

City of Green Isle
Planning and Zoning Committee Meeting
Tuesday, November 3, 2021 -7:00pm
City Office Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Public Hearings at 7pm —
 - a. Rezoning of 230 6th St from A-1 Agricultural District to R-1 One and Two Family Residential District- Josh & Amanda Horstmann
4. Approve Agenda
5. Resolution 01-2021 Approving/Denying the Rezoning of 230 6th St from A-1 Agricultural District to R-1 One and Two Family Residential District
6. New Business
 - a. Reviewing Ordinances that need to be added in City of Green Isle Code
 - b. Discussion on City of Green Isle Code/Zoning Map
7. Other/Updates
8. Adjournment

APPLICATION FOR REZONING OF PROPERTY

City of Green Isle
310 McGrann Street P.O. Box 275
Green Isle MN 55338

PHONE: 507.326.3901

FAX: 507.326.3192

Fee \$ _____
Paid _____
Receipt # _____
Date _____

NAME: Josh & Amanda Hurstmann

PHONE: 763-229-4509

ADDRESS: 730 10th Street Green Isle MN 55338

I/We, the undersigned, hereby make the following application to the City Council of Green Isle, Minnesota.


Applicant's have the responsibility of checking all applicable ordinances pertaining to their application and complying with all ordinance requirements.

1. Application is hereby made for rezoning certain properties from: Agricultural (zoning classification)
To: Residential (zoning classification)
2. Legal description of land affected by the application, including acreage or square footage of land involved and street address, if any: 4.96 AC of tract 1 of S 1/2 of NE 1/4 Township 114 Range 26 Section 18
3. Property Identification Number (you can find this on your tax statement): 34.0213.000
3. Name, address and phone number of present owner of above described land:
Amanda & Josh 730 10th Street Green Isle MN 55338
4. Persons, firms, corporations, etc. other than applicant and present owner who may or will be interested in above described land or proposed improvements within one year of permit issuance:
N/A
5. If necessary, attach additional materials as directed.

By signing this application form, I agree that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are the responsibility of the applicant and property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. All fees and expenses are due whether the application is approved or denied.

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant Signature Amde Hwert  **Date** 05 OCT 2021
Owner Signature Amde Hwert  **Date** 05 OCT 2021

FOR OFFICE USE ONLY: ROUTE TO ZONING OFFICIAL			
Date Submitted _____	Date Complete _____	Date of Public Hearing _____	Publication Date _____
City Council Action (Circle One):	Approval	Denial	Date of Action _____
Date Applicant/Property Owner notified of City Council Action: _____			
Date filed with Sibley County Recorder's Office: _____			



APPLICATION FOR VARIANCE

County of Sibley
Gaylord, MN 55334

Permit No.	_____
Application Fee:	\$500
Filing Fee:	\$46
TOTAL Fee:	\$546

Date 04 OCT 2021 P.I.D. No. 34.0213.000 Property Address: _____

City: Green Isle State: Minnesota Zip: 55338

LEGAL DESCRIPTION OF PROPERTY: 4.96 Ac of tract 1 of S 1/2 of NE 1/4

Township 114 Range 26 Section 18

OWNER: Name JOSHUA + AMANDA HORSTMANN Address 2306th STREET GREEN ISLE MN 55338

Phone: 763-229-4509 / 1012-791-0969 Email: ja.horstmann17@gmail.com

Signature: Joshua Horstmann Amanda Horstmann

APPLICANT (if different): Name NIA Address NIA

Phone: NIA Email: NIA

Signature: NIA

DESCRIPTION OF THE PROJECT:

Project consists of converting property from agricultural to residential to build home.

Please attach a map, survey, site plan or sketch depicting the area where the variance is requested. Also attach any relevant supporting documentation, such as photographs, letters, or other evidence as appropriate.

REASON FOR REQUESTING THE VARIANCE:

The present agricultural classification of the property prevents the capability of building a residential home within city limits.

OFFICE USE ONLY:

Received: _____ Notice Published: _____ Board of Adjustment Meeting: _____

Owner/applicant notification: _____ Recorded: _____



RESOLUTION 01-2021

RESOLUTION APPROVING/DENYING AMENDING THE CITY OF GREEN ISLE ZONING MAP PERTAINING TO PROPERTY AT 230 6th STREET (“HORSTMANN PROPERTY”)

WHEREAS, the City of Green Isle placed the Zoning Map into effect under Ordinance 14-01; and,

WHEREAS, Ordinance 14-01, Section 4, Subd. 1 of the City Code establishes an official zoning map for the City of Green Isle; and,

WHEREAS, Josh & Amanda Horstmann have submitted a request to amend the official Zoning map related to property legally described as 4.96 AC OF TRACT 1 OF S 1/2 OF NE 1/4; and,

WHEREAS, the Planning and Zoning Commission on November 3rd, 2021 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following facts;

- The property in question will be developed for residential use

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Green Isle City Planning & Zoning Committee approves Resolution 01-2021, attached hereto, Amending the Official Zoning Map applicable to the subject property to provide for residential future use and Rezoning from A-1 Agricultural District to R-1 One and Two Family Residential District, provided the “Use” of the property is subject to all applicable codes, regulations and ordinances currently in effect.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ and upon poll being taken thereon the following voted in favor thereof: _____; and the following voted against the same: _____; and the following abstained from voting: _____; and the following were absent: _____.

The foregoing resolution was adopted by the Planning & Zoning Committee of the City of Green Isle this 3rd day of November, 2021.

Signed: _____
P & Z Chair

Attest: _____
P & Z Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the P & Z Chair whose signature was attested by the P & Z Administrator.

ORDINANCE NO. 2019-03

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

AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A CITY PLANNING COMMISSION WITHIN THE CITY OF GREEN ISLE, MINNESOTA

The City Council of Green Isle, Minnesota ordains:

SECTION 1. ESTABLISHMENT OF THE PLANNING COMMISSION

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

SECTION 2. COMPOSITION AND TERMS

(A) Composition, Number. Such Planning Commission shall consist of five members, who are residents of the city. Members shall be appointed by the City Council. In addition, the City Council shall select one council member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The council member shall be a voting member. The council member shall be appointed at the city council organizational meeting each January to serve on the Planning Commission for that calendar year.

(B) Terms. Of the members of the Commission first appointed, one shall be appointed for the term of one (1) year, two for the term of two (2) years, and two for the term of three years. Their successors shall be appointed for terms of four (4) years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire on December 31 of the last year of the appointed member's term.

(C) Compensation. All members shall be compensated at a fixed rate of per meeting attended (regular and special). Members shall also be reimbursed at the standard IRS business mileage deduction rate for any pre-approved training travel outside the City of Green Isle.

(D) Removal. Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.

(E) Vacancies. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

(F) **Oath.** Every appointed member shall, before exercising any of his or her duties, take an oath that he or she will faithfully discharge the duties of the office.

SECTION 3. ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES

(A) **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.

(B) **Meeting.** The Planning Commission may hold at least one meeting each month as needed at the time and place as they may fix by resolution, subject to City Council approval and file with the City Clerk. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.

(C) **Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission shall adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

(D) **Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to approval at the next Planning Commission meeting.

(E) **Expenditures.** No expenditures by the city on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

SECTION 4. ATTENDANCE

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

SECTION 5. STAFF FOR THE COMMISSION

The City Clerk, Building Inspector, City Planner, City Engineer, City Economic Development Agency Director, and City Attorney may act as staff for the Planning Commission and may be required at times to attend Commission meetings. City Staff may provide the Commission with information as requested by the Commission. The City Clerk or Administrator may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

SECTION 6. POWERS AND DUTIES

(A) Generally. The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this ordinance.

(B) Comprehensive Plan. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission may periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.

(C) Means of Executing Plan. Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(D) Zoning Ordinance. Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

(E) Conditional Permits. The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(F) Interim Use Permits. The Planning Commission may make recommendations on all requests for an interim use permit if allowed by current law and under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(G) Subdivision Regulations. The Planning Commission may make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(H) Zoning Variances. All applications for variances may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.357, subd. 6, as it may be amended from time to time for its decision.

(I) Official Map. Pursuant to M.S. 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor.

(J) Appeals to Denials of Zoning, Land Use or Building Permits Based on the Official Map. All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, subd. 4, as it may be amended from time to time for its decision.

(M) Purchase and Sale of Real Property. Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed acquisitions or disposals of publicly owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(N) Capital Improvements. Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, and if a comprehensive plan has been adopted, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the

compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(O) Comprehensive Plan Amendments. Pursuant to M.S. 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

SECTION 7.


This ordinance supersedes Ordinance 2017-01 in its entirety.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:



By Joseph Kreger
Its Mayor



By Diane Hatlestad
Its City Clerk/Treasurer

Reading: 7.9.19
Published: _____

**CITY OF GREEN ISLE
ORDINANCE NO. 19-01**

**AN ORDINANCE AMENDING ORDINANCE 14-01, THE GREEN ISLE
ZONING ORDINANCE, BY ADDING SECTION 4.5 PROVIDING
FOR THE A-1 AGRICULTURAL DISTRICT**

- I. THE CITY COUNCIL OF THE CITY OF GREEN ISLE, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS ORDINANCE 14-01, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SECTION 4.5 AS FOLLOWS:**

SECTION 4.5. A-1 Agricultural District

Subdivision 1. Purpose.

The purpose of the District is to preserve areas where urban public utilities are not presently available. These lands are to be retained in a natural state or in agricultural uses pending the proper timing for the economical provision of sewer and water, streets, parks, storm drainage and other public utilities and services so that orderly development can occur. The City may consider rezoning and subdivision of lands within the District to residential and non-residential urban-type uses.

Subdivision 2. Permitted Uses.

The following shall be permitted uses within the A-1 Agricultural District.

- A. Agriculture, nurseries, greenhouses for growing only, landscape gardening and tree farms, including sale of products only grown on premises, but not including feedlots.
- B. Field crop production.
- C. Existing operations raising domestic farm animals.
- D. Agricultural buildings as principal structures on parcels of land forty (40) acres or greater. Use of building limited to active farm operations including general farming or livestock.
- E. Existing single-family detached dwellings.
- F. Essential services, not including structures, except those requiring administrative

permits or conditional use permits.

- G. Parks, trails, playgrounds, and directly related buildings and structures; City of Green Isle only.

Subdivision 3. Accessory Uses.

The following shall be permitted accessory uses within the A-1 Agricultural District. Accessory uses have the meaning given them in the Definitions section of this Ordinance.

- A. Accessory uses incidental and customary to the uses allowed as permitted or conditional in this District.
- B. Fences as regulated under the Green Isle Zoning Ordinance.
- C. Accessory apartment.
- D. Home occupations and home offices as regulated by the Green Isle Zoning Ordinance.
- E. Private garages and off-street parking and off-street loading as regulated by the Green Isle Zoning Ordinance.
- F. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- G. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.

Subdivision 4. Conditional Uses.

The following shall be conditional uses within the A-1 Agricultural District. Conditional uses require issuance of a Conditional Use Permit as provided in Section 16 of the Green Isle Zoning Ordinance. Uses similar to those listed below and existing at the time this Ordinance becomes effective shall be considered as having a conditional use permit; however, any expansion of such existing use shall require the issuance of a conditional use permit.

- A. Governmental and public utility buildings and structures.
- B. Retail or wholesale trade related to agricultural operations and services.
- C. Any use in the allowed in the B-1 Highway Service District, B-2 Central Business District, I-1 Light Industrial District, or I-2 General Industrial District under the Green Isle Zoning Ordinance provided such use is located on a lot of record in existence on the effective date of this ordinance.

- D. Extraction of soil, minerals, and the like.
- E. Commercial riding stables, domestic animal kennels, and similar uses.
- F. The creation of new or expansion of existing (as of effective date of this ordinance) animal agricultural operations, which require an increase in the number of animal units documented by the operator's feedlot permit.
- G. Ground mounted solar energy systems as specified in Section 11, Subd. 7 of the Green Isle Zoning Ordinance.

Subdivision 5. Performance Standards.

- A. Rezoning, subdividing, or re-subdivision of property for the purpose of expanding existing nonfarm uses or for developing new nonfarm uses shall be prohibited, except that a one-time split of an existing parcel of record as of the adoption of this Section which results in two (2) lots each being not less than ten (10) may be allowed provided: soil and water conditions allow a well and an on-site sewer system, access is allowed from an existing public road, approval of such lot split is contingent upon no further division of parcels resulting from said split, and the lot split is filed with each resulting property records at the Sibley County Recorder's Office. The City may require the property owner connect to municipal services when they become available.
- B. Minimum lot area: Parcels created after adoption of this Ordinance: Forty (40) acres, except as provided in Subdivision 1 of this Section.
- C. Minimum lot width:
 - 1. Parcels created after adoption of this Ordinance: 200 feet.
 - 2. Lots of record existing prior to adoption of this Ordinance: 40 feet.
- D. Setback Requirements.
 - 1. Front yard setbacks of not less than 30 feet from all other public right-of-ways, unless subject site is a lot of record as of the date of adoption of this ordinance and said lot abuts a lot with buildings that have observed a smaller front yard in which instance the minimum front yard setback shall be the distance the existing structures are setback. A viewing triangle measuring 25 feet from the intersection of the front/side property line at street intersections shall be maintained free of structures.
 - 2. Side yard setback shall be thirty (30) feet, except existing lots of record less than 100 feet in width shall have minimum side yard setbacks of ten (10) feet.

3. Minimum rear yard setback shall be thirty (30) feet.
- E. Maximum Building Height: Two stories or thirty (30) feet. Heights in excess of thirty (30) feet may be allowed provided a conditional use permit is issued.
- F. Site Coverage. No structure or combination of structures shall occupy more than forty (40) percent of the lot area.

II. EFFECTIVE DATE:

This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Green Isle:

By Joe Kreger
It's Mayor

By Diane Hatlestad
It's City Clerk

Public Hearing February 12, 2019
Adopted February 12, 2019
Published March 28, 2019

**CITY OF GREEN ISLE
ORDINANCE NO. 19-02**

**AN ORDINANCE AMENDING ORDINANCE 14-01, THE GREEN ISLE
ZONING ORDINANCE, BY ADDING SECTION 11 (GENERAL
REGULATIONS), SUBDIVISION 7 TO PROVIDE FOR
SOLAR ENERGY SYSTEMS**

- I. THE CITY COUNCIL OF THE CITY OF GREEN ISLE, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 11 OF ORDINANCE 14-01, THE ZONING ORDINANCE, SHALL BE AMENDED BY ADDING SUBDIVISION 7 AS FOLLOWS:**

SUBDIVISION 7. SOLAR ENERGY SYSTEMS.

- A. Purpose. The purpose of this Subdivision is to allow for rooftop and building integrated solar energy systems as accessory uses in certain zoning classifications and to provide for ground-mounted solar energy systems as principal uses in the A-1 Agricultural District.
- B. Findings. The City finds certain solar energy systems, accessory to existing uses, benefit the public health, safety, and welfare by:
1. Promoting the use of and investment in an abundant, clean, and renewable energy resource,
 2. Promoting a reduction in greenhouse gas emissions,
 3. Supporting local utility cost savings, and
 4. Creating access to community-based solar energy.
- C. Definitions. For the purpose of this Section, certain terms and words are defined as follows:
1. Solar Easement means an easement that limits the height or location or both of permissible development on land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight as defined in Minnesota Statutes Section 500.30, Subdivision 3 as may be amended.
 2. Solar Energy System means a device, combination of devices, or structural

design feature, of which a substantial purpose is to provide for the collection, storage, use, and distribution of solar energy for electricity generation, space heating or cooling, or water heating.

3. Solar Energy System, Building Integrated means an active solar energy system that is an integral part of a structure or structural component rather than a separate mechanical or ground mounted device.
4. Solar Energy System, Ground Mounted means a solar energy system structurally mounted to the ground which is not roof mounted.
5. Solar Energy System, Rooftop means an active solar energy system that is structurally mounted to a code-compliant roof of an existing building or structure.
6. Solar Energy System, Wall-Mounted means an active solar energy system that is structurally mounted to a code-compliant wall of an existing building or structure.

D. Solar Energy Systems as an allowed accessory use.

1. Rooftop, wall, and building integrated solar energy systems are allowed as accessory uses, subject to Section 7(F), 'General Provisions' of this Ordinance, in the following zoning classifications: A-1 Agricultural District, R-1 One and Two Family Residence District, R-2 Multiple Family Residence District, B-1 Service Business District, I-1 Limited Industrial District, and the I-2 General Industrial District.
2. Rooftop and building integrated solar energy systems are allowed as accessory uses, subject to Section 7(F), "General Provisions" of this Ordinance in the following classification: B-2 Central Business District.

E. Solar Energy Systems as a conditional use.

Ground mounted solar energy systems are allowed as a conditional use in the A-1 Agricultural District providing a conditional use permit is issued and subject to the standards of Section 7(F), "General Provisions" of this Ordinance.

F. General Provisions. The follow standards apply to all accessory solar energy systems.

1. A maximum of one (1) solar energy system per lot or parcel shall be allowed.
2. Building and electrical permits shall be secured.
3. Solar energy systems shall be placed to limit visibility from the public

right-of-way to the extent possible and to blend into the building design, provided that minimizing visibility still allows the owner to reasonably capture solar energy.

4. Ground mounted solar energy systems:
 - a. All equipment and structures shall meet the minimum setback for principal structures in the A-1 Agricultural District.
 - b. Shall have direct access from a public right of way.
 - c. A decommissioning plan shall be provided and approved prior to issuance of the required conditional use permit ensuring that the facilities shall be properly removed after their useful life and that the site shall be properly restored. Decommissioning of solar panels and all system components above and underground shall occur in the event the system is not used for twelve (12) consecutive months.
 - d. A bond, a letter of credit, or an escrow account to ensure proper decommissioning, shall be established prior to the issuance of an conditional use permit and thereafter maintained in an amount equal to 125% of the estimated amount of the decommissioning cost. The estimated cost of decommissioning shall be reviewed on a regular basis, but not less than once every five years, and the bond, letter of credit, or established escrow account shall be adjusted to ensure the amount thereof is equal to 125% of the estimated amount required to decommission the Solar Energy System. In the event the bond, letter of credit, or escrow account is not equal to 125% of the estimated cost of decommissioning the Solar Energy System, said amount shall be adjusted accordingly.
 - e. The owner, developer, or operator of the solar energy system shall provide the City evidence of an executed interconnection agreement with the electric utility in whose service territory the system is located prior to building permit issuance, except that off-grid systems are exempt from this requirement. The property owner and system operator are required to provide written notice in the event the executed interconnection agreement is cancelled, renegotiated, expired, etc. Failure of the property owner and system operator to notify the City of a change in the executed agreement or status thereof may result in revocation of the applicable conditional use permit.
 - f. Current emergency contact information for system owner/operator shall be posted at the site.

- g. The City Council may require fencing and/or berming of the site to address concerns related to safety and/or viewshed.
- h. Impervious surface coverage shall not exceed the standard provided in the underlying zoning district. Photovoltaic panels shall not be considered an impervious surface; however, if placed on a concrete pad said pad shall be considered an impervious surface.

5. Rooftop solar energy systems:

- i. Shall be setback at least one foot from every building wall, roof edge, roof peak, roof ridge, and roof valley.
- j. Shall not cover greater than eighty (80) percent of each side of the roof or wall to which they are affixed.

6. Glare from solar energy systems to adjacent or nearby properties shall be minimized.

G. Solar Access Easements Allowed. The City elects to allow solar easements to be filed consistent with Minnesota Statutes, Chapter 500.30, as may be amended from time to time. Owners of land or solar skyspace are responsible for negotiating, drafting, and executing solar easements. Solar easements shall be filed with the City and the Sibley County Recorder's Office.

II. EFFECTIVE DATE:

This Ordinance is effective upon its adoption and publication as prescribed by law.

For City of Green Isle:

By Joe Kreger
It's Mayor

By Diane Hatlestad
It's City Clerk

Public Hearing February 12, 2019
Adopted February 12, 2019
Published March 28, 2019

ORDINANCE 2009-02

ORDINANCE ESTABLISHING PARKING REGULATIONS WITHIN CITY LIMITS OF GREEN ISLE

BE IT ORDAINED by the City Council of the City of Green Isle, Minnesota as follows:

SECTION 1. RESPONSIBILITY.

If the operator of a motor vehicle is present while the vehicle is parked in violation of this ordinance, the operator shall be considered responsible for the ordinance violation. If no operator is present at the time a vehicle is found to be in violation of this ordinance, the registered owner of the vehicle shall be considered responsible for the ordinance violation, and it shall be no defense to the charge to allege that someone other than the owner actually placed the vehicle in the prohibited location. For purpose of this section, the term vehicle includes motor vehicles, trailers, semi-trailers, and recreational vehicles as defined below.

SECTION 2. GENERAL PARKING PROHIBITIONS.

The provisions of Minnesota Statutes 169.34 and 169.35, and any laws amending or replacing such Statutes, are hereby adopted by reference. It is unlawful for any person to stop, stand or park a vehicle, except when necessary to avoid an accident, in any of the following places:

1. On a sidewalk
2. Blocking access to a public or private driveway.
3. Within an intersection.
4. Within 20 feet of an intersection.
5. In a sign posted fire lane.
6. Within 50 feet of the nearest rail of a railroad crossing.
7. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within any properly sign-posted restricted parking zone.
8. Within 10 feet of a fire hydrant.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, i.e. double parking.
11. Upon any bridge or other elevated structure upon a street.
12. At any place where official signs prohibit or restrict stopping, parking or both.
13. In any alley, except for loading and unloading to or from adjacent premises.
14. On any boulevard.

SECTION 3. WINTER PARKING REGULATIONS.

The City can at any time upon notice to the registered owner or operator require vehicles to be moved from public rights of way or other public property to facilitate snow removal. City Ordinance 2008-03 is noted for reference as to the requirement to clear all public rights of way of private vehicles, trailers and other objects after a snowfall of at least 2 inches to facilitate snow removal.

SECTION 4. RECREATIONAL VEHICLE PARKING.

Subdivision 1: Definition. For the purpose of this ordinance a "recreational vehicle" is defined as follows: travel trailers, including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, non-motorized trailers intended and generally used for transporting boats, utility trailers, snowmobiles, all terrain vehicles, boats or other watercraft.

Subdivision 2: Unlawful Act. It is unlawful for any person to leave or park a "recreational vehicle" on or within the limits of any public street or right of way, public parking lot or other public property for a continuous period in excess of forty-eight (48) hours.

SECTION 5. TRUCK PARKING.

Subdivision 1: Semi-trailer Trucks. It is unlawful for any person, as driver or operator of a semi-trailer attached to a truck tractor, or as the registered owner of a semi-trailer attached to a truck tractor, to park said vehicle upon any public street, municipally owned parking lot, or other public property, except for the purpose of and while engaged in the loading and unloading of such semi-trailer

Subdivision 2: Detached Trailer. It is unlawful for any person, as driver or operator of a semi-trailer, or as the registered owner of a semi-trailer, to park a semi-trailer not attached to a truck tractor, upon any public street, municipally owned parking lot, or other public property, at any time.

Subdivision 3: Residential District. It is unlawful for any person, as driver or operator of a semi-trailer or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, any such semi-trailer, whether or not attached to a truck tractor, within any part of an area zoned as a residential district, except for the purpose of and while engaged in the loading and unloading of such semi-trailer, which said loading or unloading shall be accomplished as quickly as reasonably possible. As an exception to this rule, the owner or operator of a truck tractor/semi-trailer shall be allowed to park said vehicle immediately in front of said owner or operator's residence, or in the driveway or other appropriate area on said person's residence property, if said parking does not restrict traffic flow or interfere with traffic sight lines so as to create a safety hazard.

SECTION 6. LONG TERM STORAGE PROHIBITED.

Public streets, public parking lots or other public property are not to be used for the long term storage of privately owned motor vehicles, trailers, recreational vehicles or other objects. It shall be considered a prima facie violation of this ordinance section if any such item has remained unmoved for a period of 2 consecutive weeks. Vehicles or other private property found to be in violation of this section may be subject to impoundment under Section 8 below.

SECTION 7. PENALTY.

Any person violating this ordinance is guilty of a petty misdemeanor punishable by a maximum fine as set by Minnesota law for petty misdemeanors from time to time, (presently in the maximum amount of \$300.00), plus court imposed surcharges.

Violations of this ordinance may be charged, at the option of the City, as misdemeanor offenses punishable by a maximum fine as set by Minnesota law for misdemeanors from time to time, if either of the following conditions are proven to exist: (a) the person charged with a violation of this ordinance has been convicted of this ordinance at least twice within the preceding 12 month period of time; (b) the violation of this ordinance was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property. (Under the present provisions of Minnesota law convictions for a misdemeanor crime are punishable by \$1,000.00 fine, plus court imposed surcharges, or 90 days in jail, or both.)

Each day a violation exists under this ordinance may be charged as a separate violation subject to the penalties noted above.

SECTION 8. IMPOUNDMENT OF VEHICLE.

A vehicle may be removed by authorized City personnel or City contractors from a street to a City designated impound site when the vehicle is left unattended, is in violation of this ordinance, and appears to be abandoned, or constitutes an obstruction to traffic, or hinders snow removal, street improvements or maintenance operations. The vehicle shall not be released to the vehicle owner until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance. If the vehicle is not claimed by the registered owner within 60 days after impoundment, it may be disposed of by the City under applicable State law as an abandoned vehicle.


SECTION 9. SUPERSEDES PREVIOUS ORDINANCES.

This ordinance supersedes and replaces all ordinances or portions of ordinances inconsistent with the provisions of this ordinance.


SECTION 10. EFFECTIVE DATE.

The ordinance shall become effective immediately upon publication.

Adopted by the City Council of the City of Green Isle this 9th day of June, 2009.


Randal S. Bruegger, Mayor

ATTEST:


Barbara Anderson, Clerk

Reading: June 9, 2009
Published: June 18, 2009

ORDINANCE NO. 2000-03

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

Section

1	General Provisions	P 1
2	Definitions	P 7
3	Sketch Plan	P 10
4	Preliminary Plat	P 11
5	Required Preliminary Plat Data	P 12
6	Subdivision Design Standards	P 15
7	Construction of Improvements	P 19
8	Final Plat	P 22
9	Registered Land Surveys	P 24
10	Easements	P 25
11	Plats Previously Approved	P 25
12	Permits	P 25
13	Effective Date	P 26

1 General Provisions.

Subd. 1. These regulations shall hereafter be known, as the Subdivision Regulations of Green Isle.

Subd. 2. Policy.

- A. It is hereby declared to be the policy of the municipality to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality for the orderly, planned, efficient, and economical development of the municipality.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and property provision has been made for drainage, utilities, and capital improvements such as parks.
- C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, and land use plan, and capital budget and program of the municipality.

Subd. 3.

Purposes. Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the municipality.
- B. To guide the future growth and development of the municipality.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the municipality.
- E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highway, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and buildings lines.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

- L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the municipality.

Subd. 4. Jurisdiction.

- A. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the municipality.
- B. No land shall be subdivided within the corporate limits of the municipality until:
 - 1. The subdivider or his agent shall submit a sketch plat of the parcel to the City Council.
 - 2. Obtain approval of the sketch plat and preliminary and final approval of the plat itself by the City Council; and
 - 3. The approval plat is filed with the County Register of Deeds.
- C. No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

Subd. 5. Enactment. In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted.

Subd. 6. Interpretation. Conflict and Separability.

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Conflict with Public and Private Provisions.
 - 1. Public Provisions. The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations.

C. Separability. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City Council hereby declare that it would have enacted the remainder of these regulations even without any such part, provision, or application.

Subd. 7. Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

Subd. 8. Repeal. Upon the adoption of these regulations according to law, all zoning ordinances in conflict with these regulations are hereby repealed, except as to such sections expressly retained herein.

Subd. 9. Amendments. For the purpose providing the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by these subdivision regulations. Public hearings on all proposed amendments shall be held by the City Council in the manner prescribed by law.

Subd. 10. Conditions. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the City Council for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality

and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

Subd. 11 Resubdivision of Land.

- A. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the City Council by the same procedure, rules, and regulations as for a subdivision.
- B. Procedure for Subdivisions Where Future Resubdivision Is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the City Council may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat. Further, the City Council may also require temporary cul-de-sacs and associated temporary easements on any streets that temporarily dead-end in anticipation of future resubdivision.
- C. Minor Subdivisions. In the case of a subdivision resulting in three or less parcels, situated in a locality where conditions are well defined, the Council may exempt the subdivider from complying with some of the requirements of the Subdivision Ordinance. In the case of a request to subdivide a lot which is part of a recorded plat, where the subdivision is to permit the adding of a parcel of land to any abutting lot or to create three (3) lots, and the newly created property line will not cause the other remaining portion of the lot to be in violation of the Subdivision Ordinance or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor indicating the original lot and the proposed subdivision.

Subd. 12. Vacation of Plats.

- A. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the City Council in like manner as plats of subdivision. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly

recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

- D. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

Subd. 13 Variances.

- A. General. Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - 1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property in the area where property is located.
 - 2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 - 4. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map.
- B. Conditions. In approving variances, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the City Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Subd. 14. Enforcement, Violations, and Penalties.

A. General.

1. It shall be the duty of the Administrative Assistant to the City Council to enforce these regulations and to bring to the attention of the Municipal Prosecuting Attorney any violations or lack of compliance herewith.
2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the City Council, in accordance with the provisions of these regulations, and filed with the County Register of Deeds.
3. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
4. no building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

B. Violations and Penalties. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine and/or imprisonment as provided by city ordinance and state law.

C. Civil Enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

Section 2 Definitions.

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders. The word "shall" is mandatory; the word "may" is discretionary.

Subd. 1. Alley: A public right-of-way which affords a secondary means of access to abutting property.

- Subd. 2. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.
- Subd. 3. Boulevard: That portion of a street right-of-way between the curb or curb line and the property line.
- Subd. 4. Butt Lot: A lot at the end of a block and located between two corner lots.
- Subd. 5. Comprehensive Plan: A compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City and its environs.
- Subd. 6. Design Standards: The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.
- Subd. 7. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- Subd. 8. Final Plat: The final map and/or plan and/or record of a subdivision and any accompanying material presented to the City Council for approval and which, if approved, will be duly filed with the County Register of Deeds. Said plat must conform to all State laws.
- Subd. 9. Grade Slope or Gradient: The vertical rise or drop from any fixed horizontal line or point.
- Subd. 10. Improvements: The construction or installation of public or private utilities including, but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.
- Subd. 11. Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof, abutting a public street. For the purposes of shoreland regulations, a lot

shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

- Subd. 12. Open Space: An area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.
- Subd. 13. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- Subd. 14. Parks and Playgrounds: Public lands and open space in the City of Green Isle dedicated for and usable for recreation purposes.
- Subd. 15. Pedestrian Way: The right-of-way across or within a block, for use by pedestrian traffic and which may be used for utilities whether designated as a pedestrian way, cross-walk or however otherwise designated.
- Subd. 16. Person: An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.
- Subd. 17. City Council: The planning agency or planning department of the City of Green Isle.
- Subd. 18. Preliminary Plat: The tentative map, drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with these regulations including required supporting data.
- Subd. 19. Protective Covenants: Contracts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of a given area.
- Subd. 20. Required Public Improvements: Those improvements in any proposed subdivision, including streets, water and sewer systems and storm water drainage systems, which are required in connection with the approval of any plat or other subdivision.
- Subd. 21. Right-of-Way: the area within the limits of a street, alley, pedestrian way, thoroughfare or easement.

Subd. 22. Streets:

A. Street: A public right-of-way affording primary access by pedestrians and vehicles abutting properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, or however otherwise designated.

B. Collector Street: A street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.

C. Cul-De-Sac: A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

D. Minor Street: A street used primarily for access to the abutting properties and the local needs of a neighborhood.

E. Service Street, Lane or Road: A street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

F. Street Width: The shortest distance between the lot lines delineating the right-of-way of a street.

G. Thoroughfare: A street primarily designed to carry large volumes of traffic and serves as an arterial traffic way between various districts of the City.

Subd. 23 Subdivider: Any person, firm or corporation commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subd. 24. Subdivision: The division of a parcel of land into two or more lots or parcels of land for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Section 3. Sketch Plan.

Subd. 1. Subdividers shall prepare ten (10) copies of a subdivision sketch plan for review by the City Council. Such sketch plan will be considered as having been

submitted for informal discussion between the subdivider and the City Council. No fee shall be required of the subdivider for the submission of a sketch plan.

Subd. 2. A proposed subdivision sketch plan shall contain the following information:

- A. Site location map showing the major streets, school location, commercial centers and other significant developments.
- B. Tract boundaries.
- C. North point scale.
- D. Streets within and adjacent to tract.
- E. Topography and physical features.
- F. proposed general street design.
- G. Proposed lot size and orientation.

Subd. 3. Submission of a subdivision sketch plan shall not constitute formal filing of a plan with the City. On the basis of the subdivision sketch plan, the City Council may informally advise the subdivider of the extent to which the plan conforms to the Comprehensive Plan, design standards of this ordinance and to other ordinances of the City, and may discuss possible modification necessary to secure approval of the plan.

Section 4. Preliminary Plat.

Subd. 1. Procedure. Prior to dividing any tract of land into two or more lots or parcels of land, the owner or subdivider shall proceed as follows:

- A. The subdivider shall file ten (10) copies of the preliminary plat with the City Clerk at least 14 calendar days before the next regular monthly meeting of the City council at which meeting said plat shall be considered.
- B. At the time of the filing of the preliminary plat, the subdivider shall pay to the City a fee of \$25.00 for plats involving residential lots only, a fee of \$50.00 for plats involving other than residential lots, plus \$5.00 for each acre of land in all preliminary plats. The foregoing fees shall be used to defray the administration expense of the City in connection with the review of said plat. City expense incurred in employing the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of said plat shall be reimbursed to the City by the subdivider.
- C. the City Clerk shall refer 1 copy of the preliminary plat to the City Attorney and 1 copy to the City Engineer.

- D. The City Engineer shall submit a written report to the City Council which shall deal with drainage, street and other engineering matters pertinent to said preliminary plat. Said report shall be submitted to the City Council at least seven (7) days prior to the public hearing prescribed by the following subsection.
- E. The City Council shall hold a public hearing on the preliminary plat within 30 days after said preliminary plat is filed with the City Clerk. At said hearing all persons interested in the plat shall be heard. Notice of the time and place of said hearing and the full legal description of the area to be subdivided shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. The subdivider shall furnish to City Clerk with the names and mailing addresses of the owners of all lands within 300 feet of the boundaries of the preliminary plat, and the Clerk shall give mailed notice of said hearing to said owners at least ten (10) days prior to the day of said hearing. The cost of publication of said notice shall be paid by the subdivider in addition to the other fees to be paid hereunder.
- F. After the City Council conducts the public hearing, the Council shall act to approve or disapprove the preliminary plat within 14 days. If the Council shall disapprove said plat, the grounds for any such disapproval shall be set forth in the proceedings of the Council and reported to the subdivider within 7 days thereafter.
- G. Approval of a preliminary plat by the City Council is tentative only, subject to the compliance with all requirements and recommendations as a basis for preparation of the final plat.
- H. At the time of the filing of the preliminary plat the subdivider of the land covered by the plat shall submit to the City Clerk a petition for rezoning to the proposed future use of said land if the land is not already so zoned. The owner of said land shall join in said petition.
- I. Subsequent approval by the City council shall be required of all engineering considerations presented in the preliminary plat which include, but which shall not be limited to easements, water supply, sewage disposal, storm drainage, surface water storage, gas and electric services, road gradients and widths, and the surfacing of streets, prior to the approval of the final plat by the City Council.

Section 5 Required Preliminary Plat Data.

- Subd. 1. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:

A. Identification and Description.

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
2. Legal description of property according to the records in the Sibley County Recorder of Deeds office.
3. Names and addresses of the owner and subdivider of the land, and the designer and surveyor of said plat. If the subdivider is not the fee owner of the land, the subdivider shall submit the written consent of the fee owner to the filing of the preliminary plat.
4. Graphic scale of not more than 100 feet (30.5m) to an inch (2.5cm).
5. North point, designated as true north.
6. Date of preparation.
7. Certification by registered surveyor certifying to accuracy of survey.

B. Existing Conditions.

1. Boundary line survey, including measured distances and angles, which shall be tied into the nearest quarter section or section line by traverse.
2. Existing zoning classification for tract of land in and abutting the preliminary plat.
3. Total acreage to tenths.
4. Location and names of existing or platted street and other public ways, parks and public open spaces, permanent buildings and structures, easements, and section and municipal boundary lines within the plat and to a distance of 100 ft. (30.5M) beyond.
5. If the preliminary plat is a re-arrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name, and all revised or vacated roadways shall be shown by dotted or dashed lines.
6. Location and width of existing streets including type of surfacing, railroads, sanitary sewers, water mains, storm sewers, culverts, grades, invert elevations and locations of catch basins, manholes and hydrants and any underground facilities within the plat and to a distance of 100 ft. (30.5m) beyond shall be shown.

7. Boundary lines of land within 100 ft. (30.5 m) of the tract of land within the plat, and the name of the owner thereof, but including all contiguous land owned or controlled by the subdivider or owner of the tract proposed to be platted.
8. Topographic data within the tract and 100 ft. (30.5 m) beyond its boundaries, including contours at vertical intervals of not more than two ft. (.61m), except that where the horizontal contour interval is 100 ft. (30.5m) or more, a one ft. (.3m) vertical interval shall be shown. Water courses, lakes, marshes, wooded areas, rock outcrops and other significant physical features shall be shown. U.S. Geodetic survey data shall be used for all topographic mapping.
9. A copy of restrictive covenants, if any, on all abutting land shall be filed with the preliminary plat.
10. If applicable, limits of flood plain, floodways and flood areas.
11. Slope analysis. Identify in map from the following slope categories: 0 to 6 percent, 6 to 12 percent, 12 to 18 percent and over 18 percent.
12. A copy of the soil survey map covering the proposed plat issued by the Soil conservation Service of the U.S. Department of Agriculture in November, 1968, and as thereafter amended.

C. Subdivision Design Features.

1. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event said name shall be used.
2. Locations and widths of alleys, pedestrian ways and utility easements.
3. Profiles of existing and proposed centerline grades of streets, alleys, sanitary sewers, water mains, storm sewers, drainage ditches and culverts.
4. Layouts of lots and blocks with numbers of each, square footage of lots and lot dimensions scaled to the nearest tenth of a foot.
5. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
6. Minimum front and side yard building setback lines as required by the ordinances of the City.

7. Proposed method of disposing of surface water drainage within and beyond the limits of the plat.
8. Whenever a portion of a tract of land is proposed for subdividing and said tract is large enough or is intended for future enlargement, a tentative plan for the future subdivision of the entire tract shall be submitted to the City Council.
9. Proposed method of controlling soil erosion and sedimentation within and beyond the limits of the plat during all phases of construction and thereafter.

D. Additional Information to be Furnished.

1. Statement of proposed use of lots, i.e., whether residential, commercial, industrial or combination thereof. If residential, state type and number of dwelling units. Furnish sufficient details for all types of usage in order to reveal the effect of the subdivision development on traffic, fire protection and density of population.
2. Source of water supply.
3. Facilities for sewage disposal.
4. If zoning changes are contemplated, the proposed zoning plan for the area.
5. In areas affected by inadequate surface drainage or subjected to periodic flooding, furnish proposals designed to make area safe for occupancy and to provide for adequate street and lot drainage.
6. Proposals for street lighting, curb, gutter, sidewalks and boulevard improvements.
7. Such other information as shall be requested by the City Council or City Engineer.
8. In areas in which soil limitations for the proposed land use are indicated by the soil survey map, furnish proposals covering the details of the soil conservation practices to be employed to overcome all such soil limitations.

Section 6. Subdivision Design Standards.

Subd. 1. General Requirements.

- A. The City Council in its review of a preliminary plat shall take into consideration the requirements of the community and the best use of the

land. Particular attention shall be given to the arrangement, location and widths of streets, drainage and lot sizes and arrangements.

- B. The preliminary plat shall cover all of the owner's contiguous land, but the final plat may cover only a portion of the preliminary plat provided it is in conformity with an approved preliminary plat.
- C. Where the parcel of land is subdivided into tracts larger than required for building lots, such tracts shall be divided so as to allow for the opening of streets and ultimate extension of adjacent streets.
- D. Subdivisions indicating unplatted portions of land or private easements controlling access to public ways shall not be approved.

Subd. 2. Street Plan.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the approved standard street specifications, and all applicable ordinances, and all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- B. The arrangement of streets in new subdivisions shall make provision for the continuation of existing and future streets in adjoining areas.
- C. No preliminary plat shall be approved wherein lots have planned access directly onto the right-of-way of state or major county roads. Such lots may abut on service roads with entrances to state or major county roads at intervals of not less than 1,000 ft (305m).

Subd. 3. Streets.

A. Street Width and Grades.

The following standards of street design shall be observed by the subdivider:

- 1. All classes of street except streets ending in a cul de sac and minor streets shall have a right-of-way width of between 60 feet and 70 feet, with a minimum pavement width of 36 feet to 40 feet. The exact dimensions of said streets within these ranges shall be subject to approval of the City Council, based on the anticipated traffic volume for said street.
- 2. Minor streets and streets ending in a cul de sac shall have a minimum right-of-way width of 60 feet and minimum pavement width

of 32 feet. The cul de sac itself shall have a minimum right of way radius width of 60 feet and minimum pavement radius width of 45 feet.

- B. Minor Streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.
- C. Adjoining Property. Street rights-of-way shall not be planned so as to cause hardship to owners of adjoining property.
- D. Intersections. The angle formed by the intersection of streets shall not be less than 60 degrees, with 90 degree intersections preferred. Intersections of more than four corners are prohibited.
- E. Boulevard Sodding. Boulevard sodding shall be required.

Subd. 4. Easements.

- A. Utility. Easements at least 10 ft. (3.05m) wide, centered on rear and side lot lines of abutting lots shall be provided for utilities where necessary, and shall be dedicated to the public by appropriate language in the owner's certificate. In those instances where a side or rear lot line abuts unplatted land, said easements shall be at least 10 ft. (3.05m) wide. Utility easements shall have continuity of alignment from block to block and lot to lot. Easements may be required along lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 ft. (152.5m).
- B. Drainage. Where a subdivision is traversed by a water course, drainage way or stream, a drainage easement conforming substantially with the lines of such water course shall be provided, together with such further width or construction, or both, as shall be adequate for storm water drainage of the area.

Subd. 5. Blocks.

- A. Length. The maximum length of blocks shall be 1200 ft. (366 m). Pedestrian ways at least 10 ft. (3.05 m) wide may be required at the approximate center of blocks over 900 ft. (274.5 m) in length. Provisions for additional accessways to schools, parks, and other public grounds may be required.
- B. Off-Street Areas. Lots intended for commercial, industrial, or uses other than single family dwellings shall be so designed to provide adequate off-street areas for parking, loading, and such other facilities as shall be required by the Zoning Ordinance of the City.

- C. Width. All blocks shall be so designed to provide for two (2) tiers of lots unless conditions exist to render this requirement undesirable.

Subd. 6. Lots.

- A. Minimum Lot Size. The minimum size of a residential lot shall be 8,320 square feet. The average lot size for a residential subdivision shall be 10,400 feet. No more than 30 percent of the lots in a residential subdivision shall be of the minimum size of 8,320 square feet. To determine whether a subdivision complies with these requirements, the total area devoted to building lots shall be divided by the total number of lots to determine the average square footage area per lot. Areas dedicated for uses other than building lots, such as public rights-of-way, shall not be included in this calculation. To determine the number of lots that are allowed to be of the minimum size of 8,320 square feet per lot, the total number of building lots shall be multiplied by 30 percent. The result is the number of lots that may be of minimum size. If the result is other than a whole number of lots, the number of allowed minimum sized lots shall be rounded up to the next whole number. For example, if the calculation results in 2.3 lots allowed at minimum size, the number of lots of minimum size allowed shall round up to 3 lots.
- B. Lot Frontage. The frontage width facing city streets of all lots in the subdivision shall average 80 feet. No lot frontage width fronting a city street shall be less than 72 feet. No more than 10 percent of the lots in a subdivision shall have the minimum frontage width of 72 feet. As an exception to this rule, any lots on a cul de sac shall have a frontage width of at least 80 feet as measured at the 25 foot structure setback line instead of being measured at the edge of the public right-of-way line.
- C. Twinhomes. Lots platted for twinhomes, being defined as two single family structures sharing a common wall, shall have a minimum area size of 14,000 square feet, with a minimum frontage width on public streets of 100 feet.
- D. Multi Family Structures. Lots platted for multi family dwellings of more than two units shall have a minimum size of 5,000 square feet per unit, with sufficient area for off-street parking for at least two vehicles per dwelling unit.
- E. Setbacks. All structures in a residential subdivision shall have a minimum front yard depth of 25 feet, a side yard depth of 10 feet and a backyard depth of 25 feet, in each case measured from the lot line to the nearest structure wall. As an exception to these requirements, any lot which also has a second, side street frontage, shall have a yard depth of at least 25 feet on the side facing the side street.
- F. Structure Height. No structure in a residential zone shall have a height exceeding 35 feet.

Subd. 7. Public Land Dedication, Open Space.

- A. Public Uses. The city reserves the right to require a subdivision include lands dedicated for public uses, such as parks, playgrounds or trail systems, in keeping with the city's long range plan for community development. The city may require the developer to donate said public use space to the city, or may negotiate to purchase said public use space from the developer, as the city deems appropriate.
- B. Payment Instead of Land Dedication. If the city does not deem it appropriate for the developer to set aside land within the subdivision for public uses, as an alternative, the city may require a payment to the City of a sum per lot, to be paid in full prior to signing and acceptance of the final plat by the city. The basis and purpose of such charge would be to provide funds for the city to maintain or acquire land in other locations to service the needs to the planned population of the subdivision.

Section 7. Construction of Improvements.

Subd. 1. Payment. The improvements to be furnished and installed by the subdivider pursuant to these Subdivision Regulations shall be furnished and installed at the sole expense of the subdivider and at no expense to the City. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 2. Required Improvement Contract. Prior to installation of required improvements and prior to approval of the final plat the subdivider shall enter into a contract with the City requiring that the subdivider furnish and construct said improvements at his expense and in accordance with plans and specifications to be approved by the City Engineer. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the City's authority to inspect the construction and the amount of the escrow deposit or performance bond to be furnished in accordance with subdivision "3" below. Alternatively, the City in its discretion may require that, or at the request of the subdivider may agree to undertake the installation of the required improvements, in which event the subdivider shall enter into a contract with the City agreeing to pay the expense thereof, including all construction, engineering, legal, financing and administrative costs incurred by the city by reason thereof. By such contract the developer shall agree to the method and schedule of payment to the City as determined by the City and, if required, shall agree to furnish the escrow deposit or surety bond described in subdivision "3" below.

Subd. 3. Financial Guarantee. Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make an escrow

deposit or, in lieu thereof, furnish a performance bond equal to 120 percent of the total construction cost of the improvements as estimated by the City Engineer, and including the cost of inspection by the City, or, if the City undertakes the installation of said improvements, and if requested by the City, the subdivider shall make an escrow deposit or, in lieu thereof, furnish a surety bond in the amount of the sum he has agreed to pay the City for the installation of said improvements. Any such deposit or bond shall accrue to the City in case of default of the subdivider. In case of default the City shall appropriate any such deposit and pursue its remedies provided by any such bond. The term of any deposit or bond shall be specified by the City. Any bond must be subject to approval by the City. Deposits shall be made with the Treasurer of the City or with a responsible escrow agent acceptable to the City. The City may agree to provide for reduction of the amount of any bond or deposit by reason of completion of, or in payment for, the improvements for which said bond or deposit has been made. Nothing herein shall preclude the City from making special assessments against benefited property for improvements made on it.

Subd. 4. Construction Plans. Construction plans and specifications for the required improvements conforming in all respects with the standards and ordinances of the City shall be prepared at the expense of the subdivider by a professional engineer registered by the State of Minnesota. Such plans and specifications shall be approved by the City Engineer and shall become a part of the performance contract. Two (2) prints of said plans and specifications shall be filed with the City Clerk.

Subd. 5. Inspection. All required improvements shall be inspected during the course of construction by the City Engineer and acceptance of said improvements by the City shall require the prior written certification by the City Engineer that said improvements have been constructed in compliance with the plans and specifications.

Subd. 6 Prior Improvements. Improvements which have been completed prior to application for final plat approval or execution of the performance contract shall be accepted as equivalent improvements provided the City Engineer shall certify in writing that said improvements conform to City standards.

Subd. 7. Construction by City. The City shall have the right to install such of the required improvements as it may elect, and upon such terms and conditions as it may deem appropriate under the circumstances.

Subd. 8. As Built Plans. Upon completion of installation of all required improvements, the subdivider shall file with the City Clerk a tracing and two (2) copies of plans and specifications showing all improvements as finally constructed and installed.

Subd. 9. Street Improvement Standards.

A. Grading. The full width of the right-of-way of each street and alley shall be graded, including the subgrade of the areas to be paved, in accordance with the standards and specifications established by the City.

- B. Paving. All streets shall be paved with concrete or bituminous surfacing in accordance with the standards and specifications established by the City.
- C. Sodding. The portion of the street right-of-way beyond the paved surface shall be sodded or seeded in grass.
- D. Curb and Gutter. Concrete curb and gutter shall be installed on both sides of the paved surface of all streets.
- E. Private Driveway. All private driveways providing access to public right-of-ways shall approach at grade level.
- F. Street Signs. Street signs of a design approved by the City shall be installed at each street intersection.

Subd. 10. Drainage Facilities.

- A. Storm sewers, culverts and water drainage facilities shall be required when, in the opinion of the City Engineer, such facilities are necessary to insure adequate drainage for the area. All such drainage facilities shall be constructed in accordance with standards and specifications established by the City.
- B. Additionally, drain tile and trace line shall be installed behind the curb when any rear lot corner is above the abutting street centerline elevations or in any other instance deemed necessary by the City Engineer to insure adequate drainage for the area. All such construction shall be in accordance with standards and specifications established by the City.

Subd. 11. Public Utilities.

- A. Underground Utilities. All telephone, electric or gas service lines shall be placed underground within dedicated public ways or recorded easements in such manner as not to conflict with other underground services. All underground installation of service lines within street rights-of-way shall be completed prior to street surfacing. Upon completion of the installation of underground service lines in dedicated public ways, a tracing and two (2) copies of plans and specifications showing the completed installation shall be filed with the City Clerk.
- B. Utility Poles. All utility poles, except those providing street lighting, shall be placed in rear lot line easements.

- Subd. 12. Non-Conformance. Any non-conformance with the standards and ordinances of the City in the installation of the required improvements by the subdivider or his agents shall be cause for the City Engineer to order cessation of all construction within the subdivision. In such event, no further construction shall be allowed until the non-conformance is corrected.

Section 8. Final Plat.

Subd. 1. Procedure. Prior to City Council approval of final plat, the following procedures shall be followed:

- A. Filing of Final Plat. Within six (6) months following approval of the preliminary plat, unless an extension of time is requested in writing by the subdivider and granted by the City Council, the subdivider shall file 10 copies of the final plat with the City Clerk and shall pay a filing fee of \$10.00 per lot. The final plat shall incorporate all changes required by the city council, and in all other respects is shall conform to the preliminary plat as approved. If the final plat is not filed within six (6) months following approval of the preliminary plat, the approval of the preliminary plat shall be considered void. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time, provided that such portion shall conform to all requirements of this ordinance, and provided further that the remaining portion or portions of the preliminary plat not submitted as a final plat shall be subject to the right of the City to adopt new or revised platting and subdivision regulations.
- B. Filing of Abstract. At the time of filing the final plat with the City Clerk, the subdivider shall also file with said Clerk an abstract of title or registered property abstract, certified to date, evidencing ownership of the premises involved in the plat.
- C. Reference. The City Clerk shall refer copies of the final plat to the City Engineer, and shall refer the abstract to the City Attorney for their examination and report.
- D. Reports. The City Engineer and City Attorney shall submit their reports to the City Council within 15 days after the filing of the final plat. The City Engineer shall state whether the final plat and the improvements conform to the engineering and design standards and specifications of the City. The City Attorney shall state his opinion as to the title of the premises involved.
- E. Fees. The subdivider shall pay the fees of the City Engineer and City Attorney for their services and reports rendered in connection with the final plat.
- F. Compliance with Law. The final plat shall be prepared in accordance with all applicable State laws and County ordinances.

Subd. 2. Council Action. The City Council shall act on the final plat at the next regularly scheduled council meeting after receipt of the City Engineer and City Attorney reports on the final plat as set out at Subdivision 1, D above. The final plat shall not be approved if it does not conform to the preliminary plat including all changes required by the City Council, or does not meet the engineering and design standards and specifications of the City.

Subd. 3. Recording. Following approval of the final plat by the City Council, the City Clerk shall promptly notify the subdivider of said approval and within 30 days thereafter the final plat shall be recorded with the Register of Deeds or Registrar of Title of the county in which the subdivision lies. The Subdivider shall forthwith furnish the City Clerk with a tracing and three (3) copies of the final plat as recorded, showing evidence of the recording on said copies. Failure of the subdivider to comply with the requirement of recording shall be cause for rescission of approval.

Subd. 4. Required Final Plat Data. It shall be a condition to the approval of a final plat that the following data shall be shown on said plat or shall be furnished therewith:

- A. Municipal, township, county or section lines accurately tied to the boundaries of the subdivision by distances and angles.
- B. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements, areas reserved for public use, and other important features shall be shown. Complete curve data shall be shown, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs. Dimensions of lot lines shall be shown in feet and hundredths of feet. No ditto work shall be permitted in indicating dimension.
- C. Monuments. The applicant shall place permanent reference monuments in the subdivision as required herein.
 - 1. Monuments shall be located on street right-of-way lines, at street intersections, angle points or curve and block corners. They shall be placed so as to be within sight of each other, the sight lines being contained wholly within the street limits.
 - 2. The external boundaries of a subdivision shall be monumented in the field by monuments of iron not less than 16 inches (40.6 cm) in length, not less than 3/4 inch (18.9 cm) in diameter, and marked on top with a plastic cap identifying the land surveyor's registration number. These monuments shall be placed not more than 1,400 feet (427 cm) apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angles points along the meander line, said points to be not less than 20 feet (6.1m) back from the bank of any stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.
 - 3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by line monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, a point where a river or lake changes its radius, and at all angles points in any line.

the City shall decline to accept tracts as streets or roads or to improve, repair, or maintain such tracts within an unapproved registered land survey.

Section 10. Easements.

Subd. 1. Prior to the submission of a final plat, registered land survey or land subdivision to the City Council for approval, the subdivider shall furnish the City with all easements for utilities, drainage, street rights-of-way, surface water ponding, and such other public uses as shall be found to be necessary, convenient, or desirable by the City. Said easements shall be in proper form for recording in the Office of the Register of Deeds or Registrar of Titles.

Section 11 Plats Previously Approved.

Subd. 1. All preliminary or final plats, registered land surveys, or other subdivisions of land approved but not filed under previous ordinances shall be subject to all requirements of this Ordinance.

Section 12. Permits.

Subd. 1. Improvements. All electric and gas distribution lines or piping, roadways, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the Official Map of the City, or which has otherwise been approved by the City Council.

Subd. 2. Access. No permit for the erection of any building shall be issued unless such building is to be located upon a parcel of land abutting on a street or highway which has been designated on an approved plat, or on the Official Map of the City, or which has been otherwise approved by the City Council. This limitation on issuing permits shall not apply to planned developments approved by the City Council pursuant to the City Zoning Ordinance.

Section 13. Effective Date.

Subd. 1. This ordinance shall take effect and be in force from and after its passage and publication.

For City of Green Isle:



John Foley, Jr.
Its Mayor



Todd A. Meeker
Its City Administrator

AFFIDAVIT OF PUBLICATION

State of Minnesota }
County of Sibley } ss

GAIL KILL

being duly sworn, on oath says she is and during all the

ORDINANCE NO. 2000-03

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

These regulations shall hereafter be known as the Subdivision Regulations of Green Isle.

These regulations control the procedures and requirements for the platting of subdivisions within the City of Green Isle, to include lot size, frontage and setback requirements, street dimensions, engineering data and plat specifications.

The full text of said ordinance is available at the Green Isle City Office for inspection.

This ordinance shall become effective immediately upon publication.

Dated: May 22, 2000.

For City of Green Isle

By John Foley, Jr.

Its Mayor

By Todd A. Meeker

Its City Administrator

Publish May 25, 2000.

times herein stated has been the OWNER publisher and printer of the newspaper known as Arlington Enterprise and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once a week. (3) Said newspaper has 50 percent of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at last 75 percent of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post office. (5) Said newspaper purports to serve the City of Arlington in the County of Sibley and it has its known office of issue in the City of Arlington in said county, established and open during regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the publisher of said newspaper or persons in her employ and subject to her direction and control during all such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has compiled with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of Minnesota prior to January 1, 1966, and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher of said newspaper and sworn to before a notary public stating that newspaper is a legal newspaper.

She further states on oath that the printed ORDINANCE # 2000-03

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week,

for ONE successive weeks; that it was first so published on Thursday,

the TWENTYFIFTH day of MAY, 12000 and was

thereafter printed and published on every Thursday to and including Thursday,

the _____ day of _____, 19_____

and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in composition and publication of said notice to wit: abcdefghijklmnopqrstuvwxyz

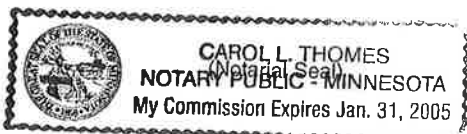
Gail Kill

Subscribed and sworn to before me this 5th day of June, 2000

Carol L. Thomes

Notary Public _____ County, Minnesota

My commission expires _____



ORDINANCE NO. 2006 - 04

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

An ordinance regulating the placement of fences in residential zones within the City of Green Isle, and replacing Ordinance 2002-01.

1. This ordinance shall regulate the placement of fences within single family and multiple family residential zones 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 building permit from the City of Green Isle.
2. 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.
3. 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.
4. 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.
5. 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.
6. Fences shall be no more than ^{SIX}~~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.
7. 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.

8. 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.
9. It shall be at the responsibility of the property owner to locate and clearly mark their property corners, and provide a drawing of fence placement in relation to the 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.

Any violation of this ordinance shall be considered a misdemeanor punishable by the fines and penalties set out in state law for misdemeanor level offenses.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:

By Randal S. Bruegger
Its Mayor

By Paula D. Geisler
Its City Clerk-Treasurer

Adopted:
October 24, 2006

Published in the Arlington Enterprise:
November 8, 2006

ORDINANCE NO. 2009-4

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

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

Section 11, Subdivision 3 is hereby amended as follows:

SECTION 11 GENERAL REGULATIONS.

SUBDIVISION 3. ACCESSORY STRUCTURES.

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

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

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

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

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

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

This ordinance shall become effective immediately upon publication.

For City of Green Isle:



By Randal S. Bruegger
Its Mayor



By Dale ZumBerge
Its Vice Mayor

Reading: Nov. 10, 2009
Published: Oct 29, 2009

Affidavit of Publication

State of Minnesota

SS.

County of McLeod

Rich Glennie, being duly sworn, on oath says that he is the Managing Editor of the newspaper known as The Ar;ington Enterprise, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A/02/331/07, and other applicable laws as amended.

(B) The printed Public Hearing once each week, for one successive weeks, it was first published on Thursday the 29th day of October 2009; and was thereafter printed and published on every Thursday to and including the 29th day of October 2009, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwyz

By:



Managing Editor

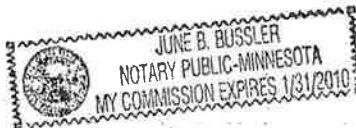
Subscribed and sworn to before me on

This 29th day of October, 2009

June Bussler Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$2.53/line or \$20.20/inch
- (2) Maximum rate allowed by law for the above Matter: \$2.53/line or \$20.20/inch
- (3) Rate actually charged for the above matter: \$1.60/line or \$12.80/inch



Legal Notices

CITY OF GREEN ISLE PUBLIC HEARING

The Green Isle City Council will hold a public hearing on Tuesday, November 10, 2009 at 8:00 p.m. or as soon thereafter, in the City Hall Council Chambers, 310 McGrann to consider an amendment to the Zoning Ordinance relating to accessory structures.

Any person desiring to comment on these matters is invited to do so in writing or orally at the time of the public hearing. Inquiries should be directed to Barb Anderson, City Clerk, at 507-326-3901 during normal business hours. Written comments should be sent to the City Clerk at P.O. Box 275, Green Isle MN 55338-0275.

Publish: October 29, 2009.

Affidavit of Publication

State of Minnesota
SS.
County of Sibley

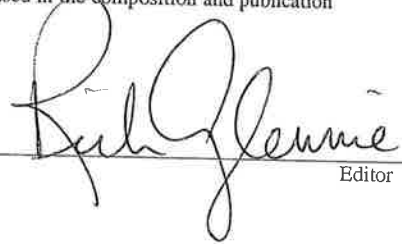
Richard Glennie, being duly sworn, on oath says that he is the Editor of the newspaper known as The Arlington Enterprise, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A/02/331/07, and other applicable laws as amended.

(B) The printed Ordinance Notice once each week, for one successive weeks, it was first published on Thursday, the 24th day of December 2009; and was thereafter printed and published on every Thursday to and including the 24th day of December 2009, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwzyz

By:


Editor

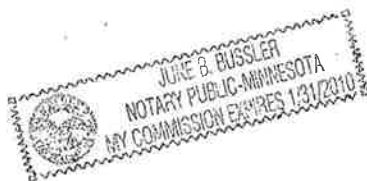
Subscribed and sworn to before me on

This 24th day of December, 2009


Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$2.53/line or \$20.20/inch
- (2) Maximum rate allowed by law for the above Matter: \$2.53/line or \$20.20/inch
- (3) Rate actually charged for the above matter: \$1.60/line or \$12.80/inch



Ordinance Notice City of Green Isle

On November 10, 2009, the City Council of the City of Green Isle approved Ordinance 2009-04, entitled, 'An Ordinance Amending the City of Green Isle Zoning Ordinance Regarding Accessory Structures.' The Ordinance in its entirety is available for review and/or photocopying during regular office hours at the City of Green Isle, 310 McGrann, Green Isle, Minnesota, 55338. The Ordinance establishes standards for accessory structures including, but not limited to: size, bulk, height, location and character.

Passed and adopted by the City Council this 10th day of November 2009.

/s/ Mayor Randal S. Bruegger
/s/ Vice Mayor Dale ZumBerge
Published: December 24, 2009

ORDINANCE NO. 2013-02

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

AN ORDINANCE REGULATING THE PLACEMENT OF FENCES IN COMMERCIAL AND INDUSTRIAL ZONES WITHIN THE CITY OF GREEN ISLE.

1. This Ordinance shall regulate the placement of fences within commercial and industrial zones 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 building permit from the City of Green Isle.
2. 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.
3. 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.
4. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
5. 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.
6. 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.
7. 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

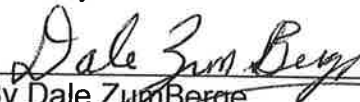
to keep it in a straight and erect position.

8. 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.
9. 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.
10. 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.
11. 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.

Any violation of this Ordinance shall be considered a misdemeanor punishable by the fines and penalties set out in state law for misdemeanor level offenses. Each day that a property is in violation of this Ordinance shall be considered a separate violation.

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

First Reading: _____
Second Reading: _____
Adopted: _____
Published: _____

ORDINANCE NO. 2011-03

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

AN ORDINANCE REGULATING TEMPORARY FENCING IN THE CITY OF GREEN ISLE

- Section 1. Temporary fencing for purposes of this ordinance is defined as fencing which is made of such material and/or erected on land in such a manner as to reasonably be expected to serve a temporary function, and which does not have the appearance, strength or rigidity of what would be commonly considered permanent fencing. Temporary fencing includes, but is not limited to snow fences, plastic mesh fencing, and portable security barriers.
- Section 2. No temporary fencing shall be erected on public or private property in the City of Green Isle without first obtaining a written permit from the City of Green Isle. Such permit shall be issued in a form and with limiting terms as determined by the City Council from time to time. At a minimum, the permit will address the intended purposes and function of the fencing, its location, and the period of time the fencing will be allowed to exist on the designated site.
- Section 3. The City Council, in its sole discretion, shall have the right to deny or grant such temporary fencing permits, or to grant such permits with controlling conditions. The City reserves the right to charge a permit fee, to be determined from time to time by the City Council, for any such temporary fencing permit issued.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:


By Randal S. Bruegger

Its Mayor



By Shane Sheets

Its Vice Mayor

Reading: _____
Published: _____

Affidavit of Publication

State of Minnesota

SS.

County of Sibley

Richard Glennie, being duly sworn, on oath says that he is the Editor of the newspaper known as The Arlington Enterprise, and has full knowledge of the facts which are stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A/331/07 and other applicable laws as amended.
- (B) The Ordinance 2011-03 each week, one successive week, it was first published on Thursday, the 22nd day of September, 2011, and was thereafter printed and published on every Thursday to and including the 22nd day of September, 2011, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: 
Editor

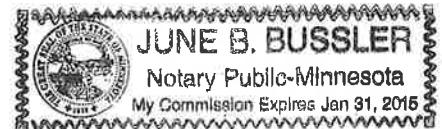
Subscribed and sworn to before me on

This 29th day of September, 2011


Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$2.53/line or \$20.20/inch
- (2) Maximum rate allowed by law for the above Matter: \$2.53/line or \$20.20/inch
- (3) Rate actually charged for the above matter: \$1.60/line or \$12.80/inch



ORDINANCE NO. 2007-03

AN ORDINANCE TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF GREEN ISLE. THIS ORDINANCE ENTIRELY SUPERSEDES ORDINANCE 2005-01.

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

1. **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.
2. **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.
3. **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.
4. **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 special use permit in agricultural zones.
5. **Pet Number Limitation.** No person or entity shall keep or house in the City of Green Isle more than three 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.

6. 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.
7. 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:
 - A. 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
 - B. 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
 - C. 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.
 - D. 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.
 - E. 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.

- F. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. **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.

13. **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 special 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.

All ordinances or portions of ordinances inconsistent with this ordinance are hereby amended.

This ordinance shall become effective immediately upon publication.

For City of Green Isle:

By Randal S. Bruegger
Its Mayor

By Paula D. Geisler
Its City Clerk-Treasurer

Reading and Adoption by Council: _____

Published: _____

ORDINANCE NO. 2003-01

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

CITY OF GREEN ISLE SHORELAND MANAGEMENT ORDINANCE

This ordinance shall become effective immediately upon publication.

For City of Green Isle:



By John Foley, Jr.
Its Mayor



By Patrick J. Foley
Its City Clerk-Treasurer

**CITY OF GREEN ISLE SHORELAND MANAGEMENT
ORDINANCE**

TABLE OF CONTENTS

SECTIONS	PAGE
Section 1.0 Statutory Authorization & Policy	1
Section 2.0 General Provisions & Definitions	1
Section 3.0 Administration	
3.1 Permits Required	7
3.2 Certificates of Zoning Compliance	7
3.3 Variances	7
3.4 Notifications to DNR	8
Section 4.0 Shoreland Classifications and Land Use Districts	
4.1 Shoreland Classification System	8
4.2 Land Use District Descriptions	9
Section 5.0 Zoning and Water Supply/Sanitary	
5.1 Lot Area and Width Standards	10
5.2 Placement, Design, and Height of Structures	11
5.3 Shoreland Alterations	12
5.4 Placement and Design of Roads, Driveways and Parking Areas	14
5.5 Stormwater Management	15
5.6 Conditional Uses	15
5.7 Water Supply and Sewage Treatment	16
Section 6.0 Subdivision/Platting Provisions	16

SECTION 1.0 – STATUTORY AUTHORIZATION AND POLICY

1.1 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).

1.2 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

SECTION 2.0 – GENERAL PROVISIONS AND DEFINITIONS

2.1 Jurisdiction

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. 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.

2.2 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.

2.3 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 Section 3.1 of this ordinance.

2.4 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.

2.5 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.

2.6 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.

2.7 Definitions

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. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

2.711 Accessory structure or facility. "Accessory structure" or "facility" means any building or improvement subordinate to a principal use that, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

2.712 Building line. "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

2.713 Commissioner. "Commissioner" means the commissioner of the Department of Natural Resources.

2.714 Conditional use. "Conditional use" means 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.

2.720 Deck. "Deck" means 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 more than three feet above ground.

2.721 Duplex, triplex, and quad. "Duplex," "triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

2.722 Dwelling site. "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

2.723 Dwelling unit. "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

2.724 Hardship. "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 462 (for municipalities).

2.725 Height of building. "Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

2.730 Intensive vegetation clearing. "Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

2.731 Lot. "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

2.732 Lot width. "Lot width" means the shortest distance between lot lines measured at the midpoint of the building line.

2.733 Nonconformity. "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

2.734 Ordinary high water level. "Ordinary high water level" means 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.

2.735 Public waters. "Public waters" means any waters as defined in Minnesota Statutes, section 103G.055, subdivision 15a.

2.736 Semipublic use. "Semipublic use" means 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.

2.737 Sensitive resource management. "Sensitive resource management" means 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.

2.740 Setback. "Setback" means the minimum horizontal distance between a structure or other facility and an ordinary high water level, road, highway, property line, or other facility.

2.741 Sewer system. "Sewer system" means publicly owned and operated 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.

2.742 Shore impact zone. "Shore impact zone" means 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.

2.743 Shoreland. "Shoreland" means land located within the following distances from public waters: 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 floodplain 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 that extend landward from the waters for lesser distances and when approved by the commissioner.

2.744 Steep slope. "Steep slope" means 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 this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more.

2.745 Structure. "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

2.746 Subdivision. "Subdivision" means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

2.750 Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394 (for counties) or Chapter 462 (for municipalities).

2.751 Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

SECTION 3.0 – ADMINISTRATION

3.1 Permits Required

3.11 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 Section 5.3 of this ordinance. 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.

3.2 Certificate of Zoning Compliance

The City Clerk shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.1 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

3.3 Variances

3.31 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.

3.32 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 Section 3.42 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.

3.4 Notifications to the Department of Natural Resources

3.41 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.

3.42 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.

4.0 – SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

4.1 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.

4.11 The shoreland area for the waterbody listed in section 4.12 shall be as defined in section 2.743 and as shown on the Official Zoning Map.

4.12 Lakes

A.	Natural Environment Lakes	Inventory I.D.#
	Lake Erin	Sibley County 72-18

4.2 Land Use District Descriptions

4.21 Criteria For Designation. The land use district in Section 4.22, 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:

A. General Considerations and Criteria for All Land Uses:

- (1) preservation of natural areas;
- (2) present ownership and development of shoreland areas;
- (3) shoreland soil types and their engineering capabilities;
- (4) topographic characteristics;
- (5) vegetative cover;
- (6) in-water physical characteristics, values, and constraints;
- (7) recreational use of the surface water;
- (8) road and service center accessibility;
- (9) socioeconomic development needs and plans as they involve water and related land resources;
- (10) the necessity to preserve and restore certain areas having significant historical or ecological value.

4.22 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:

A. 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.

5.0 – ZONING AND WATER SUPPLY/SANITARY PROVISIONS

5.1 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:

5.12 Sewered Lakes:

A. 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.

1st 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.

2d tier lots: All lots within a 1000 foot distance of the high water mark of the lake, excepting the 1st 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.

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.

5.13 Additional Special Provisions.

A. 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 Section 5.12 can only be used if publicly owned sewer system service is available to the property.

5.2 Placement, Design, and Height of Structures.

5.21 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.

5.22 Design Criteria For Structures.

A. 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:

- (1) 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;
- (2) 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.

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

5.3 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.

5.31 Vegetation Alterations.

A. Vegetation alteration necessary for the construction of structures and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.

B. Removal or alteration of vegetation is allowed subject to the following standards:

(1) 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.

(2) 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;

(c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

5.32 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 Section 5.4 of this ordinance.
- C. Notwithstanding Items A. and B. above, a grading and filling permit will be required for:
- (1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore impact zones; and
 - (2) 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:

- (1) 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.

*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.

- (2) 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;
- (3) 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;

- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) 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;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) 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;
- (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;
- (9) 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
- (10) 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.

E. 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.

5.4 Placement and Design of Roads, Driveways, and Parking Areas.

5.41 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.

5.42 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.

5.43 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 Section 5.32 of this ordinance must be met.

5.5 Stormwater Management.

The following general and specific standards shall apply:

5.51 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.

5.52 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.

5.6 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:

5.61 Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- (1) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- (2) the visibility of structures and other facilities as viewed from public waters is limited;
- (3) 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.

5.62 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:

- (1) increased setbacks from the ordinary high water level;
- (2) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- (3) special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.

5.7 Water Supply and Sewage Treatment

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

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

SECTION 6.0 - SUBDIVISION/PLATTING PROVISIONS

6.11 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.

6.12 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 Section 5.1.

6.13 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.

6.14 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.

6.15 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.