk or designee shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.

### **Subdivision 4. Violations and Penalties.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined the dollar amount and/or be imprisoned for the jail term set out from time to time under State Law for misdemeanors, said penalty to be imposed for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Any party who begins a construction project without a land use permit, in a case where a building permit is required under this Ordinance, shall be considered to have committed an offense subject to the penalties set out in this subdivision.

### **Subdivision 5. Enforcement.**

In case any building or structure is erected, constructed, reconstructed, altered, converted, or any building, structure or land is used in violation of this Ordinance, the City Clerk or designee in addition to other remedies may institute proper action or proceedings in the name of the City of Green Isle and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use, to restrain, correct or abate such violations to prevent the occupancy of said building, structure or land, or prevent any illegal act, conduct, business or use in or about said premises.

**SECTION 21. VALIDITY**

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**SECTION 22. SUBSTITUTION**

The owner of any sign which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting.

**SECTION 23. REPEAL OF CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:

\_\_\_\_\_  
By Dale ZumBerge  
Its Mayor

\_\_\_\_\_  
By Bert Panning  
Its City Clerk/Treasurer

Published: \_\_\_\_\_