

Chapter 14: Development Code

Section 1400: General Provisions

1400.01	Authorization, Intent & Purpose
1400.02	Title
1400.03	Interpretation of Terms
1400.04	Scope, Interpretation, Etc.
1400.05	Definitions

1400.01 AUTHORIZATION, INTENT, AND PURPOSE

- A. This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. § 462.351 et seq. The intent of this chapter is to:
- a. Promote the general public health, safety, morals, comfort and general welfare of the inhabitants of the city in accordance with the adopted development goals, plans and policies as stated herein;
 - b. To promote the character and preserve and enhance the stability of the properties and areas within the City;
 - c. To preserve and develop the economic base of the City;
 - d. To ensure that the land uses of the City are properly situated in relation to one another, providing for adequate space for each type of development;
 - e. To control the density of development in each area of the City so that the property can be adequately serviced by such governmental facilities such as streets, schools, recreation and utilities systems;
 - f. To direct new growth in appropriate areas;
 - g. To divide the City into zones or districts as to the use, location, construction, reconstruction, alteration and use of land and structures for residence, business and industrial purposes;
 - h. To provide adequate light, air, privacy, and safety;
 - i. To prevent overcrowding of land, undue concentration of population;
 - j. To promote the proper use of land and structures

- k. To promote reasonable standards to which buildings, structures, and land shall conform;
- l. To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified zones;
- m. To promote the safe, rapid, efficient movement of people and goods;
- n. To facilitate the provision of public services;
- o. To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas;
- p. To protect against fire, explosion, panic, noxious fumes, offensive noise, vibration, dust, odor, heat, glare, other pollution and hazards in the interest of the public health, comfort and general welfare;
- q. To define and limit the powers and duties of the administrative officers and bodies provided for herein; and
- r. To accomplish the City's goals set forth in the Comprehensive Plan.

1400.02. TITLE

This chapter, together with the zoning map required at § 151.05, shall be known as the "City Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance."

1400.03. INTERPRETATION OF TERMS.

Unless specifically defined below, the words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage, unless such meaning is clearly contrary to the intent of this chapter and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words in § 1400.05 have meanings given them.

1400.04. SCOPE, INTERPRETATION, ETC.

The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.
- B. "Person" shall include an individual, association, syndicate, organization, partnership, trust company, corporation or any other legal entity.

- C. "Shall" is to be construed as being mandatory, not discretionary.
- D. "May" is to be construed as permissive.
- E. "Lot" shall include the words "plot," "piece," and "parcel"
- F. "Used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

Scope. Except as amended herein, from and after the effective date of this Chapter, the use of all land and every building or portion of a building erected, altered with respect to height, area, or use, added to or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Chapter.

Interpretation. The provisions of this Chapter are the minimum requirements for the promotion of public health, safety, morals, convenience, and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, code provision, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other code provision, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, other code provision, ordinance or regulation shall be controlling.

Private Agreements. This chapter shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Chapter shall govern.

Relationship to Existing City Ordinances. To the extent that the provisions of this Chapter are the same in substance as the previously adopted provisions that they replace in the City's zoning, subdivision, or other land use control ordinances, they shall be considered continuations thereof, and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this Chapter merely by the repeal of the previous zoning ordinance and the adoption of a new ordinance.

Area Regulations. No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.

Building Permit Required. The City of Rice has adopted the Minnesota State Building Code and will apply the requirements of the latest version of this code. No building, structure or premise shall hereafter be used, moved, relocated or occupied and no building permit shall be granted that does not conform to these requirements.

Relationship to State, Federal, County and Local Laws, Rules and Requirements. Persons and entities affected by the City of Rice Zoning Ordinance shall comply with all applicable, Federal, State, County, and Local Laws and Requirements.

In an instance where a conflict exists between the City of Rice Zoning Ordinance and Federal, State, County, Local Laws and Requirements, unless specifically mandated to the contrary, the conflicting requirement that imposes the strictest control shall be considered primary and its use is mandated.

1400.05. DEFINITION OF TERMS.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

Abandonment. “Abandonment” shall mean to cease or discontinue a use or activity on a property for a period of twelve (12) consecutive months or more unless otherwise specified.

Abut. “Abut” shall mean to border upon a parcel of land so as to share all or part of a common property line with another parcel of land.

Accessory Building or Accessory Structure. See Building, Accessory.

Accessory Use. “Accessory Use” shall mean a use on the same lot that is both incidental and subordinate to the principal use or structure or facility.

Adult Uses. “Adult Uses” shall include adult bookstores, adult motion picture theatres, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, business or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” that are capable of being seen by members of the public. “Adult Uses” also include:

Adult Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, “Substantial or significant portion of items,” for the purposes of this Ordinance, shall mean more than fifteen (15) percent of usable floor area.

Adult Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult Conversation/Rap Parlor. A conversation/rap parlor that excludes minors by reason of age, or that provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Health/Sports Club. A health/sports club, that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Massage Parlor. A massage parlor that restricts minors by reason of age, or that provides the service of “massage”, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service is provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

For purposes of the definition of Adult Uses, the following definitions shall apply:

Minor. Person(s) under eighteen (18) years of age.

Specified Anatomical Areas.

1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks; and,
 - d. Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Agriculture. “Agriculture” shall mean the tilling of soil, raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, livestock and fowl keeping and breeding, and the production of natural products with resources primarily derived from the land upon which it is produced. These include preliminary processing of products such as eggs, milk, wool, etc.

Excluded are the processing of any products through industry or businesses such as an abattoir, fruit packaging plant, winery, dairy, and similar uses that are commercial or utilize products not produced in the surrounding area.

Alley. “Alley” shall mean any dedicated public right-of-way providing a secondary means of access to abutting property.

Apartment. “Apartment” shall mean a room or group of rooms in a residential structure that includes bath and kitchen facilities and is intended or designed for use as an independent residence for a family or individual.

Automobile Salvage Yard. “Automobile Salvage Yard” shall mean a commercial use carried on outside of an enclosed building involving the dismantling or storage of vehicles or equipment, and any other lot used for wrecking or storing of inoperable motor vehicles or their parts.

Basement. “Basement” shall mean a story of a building having more than half its height below the average level of the adjoining finished grade. A basement shall be counted as a story for the purpose of height regulations, if occupied for business or residential purposes.

Berm. “Berm” shall mean a landscaped mound of earth.

Billboard. “Billboard” shall mean any advertising sign where the advertised goods or services are not furnished at the location of the sign.

Bituminous Surface Treatment. “Bituminous Surface Treatment” or “BST” generally consists of aggregate spread over a sprayed-on asphalt emulsion, or cut-back asphalt cement. The aggregate is then embedded into the asphalt by rolling it, typically with a rubber-tired roller. “BSTs” of this type are described by a wide variety of regional terms, including “chip seal”, “tar and chip”, “Oil and stone”, “seal coat” “sprayed seal” or “surface dressing.”

Block. “Block” shall mean a tract of land bounded by streets, or a combination of streets and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or City corporate limits.

Buildable Area. “Buildable Area” shall mean the space remaining on a lot for building purposes after the setback and open space requirements of this Chapter have been met.

Building Unit. “Building unit” shall mean a structure having a roof supported by columns, or walls. When separated by dividing walls without openings, each portion of such structure shall be deemed a separate unit.

Building, Accessory. “Building, Accessory” shall mean a subordinate building or structure on the same lot as a principal building, or part of the principal building, exclusively occupied by or devoted to a use incidental to the main use of the property.

Building Height. “Building Height” unless otherwise specifically noted in this Chapter, shall mean the vertical distance measured from the average elevation of the finished grade adjacent to a building to 1) the highest point on a building with a flat roof, 2) the deck line of a mansard type roof, or 3) the average height between the eaves and the peak of the highest gable of a pitched, hip, or gambrel roof. For purposes of calculating building height, the finished grade shall be the highest point within five (5) feet of the front of a building, or, if the lowest grade

within five (5) feet of any side of the building is more than ten (10) feet lower than the front, then the finished grade from which the height is measured shall be considered ten (10) feet above said lowest grade.

Building Line. “Building Line” shall be a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building, Principal. “Building, Principal” shall mean a building or structure occupied by or devoted to the principal or main use of the property.

Canopy or Marquee. “Canopy” or “Marquee” shall mean any roof like structure extending out from the side of a building.

City. “City” shall mean the City of Rice.

Cluster Development. “Cluster Development” shall mean a development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Comprehensive Plan.

Cold Storage Facility. “Cold Storage Facility” shall mean a building or group of buildings managed as a commercial enterprise and used for the storage of food products in a refrigerated or frozen state and sold off premises.

Commercial Use. “Commercial Use” shall mean the use of land or buildings for the sale, lease, rental or trade of products, goods, services and other activities carried out for financial gain.

Commercial Activity. “Commercial Activity” shall mean either a regular course of commercial conduct or a particular commercial transaction or act in which products, goods, services, and other activities are exchanged or traded for barter or money.

Comprehensive Plan. “Comprehensive Plan” shall mean 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. A comprehensive plan shall represent the recommendations of the Planning Commission and City Council for future development of the community.

Community Sewer and Water Systems. “Community Sewer and Water Systems” shall mean a system providing centralized wastewater collection and treatment and centralized water supply storage and distribution to a group of structures that are located such that service from a municipal sewer or water utility is cost prohibitive. Community sewer and water systems shall comply with the requirements of state regulatory agencies and Ten States Standards for Sewage and Water Works. Community Sewer and Water Systems shall utilize only proven technologies. The design and construction of community sewer and water systems shall be approved by the City Engineer. Community Sewer and Water Systems shall be prepared under the direct supervision of a Minnesota licensed professional engineer and approved by the City Engineer. Community Sewer and Water Systems shall be designed to facilitate connection to the City Sewer and Water Utilities in the future. Ownership of Community Sewer and Water Systems shall be either private or public. In the event of private ownership, the financial viability of the organization owning the said facilities shall be personally guaranteed by the property owners utilizing said facilities.

Conditional Use. “Conditional Use” shall mean 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. The City may impose additional conditions in specific instances to protect the health, safety and welfare.

Condominium. “Condominium” shall mean a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provision of state and local laws.

Corner Lot. See: “Lot, Corner.”

Covered Storage Building. “Covered Storage Building” shall mean an enclosure that is a moveable tent-like shelter that is typically constructed with wooden or metal framework and covered with a tarpaulin of plastic or canvas like material. These structures are most typically used for sheltering vehicles, RVs or other materials stored outside residential neighborhoods.

Deck. “Deck” shall mean an open structure at least twelve (12) inches above the ground that is located in the front yard, rear yard, side yard, or court of a property. A deck may be attached or not attached to a structure. When a deck has a roof and/or wall enclosures that keep out the elements, it ceases to be a deck and must be reviewed as an addition.

Density. “Density” shall mean a measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and floodplain, but may include protected wetlands and hydric soils.

Driveway. “Driveway” shall mean a private road or path that is wholly located on the lot that it services and that affords vehicle access to a public road.

Duplex. See dwelling, two family.

Dwelling. “Dwelling” shall mean 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 time-share accommodations, such as a motel, hotel, and resort rooms and cabins having one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having separate permanently installed cooking and sanitary facilities.

Dwelling, Attached (group, row, or townhouse). “Dwelling, Attached” (group, row, or townhouse) shall mean a dwelling joined to one (1) or more dwellings by a party wall or walls.

Dwelling, Detached. “Dwelling, Detached” shall mean a dwelling entirely surrounded by open space, and not attached or connected structurally to any other dwelling.

Dwelling, Multiple Family. “Dwelling, Multiple Family” shall mean a dwelling containing two (2) or more dwelling units, whether a townhouse, apartment, condominium, or other type of dwelling.

Dwelling, Single Family. “Dwelling, Single Family” shall mean a detached dwelling designed exclusively for occupancy by one (1) family only.

Dwelling Site. “Dwelling Site” shall mean a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle site.

Dwelling, Two Family. “Dwelling, Two Family” shall mean a dwelling designed with two dwelling units, exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit. “Dwelling Unit” shall mean, 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 time-share accommodations, such as a motel, hotel, resort rooms and cabins having one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having separate permanently installed cooking and sanitary facilities.

Excavation. “Excavation” shall means the removal, relocation, or recovery by any means of soil, rock, minerals, debris, or organic substances other than vegetation from a parcel of land.

Family. “Family” shall mean any number of individuals related by blood, legal adoption, marriage, or foster care, or six (6) or fewer unrelated individuals living together in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, licensed residential care facility, or hotel as herein described.

Fill. “Fill” shall mean sand, gravel, earth, or other materials deposited on, moved onto, or placed on a parcel of land.

Filling. “Filling” shall mean the placement of fill on a parcel of land.

Floodplain. “Floodplain” shall mean the area subject to inundation by a one hundred (100)-year flood as designated and mapped by the Federal Emergency Management Agency.

Floor Area. “Floor Area” shall mean the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls, or for a structure without walls (e.g., a carport), the total ground area covered by roof, not including area under a typical overhang dimension.

Floor Area, Livable. “Floor Area, Livable” shall mean the floor area of a dwelling excluding all areas occupied by unfinished rooms or basements, garages, porches other than usable during all seasons.

Floor Area Ratios (F.A.R.). “Floor Area Ratios (F.A.R.)” shall mean the floor area of the building or buildings on a lot divided by the area of such lot, or, in the case of planned unit developments, by the net size area. The floor area ratio requirements shall determine the maximum floor area allowable for the building or buildings, including both principal and accessory buildings, in direct ratio to the gross area of the lot.

Foot-candle. “Foot-candle” shall mean a standard unit of illumination intensity.

Foundation. “Foundation” shall mean a continuous perimeter wall structure with frost footings that supports a building or facility and as defined by the current version of the building code adopted by the City of Rice.

Frequency. “Frequency” shall mean the oscillations per second in a sound wave.

Frontage. “Frontage” shall mean that part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and side lot line.

Garage, Private. “Garage, Private” shall mean an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the dwelling unit.

Garage, Public. “Garage, Public” shall mean any building, except private garage, used for the storage or care of motor driven vehicles, or a building where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, hire, or sale.

Garage, Truck. “Garage, Truck” shall mean a building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half (1-1/2) tons capacity.

Garden, Community. “Garden, Community” shall mean a garden that is maintained by a group of individuals growing fruits, vegetables, or other plants for the purpose of consuming or enjoyment of the produce by the gardeners and their families, by friends or neighbors, or by donation to a charitable organization. A community garden may be an accessory use of a site.

Garden, Home. “Garden, Home” shall mean a garden that gardeners and their family or housemates maintain on the site where they live, growing fruits and vegetables or other plants for the purpose of consuming or the enjoyment of the produce by persons residing onsite or by friends or neighbors or by donation to a charitable organization.

Grade. “Grade shall mean the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grade, Street. “Grade, Street” shall mean the established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the City engineer shall establish such street grade or its equivalent for the purpose of this Chapter.

Group Home. “Group Home” shall mean a home that is licensed by the commissioner of health as a rooming and/or boarding house and provides lodging for people who are mentally ill, physically disadvantaged or chemically dependent.

Halfway House. “Halfway House” shall mean a home, operated and supervised by a governmental or non-profit agency, for not more than seven persons who have demonstrated a tendency toward chemical abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, nine of whom live together as a single housekeeping unit. The term shall not include licensed facilities as defined by Minn. Stat. § 245A.11.

Handicapped or Infirm Institution. “Handicapped or Infirm Institution” shall mean an institutional facility housing more than six persons who are physically or mentally handicapped or infirm, and providing primarily residential care rather than medical treatment.

Heavy Industry. “Heavy Industry” shall mean production industries in auto, rubber, petroleum, and raw material areas, requiring high capitalization and producing large quantities of output. Heavy industry may employ many people, and is often beset by environmental impacts.

Home Occupation. “Home Occupation” shall mean a lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use and may include any gainful occupation that is conducted entirely within the dwelling, and that meets the requirements of this Ordinance.

Horticulture. “Horticultural” shall mean the use of land for the growing or production for income, of fruits, vegetables, flowers, nursery stock, trees, including forestry, ornamental plants and trees, and cultured sod.

Highway Related Business. “Highway Related Business” shall mean any commercial or industrial use that is located on an arterial roadway and provides services or products that are transportation related.

Impervious Surface. “Impervious Surface” shall mean a material providing a hard surface that substantially prevents the absorption of water into the ground. Common impervious surfaces include, but are not limited to, concrete; asphalt; roofs, walkways; crushed rock; patios; brick; above or below ground pools, natural stone or other non-pervious pavers (even when set with only sand); decking that is not open grid, open grid decking over impervious areas; driveways, parking lots or storage areas; areas that are graveled or made of packed or oiled earthen materials; or other surfaces that similarly impede the natural infiltration of surface and storm water.

Intermediate Care Residential Facility. “Intermediate Care Residential Facility” shall mean a facility providing accommodations for not more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution. “Intermediate Care Institution” shall mean an institutional facility providing accommodation for more than seven persons needing medical care and supervision at a lower level than provided for in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermodal Container. “Intermodal Container”, “freight container” or “shipping container” shall mean a reusable transport and storage unit for moving products and raw materials between locations or countries. A typical container has doors fitted at one end, and is constructed of weathering steel.

Industrial Use. “Industrial Use” shall mean the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Junk Yard. “Junk Yard” shall mean land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials that is incidental or accessory to any business or industrial use on the same lot.

Kenel (commercial or hobby). “Kenel (commercial or hobby)” shall mean any structure or premises on which four (4) or more domestic animals over six (6) months of age are kept.

Light Industrial. “Light Industrial” shall mean the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication, or processing takes place, where the processes are housed entirely within a building or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

Loading Space or Loading Area. “Loading Space or Loading Area” shall mean that portion of a lot or plot designated to serve the purpose of loading or unloading all types of vehicles.

Lot. “Lot” shall mean 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 that description for the purpose of sale, lease, or separation. A lot must be situated and have its principal frontage on a public street. A lot may be a single lot of record, or a combination of complete lots of record. Notwithstanding the above requirements, a lot shown on a plat properly recorded in the office of the County Recorder prior to the effective date of this Ordinance shall be a Lot.

Lot Area. “Lot Area” shall mean the total surface area of a lot within the lot lines, excluding public right-of-way or street easements.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more platted and intersecting streets.

Lot Coverage. “Lot Coverage” shall mean the area occupied by impervious material, including but not limited to buildings, paved surfaces and driveways.

Lot Depth. “Lot Depth” shall mean the mean horizontal distance between the center points of the front and rear lot lines for standard lots. For lots of non-standard shape, the Zoning Administrator shall determine the lot depth.

Lot, Double Frontage. “Lot, Double Frontage” shall mean a lot where opposite lot lines abut two public or private roadway rights-of-way that do not intersect at a corner of the lot, and in both instances, the lot meets the minimum frontage requirement in the zoning district the lot is located. A Double Frontage Lot shall have front yards on each portion of the lot abutting a public right-of-way. Where a Double Frontage Lot straddles two zoning districts, the most restrictive frontage requirement shall be applied.

Lot, Interior. “Lot, Interior” shall mean a lot other than a corner lot.

Lot Line. “Lot Line” shall mean a line of record bounding a lot that divides a lot from another lot, a public street or any other public or private space.

Lot Line, Front. “Lot Line, Front” shall mean the line between one side line of the lot and the other side line of the lot along the street right-of-way line. On a corner lot, the front lot line shall lie on the street providing the primary street access to the structure

Lot Line, Rear. “Lot Line, Rear” shall mean the lot line most nearly parallel and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the Zoning Administrator based upon the characteristics of the surrounding neighborhood.

Lot Line, Side. “Lot Line, Side” shall mean any lot line other than a front or rear lot line.

Lot of Record. “Lot of Record” shall mean any lot for which a deed, registered land survey, or other legal record was lawfully recorded in the office of the register of deeds or the register of titles for Benton County, Minnesota.

Lot Width. “Lot Width” shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building setback line.

Manufactured Single-Family Dwelling. “Manufactured Single-Family Dwelling” shall mean a structure, transportable in one or more sections that, in the traveling mode, is eight feet or more in width, or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling when connected to required utilities, and includes the plumbing, heating, and air conditioning and electrical systems contained therein, and meets all the requirements established under M.S. § 327.31, as it may be amended from time to time. A Manufactured single family dwelling shall be construed to remain a manufactured single-family dwelling, subject to all regulations applying thereto, whether or not on wheels, axels, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home. “Mobile Home” shall mean a dwelling unit designed for transportation after fabrication on streets or highways on its own wheels on a flatbed or other trailer and arriving at the site ready for occupancy except for incidental assembly, location on foundation, and connection to the utilities and the like.

Manufactured Home Park. “Manufactured Home Park” shall mean a parcel of land under single ownership, or condominiumized, that has been planned and improved for the placement of two or more mobile homes for non-transient use.

Modular or Industrialized Building. “Modular” or “Industrialized Building” shall mean a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at site, without disassembly, damage, or destruction, and made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. “Modular or Industrialized Buildings” include, but are not limited to, modular housing that is factory-built single family and multi-family housing, including closed wall panelized housing, and other modular, nonresidential buildings. Modular or Prefabricated Home does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

Motel. “Motel” shall mean a combination or group of two or more detached, semi-detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations for a fee.

Motor Vehicle. “Motor Vehicle” shall mean any self-propelled vehicle not operated exclusively on railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle, including, but not limited to cars, trucks, buses, motorcycles, campers, recreational vehicles and trailers.

Motor Vehicle Body Work. “Motor Vehicle Body Work” shall mean repair or straightening of an automobile body, frame, or fender, including painting.

Motor Vehicle Repair. “Motor Vehicle Repair” shall mean repairs, replacement of parts, and motor service to automobiles, not including body work or painting.

Motor Vehicle Sales. “Motor Vehicle Sales” shall mean the sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade.

Motor Vehicle, Small. “Motor Vehicle, Small” shall mean any motor vehicles less than twenty (20) feet in length and less than seven (7) feet in height, and commonly used or intended as a passenger car.

Multi-Family Dwelling. “Multi-Family Dwelling” shall mean more than one dwelling unit constructed with common walls, meeting all applicable building codes and standards in this Ordinance.

Municipal Water and Sewer Systems. “Municipal Water and Sewer Systems” shall mean municipally owned and operated utility systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utility systems as approved by the City Engineer.

Municipal / Public Facilities. “Municipal” or “Public Facilities” shall mean any buildings and property owned or operated by municipal, school districts, county, state, or other governmental units.

Nameplate. “Nameplate” shall mean a sign indicating the name and/or the address of a building, or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Nonconforming Structure or Use. “Nonconforming Structure or Use” shall mean a structure or use lawfully in existence on the effective date of this Ordinance or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

Nonconforming Lot. “Nonconforming Lot” shall mean any lot lawfully existing prior to the date that new zoning provisions were adopted making said lot inconsistent with the provisions of the newly adopted zoning chapter.

Nonconforming Sign. “Nonconforming Sign” shall mean any legal sign existing prior to the date that new zoning provisions were adopted making said sign inconsistent with the provisions of the newly adopted zoning ordinance.

Nonconforming Structure. “Nonconforming Structure” shall mean any legal structure or building existing on the date that the new zoning provisions were adopted making said structure inconsistent with the provisions of the newly adopted zoning ordinance.

Nursing Care Home. “Nursing Care Home” shall mean a facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to no more than seven persons.

Nursing Care Institutions. “Nursing Care Institution” shall mean an institutional facility providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than seven persons.

Ordinary High Water Level or Ordinary High Water Mark. “Ordinary High Water Level or Ordinary High Water Mark” shall mean the boundary of “public waters” and “wetlands” as defined by Minnesota Statutes, Chapter 103G, an elevation delineating the highest water level that 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 on the top of the bank of the channel.

Outdoor Furnaces. “Outdoor Furnaces” shall mean any equipment, device, or apparatus, or any part thereof, that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat for energy used as a component of a heating system for any interior space ordinarily occupied by humans.

Over story Tree. “Over story Tree” shall mean a tree whose foliage, when mature, is located within the forest canopy.

Parking Lot. “Parking Lot” shall mean an area defined for the parking or storage of vehicles and trailers and shall be on a plot plan.

Parking Space. “Parking space” shall mean an area, enclosed in the main building, in an accessory building or unenclosed, suitably surfaced and permanently maintained area, sufficient in size, to store one automobile, said parking space shall have adequate access to a public street or alley and shall permit ingress and egress of an automobile.

Person. “Person” shall include an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

Plot. “Plot” shall mean a tract of land, other than one unit of a recorded plat or subdivision occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building and accessory building and having a frontage upon a public street or highway and including such open spaces as required under this Chapter.

Principal Structure. A “Principal Structure” shall mean a non-accessory building in which is conducted and complies with the principal use of the lot on which it is located. . “Principal Structure” does not include accessory or storage buildings, improved driveways, sidewalks, or slabs.

Protected Waters. “Protected Waters” shall mean any waters of the state designated or otherwise defined as protected by the State or as a result of regulations adopted by the State. However, no lake, pond, or flowage of less than ten (10) acres in size and no river, stream having a total drainage area less than two (2) square miles shall be regulated for the purpose of these regulations.

Public Access. “Public Access” shall mean an area owned and/or operated by a governmental entity for the launching and retrieval of water craft from the public waters, or other recreational activities adjacent to public waters.

Public Open Space. “Public Open Space” shall mean any publically owned open area, including but not limited to the following: parks, playgrounds, school sites, and parkways.

Public Utility. “Public Utility” shall mean any person, firm, corporation, municipal department, or board fully authorized by the City to furnish and furnishing to the public, electricity, gas, steam, communication services, telegraph services, transportation, water or other essential public service.

Public Waters. “Public Waters” shall mean any waters as defined in Minnesota Statutes, Chapter 103G.

Recreational Vehicle. “Recreational Vehicle” shall mean a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

Restaurant. “Restaurant” shall mean an establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

Riparian. “Riparian” shall mean land continuous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Screen. “Screen” shall mean a barrier accomplished by a variety of means, intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen shall be at least eighty (80) percent opaque.

Self-Storage Facility. “Self-Storage Facility” shall mean a building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individual units. Storage Units may or may not be climate controlled.

Semi-Public Uses. “Semi-Public Uses” shall mean uses owned by private or private non-profit organizations that are open to some but not all of the public such as: denominational cemeteries, private schools, clubs, lodges, recreation facilities and churches.

Setback. “Setback” shall mean the minimum distance from any lot line or easement limit that an improvement may be placed, measured perpendicularly from the lot line or easement limit to the closest point of the improvement.

Setback Line. “Setback” or “Setback Line” shall mean the horizontal distance between the property line or street right-of-way, or street easement, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff and the line of the structure or the allowable building line as defined by the yard regulations of this Ordinance.

Shore land. “Shore land” shall mean any land adjacent to public waters as defined by the Shore land Management Plan, if applicable.

Shore Impact Zone. “Shore Impact Zone” shall mean land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty (50) percent of the required structure setback.

Sign. “Sign” shall mean any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, that is displayed outdoors or on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building for informational or communicative purposes.

Slope. “Slope” shall mean the amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Story. “Story” shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no such floor space above, the space between the floor and the ceiling next above it. A level containing independent apartment or living quarters shall be counted as a fully story, whether or not that level is completely usable or finished.

Storage. “Storage” shall mean placing or leaving goods, materials, or equipment in a location on a premises.

Street, Public. “Street, Public” shall mean a thoroughfare that affords a principal means of access to abutting property and that has been accepted by the City as a public street.

Structural Alterations. “Structural Alterations” shall mean any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Structure. “Structure” shall mean anything constructed, placed, or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by a wall without openings, each part shall be deemed a separate structure.

Structure, Accessory. See building, accessory

Structure, Principal. See building, principal.

Subdivision. “Subdivision” shall mean the division of a parcel of land into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development.

Tent Garages. See Covered Storage Building.

Townhouse. “Townhouse” shall mean a single structure consisting of three (3) or more dwelling units each having a private entrance on the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Transit Station. “Transit Station” shall mean a parcel or portion thereof that is used for loading and unloading of public transit riders including the platform, station facilities, public open space and park-and-ride lots. Transit station is inclusive of all public transit modes.

Use. “Use” shall mean the purpose or activity for which a premise is designed, arranged, or intended for which it is or may be occupied or maintained.

Use, Accessory. “Use, Accessory” shall mean a use subordinate to the principal use on a lot and exclusively used for purposes incidental to those of the principal use.

Use, Interim. “Use, Interim” shall mean a temporary use of the property until a particular date or until the occurrence of a particular event, as determined by the City Council.

Use, Permitted. “Use, Permitted” shall mean a use that may be lawfully established in a particular district, provided that it conforms with all requirements, regulations, and performance standards of such district.

Utility Facility. “Utility Facility” shall mean any above-ground structure of facility, other than a principal building, owned by a government entity, non-profit organization, a corporation, or any other entity defined as a public utility for any purpose by State Statute and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals. Streets are exempt from this definition, as are wires or pipes and supporting poles or structures within a public right-of-way for electric power, telephone, telegraph, cable television, gas, water and sewer service.

Utility Facility, Community or Regional. “Utility Facility, Community or Regional” shall mean any utility facility, other than a neighborhood facility as defined below.

Utility Facility, Neighborhood. “Utility Facility, Neighborhood” shall mean a utility facility designed to serve the immediate neighborhood and that must, for reasons related to the purpose of the utility, be located in or near the neighborhood where the facilities are proposed to be located.

Variance. “Variance” shall mean a modification or variation of the provisions of this Chapter, as applied to a specific piece of property. A variance may be granted to the numerical standards of the Code, but not for the permissible use of a property.

Vehicle, Small. “Vehicle, Small” shall mean any motor vehicle weighing $\frac{3}{4}$ ton or less.

Wind Energy Conversion System or Windmill. “Wind Energy Conversion System or Windmill” shall mean an apparatus capable of converting wind energy into electricity.

Wholesale Sales. “Wholesale Sales” shall mean on-premise sale of goods primarily to customers engaged in the business of reselling the goods.

Yard. “Yard” shall mean an open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

Yard, Front. “Yard, Front” shall mean the area the width of which is measured from one side line of the lot line of the lot to another sideline of the lot, located between the property line and the front of the principal structure. On a corner lot, the front yard shall lie on the street providing the primary street access to the structure. The front yard (short side) required minimum front yard setback (30’) or the setback established by existing structures.

Yard, Rear. “Yard, Rear” shall mean a yard extending across the full width of the lot and laying between the rear yard setback line and nearest line of the principal structure.

Yard, Side. “Yard, Side” shall mean a yard on the same lot with a building between the side yard setback line and the side line of the lot and extending from the front lot line to the rear yard. In residential districts where the rear boundary lines of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer to its side lot line (long side) than 15’

Zoning Administrator. The City Clerk or other person designated and authorized by the City Council to administer and enforce the provisions of this Ordinance.

Zoning Districts. “Zoning Districts” shall mean the areas of the City designated for specific uses with specific requirements for use or development.

CHAPTER 14: LAND USE DEVELOPMENT CODE

Section 1410: Zoning Districts –General District Regulations & Classifications

- 1410.01 Purpose
 - Permitted and Conditional Use Exhibit
- 1410.02 Annexations
- 1410.03 Zoning Map
- 1410.04 Land Use Requirements & Setbacks Chart

1410.01. Purpose: In order to implement the Comprehensive Plan and achieve an orderly development pattern that protects the health, safety and general welfare of the residents and business community of the City of Rice and minimizes development impacts on the environment, the city is hereby divided into the two categories of zoning classifications: Residential and Non-residential Districts. These districts and the intent for each sub classification for the Residential and Non Residential Districts is as follows:

Residential Districts:

- R-1 – Single Family Residential District**
- R-2 – Multiple Families Residential District**
- RR – Rural Residential District**
- AG – Agriculture District**

Intent: The specific intent of each Residential district is as follows:

1. **R-1: Low Density Single Family Residential District.** The R-1 Residential District provides space for low density residential living with full provision of necessary urban service facilities. Existing agricultural uses are allowed to continue, within regulations, on land not yet needed for residential development, but other nonresidential uses are limited to the minimum necessary for residential convenience and welfare.
2. **R-2: Medium Density Residential District.** By providing for space for apartment building and other styles of multiple dwelling and multi-family structures, the R-2 Residential District permits a variety of housing options while still promoting a neighborhood atmosphere.
3. **RR: Rural Residential District.** The RR District allows suitable areas of the city to be retained and utilized in open space and/or agricultural uses.
4. **AG – Agriculture District.** The AG-Agriculture District provides for a mixture of agricultural and large lots [more than ten (10) acres] residential uses. The district is also appropriate for transitional areas in which some land owners may wish to transfer land from agricultural to residential uses.

Non Residential Districts

B-1 – Neighborhood Business District

B-2 – General Business District

B-3 – Highway Business District

I-1 – Light Industrial District

I-2 – Heavy Industrial District

RD – Rail Road District

Intent: The specific intent of each Non-Residential district is as follows:

- 1. B-1 - Neighborhood Business District.** The B-1 District provides a friendly land use pattern that enables residential uses to coexist with small scale specialty retail uses and small scale commercial facilities and offices where they will be easily accessible to adjacent residential areas. Development is intended to be compatible with the scale of surrounding residential areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood.
- 2. B-2 - General Business District.** The B-2 District provides areas for concentrated general business and commercial activities or central business district, at locations where the interaction between such activities can be maximized with minimal infringement on residential neighborhoods.
- 3. B-3 Highway Business District.** The B-3 District provides areas with ready access to major transportation routes to meet the needs of an automobile oriented society. Businesses catering to travelers and serving the needs of vehicle owners, and commercially orientated businesses that require larger buildings or acreage that are compatible with other business districts, may be located in this district. The B-3 Highway Business District is not intended to provide locations for industrial or manufacturing uses.
- 4. I-1 Light Industrial District.** The I-1 District provides areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial uses that create a minimum degree of refuse by-products, air or noise pollution, and requiring a relatively low level of on-premises processing. Several of these activities include secondary commercial functions that may also be conducted on site. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.
- 5. I-2 Heavy Industrial District.** The I-2 District provides areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments in areas adequately buffered with open land to permit storage of regulated materials and products. Industrial activities that are deemed to involve significant levels of hazards or nuisance to workers or to adjacent uses may be located so that they are always adequately separated from any residential or commercial districts, by buffer zone of land or by designated I-1 district. Development within this district shall be regulated through the performance standards outlined in this chapter to promote sensitive site design and to mitigate external site impacts. Designation of a heavy industrial district will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

6. **RD- Railroad District.** The RR District provides areas adjacent to mainline and spur trackage for the use of businesses that require such access, or to businesses providing services to businesses that utilize access to trackage. Uses may include transportation of rail freight and minor manufacturing or processing of materials shipped by rail. Development within the Rail Road District will take advantage of the rail facilities that transect the City of Rice.

USES:

Within the City's zoning districts, no land or buildings may be used or occupied in any manner except for the uses set forth in the following land use classification chart and described in the following subsections. If a use is not identified in the following land use classification chart, the Zoning Administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated in the land use classification chart. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination. The Zoning Administrator and Planning Commission City Council shall take into consideration if the use meets the City's goals and plans, what zoning district may be most appropriate for the use as well as what conditions and standards should be imposed relating to development of the use.

When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for what type of use will govern.

Residential and Nonresidential Zoning Districts Land Uses are as follows:

1410.02. ANNEXATIONS.

Any territory annexed into the City of Rice will automatically, upon annexation, be classified as AG Agricultural District. That land will be subject to the requirements of the AG Zoning District unless otherwise provided for in the annexation agreement or until the territory is rezoned.

Any floodplain areas that are annexed into the City after the adoption date of this ordinance shall immediately be subject to the provisions of this ordinance and any floodplain requirements upon the date of annexation into the City of Rice.

1410.03. ZONING MAP.

- A. The use districts are delineated on the Official Zoning Map, created pursuant to M.S. § 462.357, Subd. 1, as it may be amended from time to time. The Official Zoning Map is hereby adopted by reference and declared to be part of this Ordinance. This map shall be on permanent file and available for public inspection in the City Office. It shall be the responsibility of the Clerk or other person appointed by the City Council to administer this Ordinance to maintain and keep the map up to date. The date of any amendment or change to the Zoning Map shall be recorded on the current version of the Zoning Map.
- B. All property within the city shall have the zoning designation shown on the official zoning map. If there is any discrepancy or inconsistency between the official zoning map and any other map, ordinance or source that purports to indicate the zoning of property, the official zoning map shall take precedence. The provisions of this section shall not be interpreted to require the city to zone all properties within the city limits or to prevent zoning only a portion of the city.
- C. Zoning district boundary lines shown on the official zoning map are intended to follow lot lines, the center lines of streets and alleys, the center lines of street or alleys projected, railroad right-of-ways, the center of watercourses or the corporate limits of the city, unless otherwise specifically indicated.

CHAPTER 14: LAND USE DEVELOPMENT CODE

Section 1415: RESIDENTIAL DISTRICTS

1415.01	General Requirements
1415.02	Structures and Accessory Buildings
1415.03	Setbacks
1415.04	Fences
1415.05	General Landscaping
1415.06	Home Occupations
1415.07	Accessory Apartments
1415.08	Demolition
1415.09	Outdoor Storage
1415.10	Nonresidential Daycares in Residential Districts
1415.11	Specific Requirements for R-1 District
1415.12	Specific Requirements for R-2 District
1415.13	Specific Requirements for RR District
1415.14	Specific Requirements for AG District

1415.01. GENERAL REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS.

The following sections/subdivisions shall apply to all Residential Districts, except as otherwise provided in sections 1415.11, 1415.12, 1415.13, and 1415.14.

The use must be of similar nature to the listed PERMITTED AND CONDITIONAL USES EXHIBIT for Residential Districts, consistent with the Intent of the District and found not to be detrimental to the general health and welfare of the city. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for what type of use will govern.

Subd. 1. Certificate of Occupancy.

- (a) No land may be occupied or used, and no structure that is erected, reconstructed, or structurally altered may be occupied or changed in use, in whole or in part, for any purpose unless a certificate of occupancy has been issued by the City Building Official.
- (b) Every application for a residential building permit is also deemed an application for a certificate of occupancy.
- (c) **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, he/she may issue a temporary Certificate of Occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

In the case where a temporary certificate of occupancy is issued by the Building Official, the property owner shall deposit with the city sufficient

funds for completion of all items left outstanding. All remaining items shall be completed within the time specified by the Building Official.

Subd. 2. Approval of Governing Body. All plans for the improvement, development, alteration or expansion and use of any property situated in any district shall be examined and approved by the Zoning Administrator, Building Official, or by the governing body prior to the issuance of any permit whatsoever.

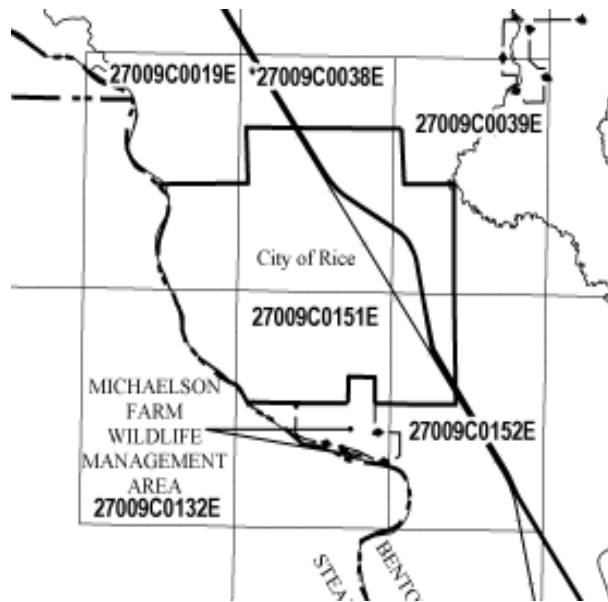
Subd. 3. Public Hearing & Fee. All public hearings referred to in this ordinance shall be held by the City after notice of the time and place of such hearing has been published in accordance with the legal requirements of the municipality. All public hearings will be held by the City and shall conform to the procedures set forth in this Ordinance. The application fee, and fees for special meetings or hearings, is outlined in the City of Rice Fee schedule, as amended from time to time.

Subd. 4. Conformance with Municipal Thoroughfare Plan. No building permit shall be issued and no structure shall be placed, nor land subdivided, in such a way as to interfere with the future platting or construction of streets or roads as shown on the street plan if such plan exists, or is amended, or adopted in the future.

Subd. 5. Obstruction of View. No wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained that may cause danger to traffic on a street or public way by obscuring the view. Any such wall, fence or structure shall be placed within the property line, and located so as not to obstruct the line of sight with respect to oncoming traffic or where it is necessary to main a clear sight triangle, in which case the over story of any vegetation in the sight triangle of an intersection may not be more than three feet high or extend below ten feet above the critical street level as determined by the City Engineer or the City's Superintendent of Public Works.

Subd. 6. Land Subject to Flooding. All development or redevelopment of land that is located within the flood plain shall occur in conformance with the Rice Flood Plain Management Ordinance plan if such plan exists, or is amended, or adopted in the future. Land subject to flooding within the City of Rice shall be as designated by FEMA panels: 27009C0019E, 27009C0032E, 27009C0038E, 27009C0039E, 27009C0051E, and 27009C0052E.

Subd. 7. Antennas, Satellite Dish Antennas, and Towers. The purpose of this subdivision is to establish provisions for the installation of non-commercial antennas, satellite dish antennas, and towers so that the owners may enjoy the benefits of such structures without detriment to the health, safety, aesthetics, or adverse impact on the property values of others. Antennas shall be



allowed to be placed in a position to receive usable signals. Signal strength capable of providing receiver quality equivalent to reception from a local commercial stations or cable television shall be deemed usable signal strength.

- (a) The antennas shall be located on an existing structure, if possible, and shall not extend more than twenty-five feet above the highest point of the roof of the building or structure. In the event an antenna or tower is to be mounted on a free standing base, the maximum height of the tower or antenna shall be thirty-five feet, and the base, and any overhang and/or supportive devices shall be at least ten feet from the property line.
- (b) Not more than one antenna shall be allowed in any single family residential district lot. More than one antenna may be allowed by conditional use permit if the property owner holds a valid amateur radio license and is using the antennas for experimentation or non commercial use.
- (c) In all residential districts, antennas shall be located and designated to reduce visual impact from surrounding properties and public streets.
- (d) If a useable signal is not obtainable under the provisions of this ordinance, the applicant may request a variance.
- (e) Antennas and satellite dish antennas may be placed on the roof of a building in accordance with the Uniform Building Code requirements and accepted engineering standards.

Subd. 8. Solar Collectors. Solar collectors shall adhere to the setback requirements of the District in which they are placed and, if possible, shall be located on an existing building or structure. When placed on the roof of structures, solar collectors shall be subject to height requirements of the District in which they are located. When considering a variance for the placement of solar collectors, Minnesota Statutes, Section 462.357, provides that lack of sufficient solar access may be considered as a legitimate hardship.

Subd. 9. Windmills. Windmills exceeding fifteen (15) feet in height shall require a conditional use permit as provided in this Ordinance.

Subd. 10. Removal of Topsoil & Appearance of Land. No person shall strip, excavate, or otherwise remove topsoil for sale, or for the use other than on the premises from which the same is taken, except in connection with the construction or alteration of a building on said premises and excavating or grading incidental thereto, except as provided elsewhere in this Ordinance.

Subd. 11. Building Line Established by Development. In platted areas, where buildings on more than thirty percent (30%) of the lots on the same street on that block have been constructed with front yard setbacks less than those described as minimum in this Ordinance, the setback line for subsequent construction shall be a straight line drawn between the points closest to the street line of the residences on either side. However this subdivision shall not be interpreted to require a greater front yard setback than the established as a minimum front yard setback for that district. When the street is curved the line shall follow the curve of the street rather than a straight line.

Subd. 12. Corner Lots. In residential districts where the rear boundary lines of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer to its side lot line (long side) than 15'. The front yard (short side) required minimum front yard setback (30') or the setback established by existing structures. In the case of a narrow corner lot where compliance with would give an impracticable depth to a structure or building, the City Council may permit the construction of such structure as near to the side street lot line as will give a practicable depth after the matter has been considered by the city's Planning Commission and they have given their recommendations to the City Council. (See **Definitions; "Yard, Front"**)

Subd. 13. Double Frontage. On doubled frontage lots, the required front yard shall be provided on both streets.

Subd. 14. Height Exemptions. Height Limitations set forth in this Ordinance shall not apply to church spires, cupolas, water towers, observation towers, flag poles, chimneys, smoke stacks, commercial radio and television towers, grain elevators, and similar construction unless, in the opinion of the Building Official, such construction might be dangerous or in other ways detrimental to surrounding property in which case a conditional use permit shall be required.

Subd. 15. Parking. Parking shall be regulated by the Off Street Parking and Loading Ordinance.

Subd. 16. Fire Escapes. Fire escapes may not extend into the front yard.

Subd. 17. Building Relocation. To maintain a high standard of residential development, and to protect such areas from deleterious effects, relocated buildings shall meet the following specified requirements:

- (a) The Building Official will inspect the building proposed to be moved, to ascertain whether it meets the standards prescribed in this Ordinance and the State of Minnesota Building code. If the building does not comply, it shall be made compliant and the applicant must obtain a conditional use permit, before the Building Official shall issue a building permit.
- (b) Each location of a relocated building shall require a conditional use permit from the governing body and all such buildings shall conform with and be situated in a properly zoned area in accordance with all provisions of the Ordinance and the building code.
- (c) The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area. If the Council concurs with the decision of the Planning Commission that a structure would depreciate properties in the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. The Building Official shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of

the lot on which the structure is to be located together with adjacent lots and structures.

- (d) The application for a permit or conditional use permit to move a building may be granted or denied by the governing body.
- (e) These requirements do not apply to the construction of shed or other temporary structures to be located on a lot for eighteen (18) months or less.

Subd. 18. On-Site, Private Sewer Systems. New onsite systems, either sewer or water, shall not be permitted within any Residential Districts after the date of adoption of this ordinance if City utilities are available. In the event an onsite system that was in existence prior to the adoption date of this ordinance, fails or is required to be replaced, such replacement shall not be permitted if City utilities are available as regulated by the City's Municipal Water and Municipal Wastewater Ordinances.

In the case where City Municipal Water and/or Sewer services are not available, new and existing onsite private systems shall comply with the requirements of the City's Municipal Water and Municipal Wastewater Ordinances, as amended, and of Minnesota Rules (MCAR) 7080. Except that the following minimum standards shall apply:

- (a) Minimum tank capacity will be 1000 gallons.
- (b) Drain field and soil treatment sites must be sized according to MCAR 7080 except that disposal sites shall have a minimum size that meets the requirements for a three bedroom home.
- (c) All drain field site(s) must be properly protected at the time of platting and/or before construction begins at the property.
- (d) In any new developments, whether single-family dwelling developments or Multi-family housing developments, particularly in Rural Residential areas where municipal water and sewer services may not be available or the connection of such services would be cost prohibitive, a Community Sewer and Water System is required.

Subd. 19. Riparian Lots. In any zoning district where a parcel of land is contiguous to a lake or pond exceeding 5 acres below the ordinary high water level, either natural or man-made, and said parcel also abuts a platted right of way dedicated to the for the purpose of developing a public or private roadway, such parcel may be considered as a Double Frontage Lot if the following conditions are met:

- (a) The parcel has at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which riparian use privileges are extended or dedicated, and
- (b) The parcel has a width of 33 feet or more at the right of way.

1415.02. STRUCTURES AND ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

Subd. 1. Dwelling Unit Requirements

All dwellings, manufactured and modular single-family dwellings constructed or established after the adoption of this Code shall meet the following criteria:

1. The dwelling and manufactured or modular single-family dwelling shall have a minimum length and width of twenty (20) feet at all points, providing that such measurements shall not include overhangs and other projections beyond the principal exterior walls. No dwelling shall have less than nine hundred and sixty square feet of finished, livable floor space or a foundation footprint of less than six hundred (600) square feet;
2. The dwelling, manufactured or modular single-family dwelling shall include an attached or detached private garage on the lot;
3. The dwelling shall comply with the state building code and the manufactured or modular single family dwelling shall comply with applicable Minnesota Statutes.

Subd. 2. Dwelling Unit Restrictions

1. The purpose of this Section is to maintain neighborhood property values and otherwise promote health, safety, order and general welfare while providing for manufactured homes in safe, attractive, residential neighborhoods with all urban services and desired amenities as other residential dwellings.
2. Single family detached dwelling units, which shall include manufactured or modular homes meeting the regulations of this Section, shall be governed by the following regulations:
 - a. All dwellings shall be anchored by being placed on State Building Code compliant frost footings or permanent foundation (solid for the complete circumference of the dwelling) that meets the requirement of the State Building Code. (**see Definitions, "Foundations"**)
 - b. The pitch of the main roof shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run (or shall have a pitched main roof). The roof shall have eaves of not less than six inches and be covered with shingles, tiles, or standing seam metal roofing's. Non-painted galvanized sheet roofs of corrugated or ribbed metal, shall not be permitted or those of similar appearance.
 - c. Dwelling units shall have exterior siding of a conventional exterior dwelling type material. Metal siding must have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is not permitted. All units shall have exterior siding extending to within six (6) inches of the grade and overlap concrete by two (2) inches.
3. No manufactured home shall be located outside of a manufactured home park located in the designated district unless it is in compliance with this subdivision and

with Sections 327.31 - 327.35 of Minnesota Statutes and the requirements of this Ordinance.

4. In the event of a denial of a building permit based on the requirements of this subdivision the matter may be referred to the governing body. The governing body may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. The governing body shall have the additional power to require appropriate screening to the extent that such screening sufficiently ameliorates deficiencies of any design or construction.

Subd. 3. Accessory Structures, Standards in Residential Districts

All accessory structures or buildings constructed or established in Residential Districts after the adoption of this Code shall meet the following criteria:

1. **No accessory building**, other than a garage, shall be located within any yard other than the rear yard.
2. **Swimming Pools & Spas.** Where noncommercial swimming pools with a capacity of over five thousand (5,000) gallons are constructed in residential districts, building permits are required and they shall be regulated by the Minnesota State Building Code. Pools are permitted in the rear yard only, and must be at least five (5) feet from any lot line. Spas are permitted in the rear and side yards only, and must be located at least five (5) feet from any lot line. All outdoor spas require a safety cover.
3. **Air Conditioning Units.** All air conditioning units excluding window units shall not be located within the front yard.
4. **Attached Accessory Buildings.** If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building.
5. **Detached Accessory Buildings.** A detached accessory building shall not be placed closer than six (6) feet from the main structure, and shall not be placed closer to the public right-of-way than the front of the principal structure on the lot. They shall also:
 - a. Not cause the maximum allowed impervious area to be exceeded in the district, and
 - b. Be no more than two detached buildings per lot or exceed the maximum aggregate square footage permitted in the district in which they are placed.
6. **Doghouses, children's playhouses, tree houses** and other similar buildings that are less than fifty (50) square feet in total area are not included in the maximum number of detached buildings allowed or in lot coverage requirements.

7. **Homogenous Design.** In all residential districts, accessory buildings must be consistent with the architecture and design of the principal building. Consistency of design includes use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.
8. **Gazebos.** Gazebos are permitted in the rear yard, provided they comply with the following:
 - a. Each wall of the gazebo is at least twenty-five percent (25%) open.
 - b. Gazebos are limited to twelve feet in height, as measured to the peak of the roof. The gazebo platform must be no higher than four (4) feet above grade. Gazebos are limited to one hundred twenty (120) square feet in area.
 - c. The gazebo must be set back a minimum of five (5) feet from any lot line.

1415.03. SETBACKS.

For specific setback requirements by Zoning District, refer to the Specific Requirements for the Zoning District in which any building or structure is to be placed.

Subd. 1. Setback Exemptions.

The following shall not be considered as encroachments on setback requirements:

- (a) **Twenty-five Percent Occupancy.** When more than twenty-five (25) percent of the frontage on one side of the street between intersections is occupied by structures having setbacks from street rights-of-way that are greater or lesser than required by this ordinance, the average setback of all existing buildings between the intersections, or to a distance of two hundred (200) feet in either direction, whichever is closer, shall be maintained by all new or relocated structures.
- (b) **Other:** In Residential districts. For lots platted before this ordinance with widths between 75 feet and 50 feet, setbacks shall be determined by the Zoning Administrator to reflect established setbacks in the neighborhood in which the structure is located.
- (c) On lots with structures that were built prior to the adoption of this ordinance, setbacks shall be determined by the Zoning Administrator to reflect established setbacks in the neighborhood in which the structure is located.

1415.04. FENCES IN R-1, R-2 DISTRICTS.

1. **Corner Lots:** No fence, structure, building, hedge, or planting shall rise over four (4) feet in height above the level of the public sidewalk within fifteen (15) feet of any side street right-of-way corner or thirty (30) feet of any front property line where it will interfere with traffic or pedestrian visibility across the driveway, alley, or street.

2. Fences shall not exceed the following heights. (The * means to refer to General Provisions, Section 1400, "Definitions.")
 - a. Front Yard* - Maximum Height – four feet (4'); Setback zero feet (0')
 - b. Side Yard* - Maximum Height – six feet (6'); Setback zero feet (0')
 - c. Rear Yard* - Maximum height – six feet (6'); Setback zero feet (0')
 - d. Alley* - Maximum Height – six feet (6'); Setback two feet (2')
3. Fences that are provided for tennis courts shall be allowed a maximum height of ten feet (10'). The fence shall not exceed twenty-five percent (25%) opacity.
 - a. Fences exceeding six (6') in height will require a variance and a building permit. Fences exceeding six (6) feet in height will be regulated by the governing body and Minnesota Building Code.
4. Setback requirements from easements. Fences or over story vegetation may be located with zero feet (0') setback from any easement, provided that the property owner bears all removal costs of said fences and vegetation if the removal is requested by the entity benefitting from the easement.
5. Exceptions: Trees and shrubs shall not be regulated as a fence or hedge, except for situations as detailed by Section 1405.03, Subd. 2, OBSTRUCTION OF VIEW.

1415.05. GENERAL LANDSCAPING REQUIREMENTS.

No certificate of occupancy shall be issued for any residence until such time as the lot area remaining, after providing for driveways, sidewalks, patios, building site and/or other requirements, shall be sodded or seeded, in accordance with the requirements of this Ordinance.

Landscaping may not be initiated before April 30th and no later than October 15th of any given year. If landscaping is not completed within said time period, the owner shall enter into an escrow agreement with the City, which will specify the amount, manner, and time in which said landscaping shall be completed as provided in the paragraphs below.

Subd. 1. Minimum Standards.

All areas of land not covered by structures or pavement or undisturbed vegetation, shall be landscaped according to the provisions of this section:

1. At least two (2) over story trees shall be provided. One shall be located in the private front yard for each one hundred (100) feet of lot frontage. The second tree shall be provided in the boulevard. If a coniferous tree is planted, it shall be planted outside of the right of way.

2. All landscaping plans for Residential Developments shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty five percent (25%) over story deciduous and at least twenty five percent (25%) coniferous. All deciduous trees provided shall be long-lived hardwood species. All coniferous trees must be planted outside of the right of way.
3. Before issuance of a Certificate of Occupancy, the front yard setback shall be sodded. Property in the area behind the front set back may be seeded. Escrow shall be established to ensure compliance.

Exceptions are as follow:

- a. If the property has an operational sprinkler system, the property owner may elect to seed the front yard setback area. Escrow shall be established to ensure compliance.
 - b. Any property located with an AG District may be landscaped according to Best Management Requirements. All areas not utilized for livestock or crop management purposed shall be stabilized with suitable landscaping, within 10 days of being disturbed.
 - c. Areas having undisturbed but established vegetation and as defined by the building plans need not be sodded or seeded, provided that the property owner maintains said vegetation in compliance with the City's weed management control standards or weed ordinance.
4. Cross property line drainage is not permitted unless provided for within established easements.
 5. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
 6. Berming used to provide screening of parking lots shall be a minimum of three (3) feet in height and shall have a maximum slope ratio of 3:1.
 7. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
 - a. Deciduous trees shall be at least 2 ½ inches in diameter.
 - b. Ornamental trees shall be a minimum of 1 ½ inches in diameter.
 - c. Evergreen trees shall have a minimum height of 6 feet.
 - d. Potted shrubs shall be in a 5 gallon pot or larger.
 - e. Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.

Subd. 2. Escrow Requirements

Prior to the issuance of a certificate of occupancy for any newly constructed residential dwelling, the property owner, person, or company requesting the certificate of occupancy

shall have installed the improvements to the property upon which the dwelling is located as required by this Ordinance or in any applicable development agreement.

1. In the event the certificate of occupancy is requested after October 15th and before April 30th of any given year, the City may issue the conditional certificate of occupancy, provided the requestor or property owner:
 - a. Provides the City with a deposit of such type and in the amount as shall be acceptable to the City, in the City's sole discretion to assure completion of required improvements.
 - b. Enters into an agreement with the City that requires the requestor to install said improvements by a date certain as specified by the City and that provides the City with the authority to enter upon the property to install said improvements using the money deposited in the event the improvements are not installed by said specified date. The requestor or property owner shall be responsible for the difference between the deposit amount and the actual cost of installation.
 - i. The City may require that the agreement provide that improvements must be completed by a designated date. In the event the improvement is not installed by this date, the City may undertake to install the improvements.
 - c. Pays to the City a non-refundable administration fee of \$100.00 for the processing of the deposit and the agreement.
2. In the event deposit amount is paid to the City under this subdivision, remaining funds will be refunded without interest within thirty (30) days of certification that the improvements have been satisfactorily installed.

1415.06. HOME OCCUPATIONS.

Subd. 1. Minimum Performance Standards.

Permitted Home Occupations must conform to the following performance standards:

- a. They shall not be conducted in any building on the premises other than the building that is used by the occupant as the private dwelling (including garage); not more than twenty percent (20%) of the total floor space of the dwelling and garage on the lot may be used for such purpose.
- b. No more than one person who does not reside on the premises shall be employed in the performance of such occupation.
- c. Signs shall conform to the City's Sign Ordinance.
- d. There shall be no exterior storage of equipment or materials used in permitted home occupations.
- e. No structural alterations or enlargements shall be made for the sole or primary purpose of conducting the home occupation.

- f. No traffic shall be generated by such home occupation in greater volumes than would normally be found in a similar residential neighborhood.
- g. Any needed parking generated by the conduct of such home occupation shall be met off the street on a dust free surface, and other than in a required front yard.
- h. There shall be no detrimental effect to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance from the premises.
- i. Any waste disposed of in the sewer system shall not create or cause greater volume than that which is normally generated by a similar residential dwelling in the district.
- j. Business hours shall be restricted to no more than 6:00 am to 7:00 pm Monday through Saturday. No business home occupation business shall be conducted on Sundays or on any public holidays recognized by the City of Rice.
- k. Vehicles associated with a home occupation shall be limited to two automobiles, pick-up trucks or vans on the premises, one of which shall be parked in a garage if the name of the home occupation or advertising appears on the vehicle. Any vehicles associated with a rural home occupation must be parked in a specified storage area or accessory structure.
- l. Unusual parking and traffic patterns that are not normally found in the neighborhood shall not be created, and in no case shall customer vehicles be parked on public or private roads.

Subd. 2. Home Occupation Restrictions.

Permitted home occupations shall not include any of the following:

- a. The operation of any wholesale or retail business unless it is entirely conducted by mail or phone and does not include the sale, shipment, or delivery of merchandise on the premises.
- b. Any manufacturing business.
- c. Any schools, excluding nursery schools, with organized classes of more than one pupil at a time.
- d. Repair of internal combustion engines, body shops, machine shops, welding, or other services that requires equipment other than that normally found in dwellings.
- e. Animal hospital or pet shops.
- f. Clinics, hospitals or mortuaries.
- g. Renting or painting of vehicles, trailers, or boats.
- h. Medical Facilities.

- i. Homeschooling over five children that do not reside at the dwelling.
Homeschools exceeding five children that do not reside at the dwelling are required to obtain a Conditional Use Permit from the governing body.

1415.07. ACCESSORY APARTMENTS.

The purpose of this Section is to permit the installation of no more than one accessory apartment in an existing single family dwelling. This opportunity is allowed only in neighborhoods with established utility systems. Parking, traffic patterns, architectural character and the installation and use of accessory apartments must be strictly controlled to avoid physical, health, safety, economic, and aesthetic impacts. By allowing only those accessory apartments that are in compliance with all of the performance standards of this section, the health and safety of occupants and the character and quality of existing neighborhoods will be protected.

Subd. 1. Permit Procedures.

- a. Application Procedures. No one shall install an accessory apartment without first having obtained a permit from the Zoning Administrator. Application for the permit shall be made on forms designated by the Zoning Administrator and shall be accompanied by a permit fee as set by the City Council. Within ten (10) working days of application, the Building Official shall inspect the property to determine whether the proposed accessory apartment meets building code standards. Within thirty (30) days of application, after reviewing the building inspector's report and the application, the Zoning Administrator shall deny or approve the application for an accessory apartment based upon conformance with the performance standards. The decision to issue or deny the permit may be appealed to the City Council.
- b. Permit Renewal. The permit shall be renewed yearly and a permit renewal fee, as set by the council, paid. Permit renewal may be conditional upon an inspection.
- c. Revocation of Permits. Violation of the performance standards shall be grounds for the revocation of the permit. Notice of intent to revoke the permit shall be sent (by certified mail) by the Zoning Administrator to the permit holder. The notice shall state the grounds for revocation and the date, at least ten days after the notice is sent, when the City Council shall consider revocation. Operation of the accessory apartment shall cease within 60 days from the date of revocation by the City Council.

Subd. 2. Performance Standards.

- a. All remodeling for the addition of the accessory apartment shall be on the inside of the structure. Exceptions to this condition will be made only if the applicant submits exterior elevation drawings determined by the Zoning Administrator to be architecturally compatible with the adjacent structures and consistent with the Zoning Ordinance.

- b. In addition to the normal parking required for the dwelling unit, there shall be at least one additional paved off-street parking space per accessory apartment dweller.
- c. Detached garages shall not be converted to living spaces.
- d. Both the principle and accessory structure must meet the standards of the Minnesota State Building Code.
- e. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for temporary absences.
- f. House numbers shall be placed on the structure to indicate that the structure has more than one dwelling unit.
- g. The accessory apartment must at all times be kept in conformity to all state and local codes and ordinances.
- h. The accessory apartment shall occupy no more than 50% of the total dwelling space.

1415.08. DEMOLITION

Any demolition of any structure, building or accessory building shall first obtain a building permit from the City, and be done in compliance with all state and county pollution guidelines.

1415.09. OUTDOOR STORAGE.

Any Outdoor Storage:

- a. shall be incidental to a principal use ;
- b. shall be screened by suitable materials, such as fencing or natural landscaping features (trees, shrubbery, berms), as determined by the Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;
- c. must be located in a rear or side yard and is prohibited in and required side or rear yard setback;
- d. shall be kept in a neat and orderly fashion; and
- e. shall not be operated in such a manner as to constitute a nuisance or harborage of rodents or other wild animals.

1415.10. SPECIFIC STANDARDS FOR NONRESIDENTIAL LICENSED DAYCARE FACILITIES.

Non-residential licensed daycare facilities shall:

- i. Provide loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center; and
- ii. Provide one parking space for each six attendees based on the licensed capacity of the center; and
- iii. Provide outdoor play areas that shall be fenced, located and designed in a manner that mitigates visual and noise impacts on adjoining residents, if any ; and
- iv. Shall obtain all applicable state, county and city licenses.

R-1 SINGLE FAMILY RESIDENCE DISTRICT – SPECIFIC REQUIREMENTS

INTENT:

The R-1 Residential District provides space for low density residential living with full provision of necessary urban service facilities. Existing agricultural uses are allowed to continue on land not yet needed for residential development, but other nonresidential uses are limited to the minimum necessary for residential convenience and welfare.

1415.11. PERMITTED AND CONDITIONAL USES

Permitted and Conditional uses in the R-1 Single Family Residence District may be found in the "PERMITTED AND CONDITIONAL USE EXHIBIT" as found in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. PERMITTED ACCESSORY USES.

Customary accessory uses incidental to the principal uses such as gardens, private garages, screen porches, play equipment, signs, and other uses, as set forth in this section:

1. Private detached garages or utility buildings, not to exceed the total aggregate square footage requirements permitted in the Residential District in which it is placed.
2. Private tennis court.
3. Signs as regulated by the Sign Ordinance.
4. Temporary buildings for construction purposes for a period not to exceed six consecutive months or the period of construction, whichever is less.
5. Gardening and other horticultural uses where no sale of products is conducted on the premises.
6. Keeping of not more than a total of two (2) boarders or roomers by a resident family.
7. Non-commercial antennas, satellite dish antennas, and towers, compliant with the standards provided in the General Requirements Section above.
8. Private swimming pools and spas, compliant with the standards provided in the General Requirements Section above.
9. Dog kennels with two or fewer dogs over the age of six months.

10. Gazebos.
11. Playhouses and play equipment for the use of minors, compliant with the standards provided in General Requirements Section above.
12. Accessory apartments compliant with the standards provided in the General Requirements Section above.

Subd. 2. LOT, YARD, AREA AND HEIGHT, AND SETBACK REQUIREMENTS FOR STRUCTURES AND ACCESSORY BUILDINGS OR USES

- A. Minimum areas of lots in R-1 Residence Districts shall be as follows:
 1. When the lots are serviced by city water and sewer the minimum area shall be 9,500 square feet.
 2. Where the lots are not serviced by city water and sewer and are located more than 1,000 feet from shore land, the minimum area shall be 2.5 acres.
- B. The minimum width of lots in new plats in R-1 Residence Districts shall be as follows:
 - a. Where the lots have a minimum area of 9,500 square feet, the width of the lots shall average at least 75 feet.
 - b. Where the lots have a minimum area of 2.5 acres the width of the lots shall average at least 250 feet.
- C. **Front yard regulation:** The front yard setback in the R-1 Residential district shall be thirty (30) feet.
- D. **Side yard regulation:** The side yard setback in the R-1 Residential district shall be ten (10) feet, except corner lots on which the side yard setback on the intersecting street shall be thirty (30) feet.
 1. Driveways and Entrances shall maintain a minimum side yard setback of two (2) feet, except for corner lots on which the side yard setback on the intersection street shall be 30 feet.
- E. **Rear yard regulation:** The rear yard setback in the R-1 Residential district shall be fifteen (15) feet.
- F. **Accessory Structure(s) Setback Regulations:** The minimum setback for accessory structures shall be 5' unless modified by this Ordinance.
 1. Swimming pools, temporary or permanent, spas, playhouses, Doghouses or kennels, playground equipment, and any similar structures must maintain a minimum of five (5) feet setback from all lot lines.

2. Decks or platforms twelve inches or less shall maintain a minimum of five (5) feet setback from all lot lines. Decks or platforms exceeding twelve inches shall comply with the all front, side, and rear setback provisions stated in paragraphs C, D, and E above.
3. Patios, concrete pads or slabs, landscaping stones and pavers shall not be placed closer than two (2) feet from side and rear lot lines.

G. **Height regulation:** Maximum height of buildings may be two (2) stories or thirty five (35) feet, not including the basement if one exists, whichever is less. Accessory buildings or structures shall not exceed fifteen (15) feet in height unless otherwise specified.

H. **Lot coverage regulation:** Not more than thirty five percent (35%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.

1. The maximum total aggregate square footage for all detached buildings, including garages, on a lot that is less than 2.5 acres in size and in an R-1 Residential District shall not exceed eight hundred (800) square feet, inside area.

2. The maximum total aggregate square footage for all detached buildings, including garages, on a lot that is 2.5 acres to 5.0 acres in size and in an R-1 Residential District shall not exceed 2,400 square feet, inside area with a height not to exceed thirty five feet.

R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICTS – SPECIFIC REQUIREMENTS

INTENT:

By providing for space for apartment building and other styles of multiple dwelling and multi-family structures, the R-2 Residential District permits a variety of housing options while still promoting a neighborhood atmosphere.

1415.12. PERMITTED AND CONDITIONAL USES

Permitted and Conditional uses in the R-2 Multiple Family Residential District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” as found in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. USE REQUIREMENTS

The following uses shall be permitted or permitted with conditions within the R-2 Multiple Family Residence District:

1. Multiple Family Dwelling Structures, including Townhouses, consisting of up to four residential dwelling units per structure, provided:
 - a. Each dwelling unit must have a separate entrance to the front and rear yards;
 - b. Each privately owned unit shall be provided with a separate water meter, and sewer and water utility service line extended from the main; and
 - c. Home occupations are permitted.
2. Multiple Family Dwelling Structures, including Townhouses, consisting of more than four residential dwelling units per structure, provided:
 - a. The structures must have a minimum lot size as follows; The following lot area credits and allowances shall be applied to lots in R-2 districts but in no event shall the minimum lot area with allowances be less than five thousand (5,000) square feet per dwelling unit in the R-2 district nor less than two thousand two hundred (2,200) based on the following schedule:
 1. For each unit containing in excess of (2) bedrooms the minimum lot size shall be increased by 300 square feet per additional bedroom.

- b. Each privately owned unit shall be provided with a separate water meter, and sewer and water utility service line extended from the main; and
 - c. Home occupations are not permitted.
 - d. Accessory Apartments are not permitted.
3. Apartments.
- a. In any case where the apartment has privately owned units, whether in units less than or greater than four, each unit must be provided with separate utility service and meters.
4. Boarding Houses, provided the site shall contain not less than five hundred (500) square feet of lot area for each person to be accommodated.
5. Buildings used for the treatments of human ailments; nursing homes, halfway homes, and homes for the aged that serves no more than 7 unrelated persons.
6. Schools, including trade, college, vocational, and associated facilities shall:
- a. Not exceed a 10,000 square foot footprint;
 - b. Not be located within fifty (50) feet of an abutting lot in any Residential district.
7. Churches, synagogues, temples and associated facilities, except schools, shall:
- a. Not exceed a 10,000 square foot footprint;
 - b. Not be located within one hundred (100) feet of any lot line abutting a lot in an "R" district.
8. Uses determined by the Planning Commission to be of similar nature to those listed in the Permitted and Conditional Uses Exhibit, and found not to be detrimental to the general health and welfare of the City.

Subd. 2. LOT, YARD. AREA AND HEIGHT REQUIREMENTS.

A. Minimum lot area requirements in an R-2 District.

- | | |
|---|---|
| 1. Single Family Dwelling: | 9,500 square feet per dwelling |
| 2. Multi-Family Dwelling fewer than four units: | 2,500 square feet per dwelling |
| 3. Efficiency Unit : | 2,000 square feet per unit |
| 4. 1 Bedroom: | 2,500 square feet per unit |
| 5. 2 Bedroom: | 3,000 square feet per unit |
| 6. 3 Bedroom or more: | 3,500 square feet per unit |
| 7. Townhouse: | 4,000 square feet per unit |
| 8. Other Uses | As determined by the Zoning Administrator |

- i. In no event shall the minimum lot area be less than 9,500 square feet.

- ii. Multiple Family Residential projects shall contain an adequate amount of land for park, recreation or local open space use, exclusive of wetland and drainage areas, which shall not be less than twenty percent (20%) of the gross area of the property and shall consist principally of land within the setback lines.

B. Lot Width Regulations.

1. Each Lot shall have an average width of at least one hundred fifty (150) feet.
2. Each lot shall have a minimum frontage on a street of seventy five (75) feet.

C. Minimum Floor Area for Multiple Dwellings

The minimum floor area of an efficiency dwelling unit shall not be less than four hundred (400) net square feet, that of a one-bedroom dwelling unit shall be not less than seven hundred (700) net square feet, and that of a two-bedroom dwelling unit shall not be less than nine hundred (900) net squares feet. Units containing three (3) or more bedrooms shall have an additional one hundred fifty (150) net square feet of floor area for each bedroom in excess of two (2) bedrooms.

For purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, community furnace areas or rooms, storage areas not within the apartment or garages.

- D. **Front yard regulation:** The front yard setback in the R-2 Residence District shall be thirty (30) feet.
- E. **Side yard regulation:** The side yard setback in the R-2 Residence District shall be ten (10) feet, except corner lots on which the side yard on the intersecting street shall be not less than thirty (30) feet, and except where the side yard setback abuts an R-1 District said side yard setback shall not be less than fifty (50) feet on the side abutting the said R-1 District.
- F. **Rear yard regulation:** The rear yard setback in the R-2 Residential District shall be forty (40) feet except where the lot abuts an R-1 District, where the rear yard shall not be less than fifty (50) feet on the sides adjoining said R-1 District.
- G. **Height regulation:** The maximum height of buildings shall be three (3) stories or fifty (50) feet, not including the basement, whichever is less.
- H. **Lot Coverage Regulation.** No more than forty five percent (45%) of a lot or plot of land shall be occupied by buildings, structures, and/or impervious surfacing.

Subd. 3. C.I.C. PLATS.

The Subdivision of properties in the R-2 District wherein the intent is to provide for separate unit ownership or rental use may be subdivided in accordance with State Law and shall include:

- a. The owner of property to be subdivided shall execute and record, at their expense, a Declaration of Covenants, Conditions and Restrictions, to be approved by the City Attorney. The Declaration shall provide protection to the individual owners and public on the following: maintenance, repair and construction, building use and restrictions, party walls, relationships among owners of adjoining living units and arbitration of disputes.

Subd. 4. ACCESSORY BUILDINGS IN MULTIPLE-FAMILY DISTRICT (R-2)

1. General Requirements

- a. Accessory Buildings shall not exceed fifteen (15) feet in height. Attached accessory buildings shall conform to all setback regulations set forth in this Ordinance. Detached accessory buildings shall be located in the rear yard and shall have a rear yard setback of not less than five (5) feet unless abutting an R-1 District, in which case, a 10 feet setback shall be provided.
- b. Detached garages shall be constructed in rear yards when the property abuts an alley. Detached garages shall have a side and rear yard setback of not less than five (5) feet unless abutting an R-1 District, in which case, a 10 feet setback shall be provided. Detached garages constructed on corner lots shall have a side yard setback of thirty (30) feet on the intersecting street.
- c. All accessory buildings in shall be homogenous in design and materials to the principal structure.
- d. No lot may have more than two (2) detached accessory buildings, excluding detached refuse enclosures, and shall not result in exceeding the maximum lot coverage requirements for an R-2 Residential District.
- e. The maximum total aggregate square footage for all of the detached buildings, including garages, on a multi-family lot shall be:
 1. In the instance of a lot containing four dwelling units or less the maximum square footage per detached accessory building shall be 350 square feet.
 2. In the instance of a lot containing more than four dwelling units the maximum square footage of all detached accessory buildings shall be 600 square feet.
 3. On a lot greater than 2.5 acres in size with a single dwelling unit the maximum total aggregate square footage for all of the detached buildings shall be 10,500 square feet.

- f. **Other Accessory Uses & Structures.** All other accessory uses or structures shall maintain a minimum of 5 feet setback from all lot lines. Any accessory building abutting an R-1 District shall maintain a setback of 10 from the lot line(s) abutting the R-1 District.
 - i. Private, permanent swimming pools or spas, playhouses or playground equipment, and any similar structures must maintain a minimum of 15 feet setback from side and rear lot lines.
- g. **Private Community Centers as an Accessory Structure To A Multi-Family Use shall meet the following setbacks:**
 - 1. Side yard setbacks shall be doubled.
 - 2. No building shall be located within thirty feet of any lot line abutting any Residential District.
 - 3. Adequate screening from abutting Residential uses must be provided.
 - 4. Adequate off street parking shall be provided either on-site or directly abutting the site.

Subd. 5. MULTI-FAMILY RESIDENTIAL BUILDING DESIGN REVIEW STANDARDS

All multifamily residential units proposed for construction on existing vacant lots or lots that become vacant by reason of demolition or destruction of existing structures shall be reviewed according to the following process:

1. Site Plan Review and Review Process.

- A. **Initial Meeting.** The applicant shall first meet with the Zoning Administrator. The Zoning Administrator will explain the goals and intent of the Design Permit, Site Plan, and Design Review Process, along with the guidelines, application requirements, and schedule.
- B. **Site Plan and Building Elevations.** The applicant shall submit a Site Plan to the city for new residential buildings on a vacant lot. The site plans shall be drawn to scale and show the following: site location, all proposed buildings, driveways, sidewalks, and other impervious surfaces, the number of dwelling units the building is intended to accommodate, and building elevations drawn to scale.
- C. **Application Submission and Filing Fee.** The applicant must submit the Site Plan and building elevations to the City, along with a permit application and filing fee set by the City Council.
- D. **Site Plan Review.** The Zoning Administrator shall review the site applicant's plans. The Zoning Administrator shall notify the Planning Commission of all site plans submitted for review. The Zoning Administrator may request that the Planning Commission review the site

plan and determine the level of detail require to fully understand the applicant's proposal. The Planning Commission may determine that a simple site plan showing structures, setbacks and building elevations to be required or may direct the applicant to follow any or all of the submittal requirements as detailed in Chapter 1500.04 Subd 1 Subdivisions. The Planning Commission shall review the applicant's submittals and provide comments or recommended conditions for approval. The Planning Commission may hold a public hearing on the application. Notice of the public hearing must be published in the City newspaper at least ten days before the hearing and notice mailed to property owners with 350' of the site. At the hearing, the Planning Commission will either recommend approval, recommend with conditions, or disapproval of the proposed Site Plan.

- E. **Approval.** If the application is approved, the Zoning Administrator will issue a Design Permit to the applicant and a copy to the Building Inspector.
- F. **Appeal.** The applicant or any interested person aggrieved with the Zoning Administrator's decision, may, within ten days, revise and resubmit the application to the Zoning Administrator or appeal the decision to the City Council.
- G. **Building Permit.** After the application is approved, the plans may be completed and submitted to the Building Inspector for Building Permit review. The final plans will also be reviewed for Design Permit compliance by the Zoning Administrator. The Building Inspector and the Zoning Administrator will monitor compliance with the Design Permit and any conditions of approval.

2. Design and Construction Requirements.

A. Design Review. Plans for all multiple family dwellings must be approved by the City Council upon a recommendation from the Planning Commission after review of the plans set forth in Paragraph B below. The Planning Commission and Council may designate conditions or guarantees in connection with the approval of said plans, which will substantially secure the provisions of the district. In granting the permit, the Planning Commission and Council shall consider the requirements of Paragraph B below and may consider other factors affecting the public health, safety and welfare.

B. Building Design and Construction. A Building Permit and/or Conditional Use Permit, as required, for a multiple dwelling, shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in the state stating that the design of the building and site has been prepared under his direct supervision. Any building of type I or II construction, as provided in the State Building Code, shall have its electrical, mechanical, and structural systems designed by registered engineers. Provisions of this paragraph shall not prohibit the preparation of the site plan by a profession site planner. Such plans shall include the following:

- i. Complete details of the proposed site development, including location of buildings, driveways, parking spaces, lot dimensions, lot area, and yard dimensions;
- ii. Certificate of survey, showing an overlay of proposed structures and roads;
- iii. Complete landscaping plans including the species and size of the trees and shrubs proposed;
- iv. Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development;
- v. Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;
- vi. Complete structural, electrical and mechanical plans for the buildings; and
- vii. Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

3. Building Design Standards.

- A. Relationship to Adjacent Buildings. All new buildings proposed on vacant lots or lots that become vacant through demolition shall relate to the design of adjacent traditional buildings in scale, size, proportions, porch elements, roof form and line, rhythms and proportions of openings, building materials, details and colors. Historic architectural styles need not be replicated.
- B. A primary entrance shall face an improved abutting street or be located off of a front porch, foyer, courtyard or similar architectural feature, and set back at least ten (10) feet from the side lot line.
- C. For principal structures, above grade window and door openings shall comprise at least fifteen percent (15%) of the total area of exterior walls facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten (10) percent of the total area of all exterior walls. Windows in garage doors shall count as openings; the area of garage doors themselves shall not count as openings. Windows shall be clear or translucent.
- D. Multifamily residential structures shall be set back far enough from the street to provide a private yard area between the boulevard and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability.
- E. Building materials and architectural treatments used on sides of buildings facing an abutting street and on accessory structures should be similar to those used on principal facades.

- F. The design and siting of the building shall preserve existing trees on the site and immediately adjacent lots to the extent reasonably possible. The landscape design shall consider permeable materials for paths and driveways to protect existing mature trees in sensitive areas.

R-R RURAL RESIDENTIAL DISTRICT – SPECIFIC REQUIREMENTS

1415.13. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the R-R Rural Residential District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. HOME OCCUPATIONS IN AN R-R DISTRICT.

In addition to the general standards for home occupations in residential districts, the following are exceptions or additional requirements that apply to home occupations located within the Rural Residential District.

- 1) Such occupation shall be carried on in the principal structure and not more than twenty-five percent (25%) of the floor space of the residence may be used for this purpose;
- 2) No articles for sale may be displayed so as to be visible from the street;
- 3) Signage, shall be as regulated by the Sign Ordinance;
- 4) Adequate off-street parking based on number of employees and customers per day shall be provided and any parking area(s) shall be screened from offsite views;
- 5) No more than two vehicles being repaired, which are not owned and registered by an occupant of the property may be parked outside. Said vehicles shall be parked in a screened location; and
- 6) No outside storage is allowed.

Subd. 2. Bed and Breakfast Inns.

The conduct of the bed and breakfast inn shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the bed and breakfast inn.

1. No traffic shall be generated by such bed and breakfast inn in greater volume than would normally be expected to be generated by a four unit dwelling in an R-2 District.

Subd. 3. Multi-Family Housing, Four or Fewer Units.

Multi-Family Housing, containing four or fewer units may be authorized by conditional use permit in the Rural Residential District. However, the applicant shall adhere to all standards and provisions in the both the General Requirements and specific requirements of this Ordinance.

Subd. 4. ACCESSORY USES.

Any accessory uses permitted in an R-1 Residential District are permitted in the R-R Rural Residential, plus the addition of the following:

1. Operation and storage of vehicles, equipment and machinery that are owned by the property owner and are incidental to permitted or conditional uses allowed in this district.
2. Boat houses, piers and docks serving a single-family residence.
3. The renting of rooms by a resident family for lodging purposes only, and for not more than two rooms in a one-family dwelling.

Subd. 5. R-R DISTRICT REQUIREMENTS.

The following minimum requirements shall be observed in the Rural Residential District, subject to additional requirements, exceptions and modifications set forth in this chapter.

A. Lot Requirements and Setbacks.

1. **Lot Area.** A minimum of five acres of upland area, upland being land above the 100-year flood elevation or non-wetland.
2. **Lot Width.** A minimum of 200 feet.
3. **Lot Depth.** A minimum of 300 feet.
4. **Impervious Surface:** No more than thirty-five percent (35%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.
5. **Setbacks:**
 - a. **Front yard:** a minimum of thirty (30) feet.
 - b. **Side Yards:** A minimum of ten (10) feet, except as otherwise provided in this Ordinance for accessory buildings and except on corner lots where the side yard setbacks on the intersecting street shall be not less than thirty (30) feet.

- c. **Rear Yard:** a minimum of thirty (30) feet, except on corner lots where the setback shall be a minimum of thirty (30) feet on side adjacent to street, but in no case less than the setback of an adjacent lot that has its rear yard on the same street.
- 6. **Access.** All lots shall front on and have ingress and egress by means of a public right-of way.
 - a. Driveways shall not be constructed closer than twenty (20) feet to side and rear property lines without written authorization from the adjacent property owner and approval of the Planning Commission.
- 7. **Building Requirements, Height.** The maximum height for buildings, with the exception of accessory buildings as hereinafter specified, shall be three stories or fifty (50) feet, not including the basement, whichever is less.
- 8. **Additional Landscaping Requirement.** Undisturbed, non-erodible areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material shall be considered to have acceptable landscaping.
- 9. **Detached Accessory Requirements.**
 - a. All accessory buildings shall have the same exterior material as, or be homogenous in materials and design, to the principal structure.
 - b. Accessory buildings shall not exceed thirty five (35) feet in height.
 - c. Size Requirements:
 - i. Aggregate square footage for all accessory buildings on a lot that has 2.5 acres to 5.0 acres in size shall not exceed 1,600 square feet.
 - ii. Aggregate square footage for all of the accessory buildings on a lot that is 5.0 acres in size to 7.5 acres in size shall not exceed 4,000 square feet.
 - iii. Aggregate square footage for all accessory buildings on a lot that is 7.5 acres or greater in size shall not exceed 6,000 square feet.
 - d. Setback Requirements:
 - i. The side yard setback shall be a minimum of fifteen (15) feet.
 - ii. The rear yard setback shall be a minimum of fifteen (15) feet.
 - 1. Swimming pools, temporary or permanent, spas, playhouses, doghouses, playground equipment for the use of minors and any similar structure must maintain a minimum of 15 feet setback from lot lines.

2. Patios, concrete pads or slabs, landscaping stones and pavers, or fountains shall not be placed closer than 15 feet from any lot line abutting a right-of-way. Driveways are exempt from this requirement on the lot line accessing the right-of-way.

A-G AGRICULTURE DISTRICT – SPECIFIC REQUIREMENTS

1415.14. USES

Permitted and Conditional uses in the AG Agriculture District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

The following uses are additional permitted or conditional uses within the A-G Agriculture District that may not be listed specifically on the “Permitted and Conditional Use Exhibit.”

Subd. 1. PERMITTED USES.

The following uses shall be permitted within the A-G Agriculture District:

1. General farming and gardening.
2. Raising of domestic farm animals, including hogs and fur bearing animals, not greater one (1) animal per acre.
3. 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.
4. Nurseries.
5. Boarding Kennels for up to 10 animals maximum.
6. Guest House provided the Building Official and governing body are satisfied that the lot area is adequate for parking and commercial deliveries and that two on-site sewage disposal systems may be located within the property. Rental of any guest house is not permitted.
7. Private stables with a density not exceeding one horse per acre or more than ten horses in aggregate. They shall comply with the following provisions:
 - a. Maximum Density – one horse per acre.

- b. Must obtain a Minnesota Pollution Control Agency feedlot permit.
- c. Building(s) used for sheltering, training or riding horses shall have a minimum two hundred (200) foot setback from any property line.
- d. Fences to control livestock adjacent to an R-1 Residential Zoning District shall have a minimum of twenty five (25) feet front yard setback.

Sub. 2. PERMITTED ACCESSORY USES.

Any accessory uses permitted in an R-1 Single Family Residential District and in the R-R Rural Residential District are permitted in the AG Agriculture, plus the following:

- 1. Signs as regulated in the Sign Ordinance.
- 2. Keeping of not more than two (2) borders and/or roomers per dwelling unit.
- 3. Commercial daycare accessory to a legal conforming church or school.
- 4. Barns for storage of farm equipment.
- 5. Structures for storage of product grown on the property.

Sub. 3. DISTRICT REQUIREMENTS

The following minimum requirements shall be observed in the Agricultural District, subject to additional requirements, exceptions and modifications set forth in this chapter:

A. Lot requirements and setbacks:

- 1. **Lot Area:** Minimum lot area of ten acres.
- 2. **Lot Width:** Minimum width of 300 feet.
- 3. **Lot Depth:** Minimum depth of 660 feet.
- 4. **Lot Frontage:** Minimum frontage of 300 feet.
- 5. **Height:** The maximum height for buildings, with the exception of accessory buildings as hereinafter specified, shall be three stories or fifty (50) feet, not including the basement, whichever is less.
- 6. **Setbacks:**
 - a. **Front yard:** 45 feet for house/principal building, 45 feet for garage/accessory building, 200 feet for accessory buildings sheltering domestic farm animals.
 - b. **Side Yard:** 20 feet for house/principal building, 20 feet for garage/accessory building, 50 feet for accessory buildings sheltering domestic farm animals.
 - c. **Rear Yard:** 30 feet for house/principal building, 30 feet for garage/accessory building, and 50 feet for accessory buildings sheltering domestic farm animals.

CHAPTER 14: LAND USE DEVELOPMENT CODE

Section 1420: NONRESIDENTIAL DISTRICTS

1420.01	General Requirements
1420.02	Performance Standards
1420.03	Accessory Uses
1420.04	Outdoor Storage
1420.05	Specific Requirements for B-1 District
1420.06	Specific Requirements for B-2 District
1420.07	Specific Requirements for B-3 District
1420.08	Specific Requirements for I-1 District
1420.09	Specific Requirements for I-2 District
1420.10	Specific Requirements for RD District

1415.01 GENERAL REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS:

This section is applicable in B-1, B-2, B-3, I-1 I-2 and RD Districts.

Subd. 1. USE

Applicants must demonstrate that the intended use and building configuration proposed in any Nonresidential District meets the intent of that district. Applicants for a permit to change use or develop any property in a Nonresidential District in the municipality shall submit a complete and accurate statement concerning the specific nature of the use to which the property is to be put. This statement shall include detailed information relative to the control of smoke, odors, noise, vibrations or other effects that may be considered by the governing body or the Planning Commission to be detrimental to health, safety, or general welfare.

The applicant shall also submit a complete plot plan showing the proposed building or buildings and also the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data (including, when the City deems necessary, distances from surrounding buildings). The plot plan must be accompanied by a signed authorization from the property owner. The City Council, or Planning Commission may require any additional information, corrections, or control deemed necessary for the protection of the public. Also;

1. The use must be the same or of similar nature to the listed PERMITTED AND CONDITIONAL USES EXHIBIT for Nonresidential Districts, consistent with the Intent of the District and found not to be detrimental to the general health and welfare of the city.
2. The use must be consistent with the goals, policies and objectives of the Comprehensive Plan.

3. The use must not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements and must meet the following requirements:
 - a. The use and site design shall provide a quality business environment that is compatible with the permitted use;
 - b. Parking spaces shall be provided as required in section 1425;
 - c. The principal structure must be in compliance with all applicable building housing, electrical, plumbing, heating, and related city codes;
 - d. The land use must not have an undue adverse impact on adjacent properties or cause a substantial alteration of the neighborhood character; and
 - e. The use shall include buffering or screening if required by the city.

Subd. 2. CERTIFICATE OF OCCUPANCY.

- a. No land may be occupied or used, when a structure has been erected, reconstructed, or structurally altered, in whole or in part, for any purpose unless a certificate of occupancy has been issued by the City Building Official.
- b. Every application for a building permit is deemed to include an application for a certificate of occupancy.
- c. **Temporary Certificate.** If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, the Building Official may issue a temporary Certificate of Occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

Before a temporary certificate of occupancy is issued by the Building Official, the property owner shall deposit with the city an amount sufficient to complete all items left outstanding. All remaining items shall be completed within a term specified by the Building Official.

Subd. 3. Approval of Governing Body. All plans for the improvement, development, alteration or expansion and use of any property situated in any district shall be examined and approved by the Zoning Administrator, Building Official, or by the governing body prior to the issuance of any permit whatsoever.

Subd. 4. Public Hearing & Fee. All public hearings referred to in this Ordinance shall be held by the City after notice of the time and place of such hearing has been published in accordance with the legal requirements of the municipality. All public hearings will conform to the procedures set forth in this Ordinance. The application fee, and fees for special

meetings or hearings, is outlined in the City of Rice Fee schedule, as amended from time to time.

Subd. 5. Conformance with Municipal Thoroughfare Plan. No building permit shall be issued and no structure shall be placed, nor land subdivided, in such a way as to interfere with the future platting or construction of streets or roads as shown on the street plan if such plan exists, or is amended, or adopted in the future.

Subd. 6. OBSTRUCTION OF VIEW. No wall, fence, or other structure shall be erected or altered and no hedge, tree, shrub, or other growth shall be maintained that may cause danger to traffic on a street or public way by obscuring the view. Any such wall, fence or structure shall be placed within the property line, and located so as not to obstruct the line of sight with respect to oncoming traffic, or where it is necessary to maintain a clear sight triangle, in which case the over story of any vegetation in the sight triangle of an intersection may not be more than 3 feet high or extend below 10 feet above the critical street level as determined by the City Engineer or Public Works Director.

Subd. 7. TRUCK ACCESS. Uses that require access by vehicles with an axle loading that exceeds 12,000 lbs. shall only be permitted if the property abuts and is accessible from a roadway designed for at least a 9 ton load per axle.

Subd. 8. LAND SUBJECT TO FLOODING. All development or redevelopment of land that is located within the flood plain shall occur in conformance with the Rice Flood Plain Management Ordinance, if such an ordinance exists.

Subd. 9. COMMERCIAL ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS. The purpose of this subdivision is to establish provisions for the installation of antennas, satellite dish antennas, and towers that are used for business purposes, so that the property owners may enjoy the benefits of such structures without detriment to the health, safety, aesthetics, or adverse impacts on the property values of others. Antennas shall be allowed to be placed in a position to receive usable signals. Signal strength capable of providing receiver quality equivalent to reception from a local commercial stations or cable television shall be deemed usable signal strength.

The use of Commercial use of towers and wireless antennas may be permitted as a conditional use in B-2, B-3, I-1, I-2, RD Districts. Applicants shall provide the following for Conditional Use consideration;

- a. All structures regulated under this Subdivision shall meet the same location and setback requirements as other accessory structures in the district.
- b. Antennas and satellite dish antennas may be placed on the roof of a building in accordance with the Uniform Building Code requirements and accepted engineering standards, the distance of any supportive device shall be at least ten feet from the property line.
- c. If a useable signal is not obtainable under the provisions of this Ordinance, the applicant may request a variance.

d. Applicants shall provide the following for Conditional Use Permit consideration:

A report from a Registered engineer that:

1. Describes the tower and antenna height and design including a cross section and elevations;
 2. Documents the height above grade for all potential mounting positions for co-located antennas;
 3. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 4. Includes the Engineer's stamp and registration number;
 5. Show that tower meets the setbacks of the underlying zoning district with the exception of the industrial zoned districts, where the tower may encroach into the rear setback area, provided the rear property abuts another industrial zoned property and the tower does not encroach upon easements, and the distance to the nearest residential property line is equal to two times (2x) the height of the tower. In all other zoning districts, the engineer will certify, in writing, that if said tower would collapse, it would fully collapse onto the same Lot;
 6. Shows that no guy wires shall be used;
 7. Shows that lighting, including lighting required by the FAA or other federal or state authority, shall be oriented inward so as not to project onto surrounding property;
 8. Shows that non-climbable fencing shall enclose the area of the commercial use antenna tower.
- e. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for shared use as approved by the City.

If the construction, use or maintenance of the tower violates these standards or endangers the public health, safety, welfare, and/or causes interference to existing reception systems, the City may require the abatement of said tower from its current site. The City will provide notice to the commercial use antenna tower owner of the violations, and provide an opportunity for the owner to address the City Council regarding the proposed action. The City may require immediate abatement if there is an immediate public health threat.

Subd. 10. SOLAR COLLECTORS. Solar collectors shall adhere to the setback requirements of the District in which they are placed. If possible, solar collectors shall be located on an existing building or structure. When placed on the roof of structures, solar collectors shall be subject to height requirements of the District in which they are located. When considering a variance of the placement of solar collectors, Minnesota Statutes, Section 462.357 provides that lack of sufficient solar access may be considered as a legitimate hardship.

Subd. 11. WINDMILLS. Windmills shall require a conditional use permit as provided in this Ordinance.

Subd. 12. REMOVAL OF TOPSOIL & APPEARANCE OF LAND. No person shall strip, excavate, or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on said premises and excavation or grading incidental thereto, except as provided elsewhere in this Ordinance.

Subd. 13. LANDSCAPING REQUIREMENTS. In all districts, the lot area remaining after providing for off-street parking, sidewalks, driveways, building sites, and other requirements, shall be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or treatment generally used in landscaping within one year of the issuance of the building permit. If the aforementioned planting and maintenance is not completed within said one year period, the City may enter upon the property and complete the planting. The cost of such planting by the City plus an additional 20% shall be billed to the owner of the lot. If not paid, the cost of planting plus the additional 20% will be levied against the property as a special assessment and collected as in the case of other special assessments.

Subd. 14. HEIGHT EXEMPTIONS. Height Limitations set forth in this Ordinance shall not apply to church spires, cupolas, water towers, observations towers, flag poles, chimneys, smoke stacks, radio and television towers, grain elevators, and similar construction unless, in the opinion of the Building Official, such construction might be dangerous or in other ways detrimental to surrounding property in which case a special permit by the governing body shall be required.

Subd. 15. FENCES.

1. A wall or fence or hedge not exceeding the maximum height allowed in the underlying zoning district may occupy part of the required front, side, or rear yard.
2. Fences shall be constructed out of low maintenance/composite materials. Barbed wire and electrical fences are strictly prohibited except as allowed by conditional use permit in an industrial area. Use of creosote lumber is strictly prohibited. Other materials that are not specifically prohibited may be permitted by variance if they do not conflict with the stated purposes of this Ordinance.

Subd. 16. OFF-STREET PARKING AND LOADING. Off-Street Parking and Loading within Nonresidential Districts shall be as regulated by the Off-Street Parking and Loading Ordinance.

Subd. 17. FIRE ESCAPES. Fire escapes may not extend into the front yard.

Subd. 18. SIGNAGE. Signs within Nonresidential districts shall be as regulated by the Sign Ordinance.

Subd. 19. BUILDING RELOCATION. To maintain a high standard of development, and to protect such areas from deleterious effects, relocated buildings shall meet the following requirements:

- a. The Building Official will inspect the building proposed to be moved to ascertain whether it meets the standards prescribed in this Ordinance and the State of Minnesota Building Code. If the building does not comply, it shall be made compliant and the applicant must obtain a conditional use permit before the Building Official shall issue a building permit.
- b. Each location of a relocated building shall require a conditional use permit from the governing body and all such buildings shall conform with and be situated in a properly zoned area in accordance with all provisions of the Ordinance and the building code.
- c. The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area. If the Council concurs with the decision of the Planning Commission that a structure would depreciate properties in the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. The Building Official shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures.
- d. The application for a permit or conditional use permit to move a building may be granted or denied by the governing body.
- e. These requirements do not apply to the construction of shed or other temporary structures to be located on a lot for eighteen (18) months or less.

Subd. 20. ON-SITE PRIVATE SEWER SYSTEMS. New onsite systems, either sewer or water, shall not be permitted within Nonresidential Districts after the date of adoption of this Ordinance. In the event an on-site system that was in existence prior to the adoption date of this Ordinance fails or is required to be replaced, such replacement shall require a conditional use permit. In no event shall a system in need of replacement or upgrading, be permitted in any District if the City utilities are available as required by the City of Rice and regulated by the City's Municipal Water and Municipal Wastewater Ordinances.

Subd. 21 PARKING LOTS. After the date of adoption of this ordinance, new construction of parking lots in all residential and business zoning districts shall be paved with integrally poured concrete slabs or bituminous mat. Drainage around parking lots with more than 8 parking spaces shall be facilitated using either B or D type concrete curbing. In Industrial districts, parking lots located in the front yard or providing visitor parking shall be paved with integrally poured concrete slabs or bituminous mat, parking that is provided for local delivery and over the road trucks may be paved with a crushed gravel surface.

1420.02. PERFORMANCE STANDARDS, NONRESIDENTIAL DISTRICTS.

1. The Zoning Administrator or Planning Commission shall review all proposed uses and all building plans of structures in Nonresidential Districts for compliance with the District's Intent and with the general and specific performance standards.
2. One and two family dwellings, and multiple family dwellings, including manufactured homes meeting the standards as set forth in Section 1415 "Residential Districts", shall be permitted in the Business B-1, District.
3. Every primary and accessory building in a nonresidential district shall have all of its entrances be uniform in design and materials, if such entrances have visual exposure from a public street or are adjacent to a residential zoning district.
 - a. Exterior surfaces of all buildings in any Business District shall be faced with a combination of brick; stone, decorative architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.
 - b. Facades and roofs of primary and accessory buildings in any Industrial District shall be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.
 - c. Primary or accessory building facades in any Industrial, or Rail Road District not fronting on a public street, not having extensive visual exposure from a public street and not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.
 - d. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal, textured block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing, or are screened from, a public street and do not have visual exposure to a residential district.
 - e. Metal-like materials, in a nonresidential district, other than Industrial or Railroad Districts, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs.
 - f. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.

1420.03. ACCESSORY USES AND STRUCTURES.

All accessory uses within the Nonresidential Districts shall meet the following minimum performance standards;

Subd. 1 SIDEWALK CAFES AND OUTDOOR EATING OR DINING AREAS.

All sidewalk cafes and outdoor eating areas:

- a. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required. The enclosure shall not be interrupted and access shall only be through the principal building;
- b. Shall not be permitted within 200 hundred feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;
- c. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;
- d. Shall not be located to obstruct parking spaces; and
- e. Shall be located adjacent to an entrance to the principal use.

Subd. 2. DRIVE THRU OR DRIVE-UP WINDOWS AND STACKING AREAS, AMUSEMENT PLACES, CARWASHES, AND STORAGE FACILITIES.

Drive thru or drive-up windows and stacking areas, amusement places, carwashes, and storage facilities that are accessory to a principal use shall:

- a. Provide an enclosed environment for all activities conducted pursuant to that use. Except that:
- b. Not be located within 300 feet of a residential district;
- c. Provide for a minimum of six cars per aisle;
- d. Not have public address system, speakers, or audio equipment that are audible from any residential, or adjacent parcel;
- e. Provide screening suitable materials between any outdoor storage and adjacent parcels;
- f. Be designed to avoid interfering with traffic and pedestrian movements;

- g. Be equipped with refuse containers and periodically patrolled for liter pick-up; and
- h. Provide sufficient parking as determined by the Zoning Administrator for the intended use.

Subd. 3. OTHER ACCESSORY STRUCTURES WITHIN THE BUSINESS DISTRICTS.

Other accessory structures within the Business Districts shall be as restricted as follows, additional restrictions may be imposed if necessary to meet the intent of the district:

- a. Accessory Structures within B-1 Neighborhood Business Districts shall meet the same requirements as those within the R-2 District.
- b. Accessory structures within B-2 and RD Districts may be permitted by conditional use permit and shall be limited to 2 structures per lot not exceeding an aggregate square footage of 1,000 square feet or 25% of the floor area of the principal use structure, whichever is less.
- c. Accessory Structures within I-1 and I-2 districts may be approved for the storage of equipment necessary for business operations or product storage with an area up to 70% of the square footage of the principal structure. Accessory buildings exceeding 70% shall require a conditional use permit.
- d. Temporary buildings for construction purposes are allowed but only during construction.
- e. All roof mounted equipment must be screened from public view unless designed as an integral part of the building and compatible with the site lines of the building as determined by the Zoning Administrator.

1420.04. EXTERIOR STORAGE.

Commercial and industrial uses are permitted to have outdoor storage in accordance with the following provisions:

- a. Outdoor storage shall not be located within 100 feet of any residential district.
- b. Within the commercial districts, all outdoor storage must be on a paved surface. Within the industrial districts, outdoor storage may be on a paved or gravel surfaces.
- c. No materials, product or equipment shall be stored outside of an enclosed building in a B-1 or B-2 District without a conditional use permit, except for daily display (during store hours) of merchandise.
 - 1. Exceptions: Outdoor seating areas will be a permitted outdoor use if the seating areas are enclosed by screening of a fence or wall. Outdoor seating areas may

be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies.

- d. All manufacturing, assembly, repair or work activity must take place inside enclosed buildings.
- e. Temporary buildings for construction purposes are allowed but only during construction.
- f. No required off-street parking area may be used as outdoor storage. Overnight, outside storage of vehicles required for business purposes shall be screened from public views.
- g. Outdoor storage shall be screened by suitable materials, such as fencing or natural landscaping features (trees, shrubbery, berms), as determined by the City. The screen must be, at minimum, equal the height of the tallest item stored on the site.
- h. Outdoor storage shall be located in a rear or side yard.
- i. Outdoor storage shall be kept in a neat and orderly fashion.
- j. Outdoor storage shall not contain any unlicensed or inoperable motor vehicles.
- k. Outdoor storage shall not be operated in a manner as to constitute a nuisance or provide harborage for rodents or other wild animals.
- l. All refuse and recycling containers shall be stored inside a principal or fully enclosed accessory structure. Outdoor storage shall be allowed when screened by suitable materials, such as fencing or natural landscaping features (trees, shrubbery, berms), as determined by the City. The screen must, at minimum, equal the height of the tallest item stored on the site.

B-1 NEIGHBORHOOD BUSINESS DISTRICT

B-1 NEIGHBORHOOD BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, NEIGHBOR HOOD BUSINESS DISTRICT:

The Neighborhood Business District (B-1) shall provide a friendly land use pattern that enables residential uses to co-exist with small scale specialty retail uses and small scale commercial facilities and offices where they will be easily accessible to adjacent to residential areas. Development is intended to be compatible with the scale of surrounding residential areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood.

1420.05. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the B-1 Neighborhood Business District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. USE REQUIREMENTS

1. Non-residential licensed daycare facilities shall:
 - a. Provide loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;
 - b. Provide one parking space for each six attendees based on the licensed capacity of the center;
 - c. Provide outdoor play areas that shall be fenced, located and designed in a manner that mitigates visual and noise impacts on adjoining residents, if any; and
 - d. Shall obtain all applicable state, county and city licenses.

Subd. 2 ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS.

1. **Yard, Height and Coverage Requirements.** On any lot line that abuts a residential district the minimum set back shall be 2.5 times the setback required in the B-1 district.
 - a. **Front yard regulation:** Each building shall have a front yard setback of not less than thirty (30) feet.

- b. **Side yard regulation:** No side yard setbacks shall be required, except that no structure shall be placed closer than twenty five (25) feet from the boundary line of an R-1 district, or a five (5) feet minimum setback if abutting another B-1, B-2, or B-3 Districts on both sides.
- c. **Height regulation:** No structure or building shall exceed two (2) stories (not including the basement if one exists) or thirty five (35) feet in height, whichever is less.
- d. **Impervious Surface:** Not more than thirty five percent (35%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.

2. Outside Storage.

Outside Storage of merchandise or equipment necessary for operating the business may be permitted, if screened, as prescribed in General Requirements Paragraph above (see 1415.03 above). The City may consider other outside storage alternatives as a conditional use.

3. Signs. Signs shall be regulated by the Sign Ordinance.

B-2 GENERAL BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, GENERAL BUSINESS DISTRICT.

The intent of the **B-2 - General Business District** shall be to provide areas for concentrated general business and commercial activities or central business district, at locations where the interaction between such activities can be maximized with minimal infringement on residential neighborhoods.

1420.06. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the B-2 General Business District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. USE REQUIREMENTS.

1. Non-residential licensed daycare facilities shall:
 - a. Provide loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;
 - b. Provide one parking space for each six attendees based on the licensed capacity of the center;
 - c. Provide outdoor play areas that shall be fenced, located and designed in a manner that mitigates visual and noise impacts on adjoining residents, if any; and
 - d. Shall obtain all applicable state, county and city licenses.

Subd. 2. PERMITTED ACCESSORY USES.

Permitted accessory uses in the B-2 District are uses incidental to the forgoing principal uses, such as:

1. Off-street parking, loading and unloading areas, as regulated by the Off-Street Parking and Loading Ordinance;
2. Signs, as regulated by the Sign Ordinance;

3. Commercial or business buildings for a use accessory to the principal use as approved by the City;
4. Indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use; and
5. Outside Storage of merchandise or equipment necessary for operating the business may be permitted, if screened, as prescribed in subsection 1415.03. The City may authorize other outside storage alternatives by a conditional use permit.

Subd. 3. ACCESSORY BUILDING & STRUCTURE REQUIREMENTS (B2)

A. Lot requirements and setbacks.

The following minimum requirements shall be observed in B-2 Districts, subject to additional requirements, exceptions and modifications set forth in this Chapter.

1. Lot area: 5,000 square feet.
2. Lot Width: 50 feet.
3. Impervious Surface: Not more than sixty five percent (65%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing.
4. Height: No structure shall exceed three stories (not including the basement if one exists) or forty-five (45) feet, whichever is greater.
5. Setbacks: On any lot line that abuts a residential district the minimum setback shall be 2.5 times the setback required in the B-2 District.
 - a. Front Yards: Minimum setback shall be Zero (0') feet.
 - b. Side Yards: Building may be placed on the property line, or, if the governing body determines that because of the type of construction a setback is required in order to maintain the building, a side yard setback will be required. No structure shall be placed closer than fifty (50) feet from the boundary line of a Residential District.
 - c. Rear Yards: Fifteen feet.
 - d. Corner Lots: Front yard setback shall be consistent with the setback of structures on that block. In the event that there are no existing structures, the minimum front yard setback shall be Zero (0') feet.

B-3 HIGHWAY BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, HIGHWAY BUSINESS DISTRICT.

The intent of the **B-3 Highway Business District** shall be to provide areas with ready access to major transportation routes to meet the needs of an automobile oriented society. Businesses catering to travelers, serving the needs of vehicle owners, and of commercially oriented businesses that require larger buildings or acreage that are compatible with other business districts, may be located in this district. The B-3 Highway Business District is not intended to provide areas for industrial or manufacturing uses.

1420.07. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the B-3 Highway Business District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. PERMITTED ACCESSORY USES.

Accessory uses permitted in the B-2 General Business District shall be permitted within the B-3 Highway Business District.

Subd. 2. ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS (B3).

The following minimum requirements shall be observed in B-3 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

A. Lot Requirements and Setbacks

1. Lot Area: 10,000 square foot minimum.
2. Lot Width: 100-foot minimum.
3. Height: No structure shall exceed three stories (not including the basement if one exists) or forty five (45) feet, whichever is greater.
4. Impervious Surface: Not more than sixty five percent (65%) of a lot or plot of land shall be occupied by buildings and/or impervious surfacing. Coverage of up to eighty percent (80%) impervious surface may be allowed by conditional use permit.
5. Setbacks. On any lot line that abuts a residential district the minimum setback shall be 5 times the setback required in the B-3 district.

- a. Front Yards: Ten (10) Feet
 - b. Side Yards: Five (5) Feet
 - c. Rear Yards: Fifteen (15) feet
6. All lots shall front and have ingress and egress by means of a public right-of-way. The side facing the highway shall be considered the front of the property.

I-1 LIGHT INDUSTRIAL BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, LIGHT INDUSTRIAL DISTRICT.

The I-1 Light Industrial District shall provide areas adjacent to major thoroughfares in areas where public utilities are available for the express use of industrial uses in areas adequately buffered with open land to permit storage of regulated materials and storage, and uses that create a minimum degree of refuse by-products, air or noise pollution, and requiring a relatively low level of on-premises processing. Several of these activities include secondary commercial functions that may also be conducted on site. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1420.08. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the I-1 Light Industrial Business District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. PERMITTED ACCESSORY USES.

1. Restaurants, lunch counters, confectioneries to serve the employees of the district.
2. Off-street parking and off-street loading as regulated by the provisions in the Off-Street Parking and Loading Ordinance.
3. Signs.
4. Outside Storage of merchandise or equipment necessary for operating the business may be permitted, if screened, as prescribed in subsection 1415.03. The City may authorize other outside storage alternatives by conditional use permit.

Subd. 2. ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS

A. Lot, yard, area and height requirements

1. Lot area regulation: The City, after considering widths and areas proposed by the builder, shall determine lot area requirements sufficient to allow room for the construction and use of buildings and still conform to this Ordinance.

2. Setbacks: On any lot line that abuts a residential district the minimum setback shall be 8 times the setback required in the I-1 district.
3. Front yard regulation:
 - A. The front yard setback shall be forty (40) feet. On corner lots, the front setback shall be 30'.
 - B. The front yard bordering upon a street shall be landscaped and shall not be used for the parking of employee's vehicles.
4. Side yard regulation:
 - a. The side yard setback shall be not less than fifteen (15) feet.
 - b. The Industrial District side yard adjacent to a residential boundary line shall provide for a landscaped strip 60 feet in width along such boundary line. A portion of this landscaped strip shall be planted to provide a screen. The governing body may require additional side yard width in these cases. When such additional width is required, such additional width shall not exceed 100 feet and parking in this area will be permitted.
 - c. The side yard bordering upon a street shall be landscaped and shall not be used for the parking of employees.
5. Rear yard regulation: The rear yard setback shall be a minimum of twenty (20) feet, which may be used for parking. If the rear yard of an Industrial District abuts on or is across an alley from a Residential District, the setback shall be equal to at least eight times the setback of the Residential District.
6. Structure Height Regulation: No building may be constructed to a height of more than forty five (45) feet in height except by conditional use permit.
7. Impervious Surface: Not to exceed a maximum of 8%.
8. Landscaping Requirement: Undisturbed, non-erodible areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material shall be considered to have acceptable landscaping.

I-2 HEAVY INDUSTRIAL BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, HEAVY INDUSTRIAL DISTRICT.

The I-2 Industry District provides space for industrial activities that are deemed to involve significant levels of hazards or nuisance to workers or to adjacent uses. Designated I-2 districts are to be located so that they are always adequately separated from any residential or commercial districts by buffer zone of land or by designated I-1 district. Development within this district shall be regulated through the performance standards outlined in Subd. 2 of this chapter to promote sensitive site design and to mitigate external site impacts.

1420.09. PERMITTED AND CONDITIONAL USES.

Permitted and Conditional uses in the I-2 Heavy Industrial Business District may be found in the “PERMITTED AND CONDITIONAL USE EXHIBIT” as found in Section 1410 of this Ordinance. Uses determined by the City to be of similar nature and found not to be detrimental to the general health and welfare of the city will be additionally permitted. When a use could be classified under two (2) similar but different types of uses, the most restrictive or specific classification for that type of use will govern. If the use is not substantially similar to any other use regulated in the land use classification chart, the Zoning Administrator shall refer the matter to the Planning Commission for a recommendation or to the City Council for determination.

Subd. 1. USE REQUIREMENTS

Additional permitted or conditional uses, unique to the I-2 Heavy Industrial Business District, are as follows:

1. Manufacturing uses such as: Acetylene gas manufacture, electrical power plants, alcohol manufacture, battery manufacture, brick/tile/terra cotta manufacture, cement products manufacture, ready-mix concrete production, stove manufacture, shoe polish manufacture, may be considered as a Permitted Use, providing the applicant's submittals are sufficient to demonstrate that the uses are consistent with the intent and performance requirements for an I-2 District
2. Storage including: contractor's supply or storage yard for lumber, coal, brick and stone, which requires outside storage of product and raw material provided such use is entirely enclosed with a substantial opaque fence not less than eight (8) feet in height, may considered a Permitted Use, providing the applicant's submittals are sufficient to demonstrate that the proposed use is consistent with the intent and performance requirements for an I-2 District.
3. Processing Industries such as: tire capping or retreading, food processing including smoking, canning, and curing, iron or steel foundry, fabrication plant for heavy casing, rolling mills, Quarry and stone mills, railroad repair shops that have access to a spur line

may be considered as a Permitted Use, providing the applicant's submittals are sufficient to demonstrate that the proposed use is consistent with the intent and performance requirements for an I-2 District

4. Assembly plants with industrial processes including blast furnaces, coke ovens, or boiler works providing fabrication of heavy metal castings and stampings may considered a Permitted Use, providing the applicant's submittals are sufficient to demonstrate that the proposed use is consistent with the intent and performance requirements for an I-2 District.

Subd. 2. CONDITIONAL USES, SPECIFIC STANDARDS

In addition to the standards specified no conditional use permit shall be granted in an I-2 District unless the City Council determines that each of the following specific standards will be met:

1. When a mix of retail, or service and manufacturing is proposed, the retail or service related uses may only occupy up to 50% square footage of the principal structure:
 - i. No exterior modifications to the building shall be permitted to facilitate retail or service use.
 - ii. No outside storage or display and or accessory structures may be used to enhance the retail purpose.
 - iii. Sufficient parking shall be provided to accommodate additional retail traffic.
2. When an energy source such as wind or solar is proposed to supplement or fulfill the energy requirements of the proposed use.
 - i. Setbacks from the abutting property lines shall be at a minimum equal to the height of the energy producing equipment.
 - ii. The design of the proposed energy producing equipment shall be certified by a professional engineer as being adequate for the climatic conditions of the proposed site.
 - iii. Wind powered generators shall be equipped with rotational regulators to prevent over-speed of the rotors and shall be designed to prevent disintegration.
 - iv. The use shall comply with all building and electrical code requirements of the city, the noise regulations of the Minnesota Pollution Control Agency and the rules and regulations of the Federal Communications Commission and Federal Aviation Administration
 - v. If the WECS has not been operated for a period of one year or fails to meet the conditions of this chapter, the City Council may order it be dismantled and the site restored to its original condition; and

- vi. If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this chapter, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on ten days' notice.
3. Automobile Wrecking and/or Junk Yards:
- i. All junk yards or auto wrecking uses shall be screened with an eight-foot high, opaque perimeter fence.
 - ii. Adequate methods and production controls shall be included to prevent ground or air contamination.
 - iii. Sufficient parking shall be provided to accommodate the retail and process needs of the proposed use.

Subd. 3. PERMITTED ACCESSORY USES.

- 1. Restaurants, lunch counters, confectioneries to serve the employees of the district.
- 2. Off-street parking and off-street loading as permitted by Section 1425.
- 3. Signs as permitted by the Sign Ordinance.
- 4. Outside storage, meeting the provisions specified in the General Requirements Section above, including fuel storage provided it is screened from general public view.
- 5. Other uses customarily associated with but subordinate to a permitted use, as determined by the city.

Subd. 4. District Standards.

A. Lot, yard, area and height requirements

- 4. Lot area regulation: The City, after considering widths and areas proposed by the builder, shall determine lot area requirements sufficient to allow room for the construction and use of buildings and still conform to this Ordinance.
- 5. Setbacks: On any lot line that abuts a residential district the minimum setback shall be 8 times the setback required in the I-1 district.
- 6. Front yard regulation:
 - A. The front yard setback shall be forty (40) feet. On corner lots, the front setback shall be 30'.
 - B. The front yard bordering upon a street shall be landscaped and shall not be used for the parking of employee's vehicles.

5. Side yard regulation:
 - b. The side yard setback shall be not less than fifteen (15) feet.
 - c. The Industrial District side yard adjacent to a residential boundary line shall provide for a landscaped strip 60 feet in width along such boundary line. A portion of this landscaped strip shall be planted to provide a screen. The governing body may require additional side yard width in these cases. When such additional width is required, such additional width shall not exceed 100 feet and parking in this area will be permitted.
 - d. The side yard bordering upon a street shall be landscaped and shall not be used for the parking of employees.
 - e. Rear yard regulation: The rear yard setback shall be a minimum of twenty (20) feet, which may be used for parking. If the rear yard of an Industrial District abuts on or is across an alley from a Residential District, the setback shall be equal to at least eight times the setback of the Residential District.
 - f. Structure Height Regulation: No building may be constructed to a height of more than forty five (45) feet in height except by conditional use permit.
 - g. Impervious Surface: Not to exceed a maximum of 8%.
 - h. Landscaping Requirement: Undisturbed, non-erodible areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material shall be considered to have acceptable landscaping.
 - i. Trash enclosures or accessory buildings that exceed 600 square feet in size shall be considered a conditional use. All trash enclosures or accessory buildings shall be located behind the front building line of the principal building and may not impinge upon any required set back.

R-D RAILROAD BUSINESS DISTRICT – SPECIFIC REQUIREMENTS

INTENT, RAILROAD BUSINESS DISTRICT.

The Railroad Business District shall provide areas adjacent to mainline and spur trackage for the use of businesses that require such access, or to businesses providing services to businesses that utilize access to trackage. Uses may include transportation of rail freight, minor manufacturing or processing of materials shipped by rail. Development within the Rail Road District will take advantage of the rail facilities that transect the City of Rice.

1420.10. CONDITIONAL USE PERMIT REQUIRED.

Within the RD – Railroad District, all structures or uses of land shall be considered by the City Council for a conditional use permit. In each case, the Council, with recommendation from the Planning Commission, will consider the proposed use, to ensure that the proposed use is consistent with abutting zoning districts, the Comprehensive Plan, and will not have adverse economic, social, or environmental impacts on the overall community.

The application for a Conditional Use Permit in Railroad Industrial Districts shall be accompanied by:

1. A complete plot plan showing the proposed building or buildings and also the proposed use of the balance of the property.
 - a. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data. Distances to the surrounding buildings may also be shown on the plot plan. This plot plan shall also be accompanied by a signed authorization from the property owner. The Governing Body may submit these plans to the Planning Commission for consideration and recommendation. In any event no building permit shall be issued for any construction in a railroad industrial district until authorized by a majority vote of the Governing Body.

Subd. 1. RD DISTRICT REQUIREMENTS:

1. Setback and Height Requirements

- A. The front yard setback: Ten (10) feet.
- B. The side yard setback: Shall be not less than five (5) feet except on street intersections where the side yard setback on the intersecting street shall be not less than fifteen (15) feet.
- C. The rear yard setback: Shall be a minimum of ten (10) feet.
- D. Height: Shall not be more than forty (40) feet in height.

- E. It shall be a policy of the Governing Body to issue permits for the construction of buildings in the railroad industrial districts on the basis of the actual widths and areas required by the builder to allow room for such building and its use to conform to this Ordinance. Each proposal may be referred to the Planning Commission for study and recommendation.

Subd. 2. PERMITTED ACCESSORY USES.

1. Restaurants, lunch counters, confectionaries to serve the employees of the district.
2. Off-street parking and off-street loading.
3. Signs as permitted in Section 1430.
4. Temporary buildings for construction purposes, but only during the period of construction.
5. Outside storage of product or equipment, including fuel storage, must be screened from general public view, and shall be considered a conditional use.
6. Other uses customarily associated with but subordinate to a permitted use, as determined by the city

CHAPTER 14: DEVELOPMENT CODE

SECTION 1425 – OFF-STREET PARKING AND LOADING REQUIREMENTS

1425.01	Purpose
1425.02	General Requirements
1425.03	Residential Parking
1425.04	Nonresidential Districts, Parking & Loading
1425.05	Shared Parking
1425.06	Recreational Vehicle Parking

1425.01. PURPOSE

The off-street parking and loading regulations of this Section are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use, increase public safety by reducing congestion of public streets, and encourage the use of alternative modes of transportation where appropriate.

1425.02. GENERAL REQUIREMENTS.

Subd. 1. MINIMUM STANDARDS

1. A parking space, as referred to in this Ordinance, shall be at least eight (8) feet wide by twenty (20) feet long. In parking lots, a standard of three hundred (300) square feet per parking space shall be used as a guide to compute minimum requirements including maneuvering areas.
2. Any off-street parking areas containing five (5) or more parking spaces must be screened from any adjacent residential area by proper landscaping.
3. All parking areas and drives shall be constructed of concrete, blacktop, or similar durable hard surface free of dust. The periphery of all parking areas and drives in B-1, B-2 and RD with over ten (10) spaces shall be constructed with poured-in-place concrete curbing, unless otherwise approved by the City.
4. In all Nonresidential Districts, temporary, daily off-street parking of vehicles, for a period of no more than forty-eight (48) consecutive hours, for employees or patrons of a business, need not be screened in side and rear yards adjacent to other business or industrial uses, but shall be completely screened from residential uses.
5. Overnight parking, from dusk to dawn, is permissible in B-3 District, provided screening is provided as outlined above.

6. Spaces for residential parking shall be on the same lots or an immediately adjacent lot as the principal building.
7. All off-street parking spaces shall have access from a private driveway and shall not access directly onto a public street.
8. On and off-street parking in residential districts shall be used only for the parking of vehicles of under 12,000 pounds gross weight. Recreational Vehicles shall be exempt from this provision and are regulated in subsection 1425.06 below. No commercial repairs of any vehicle will be permitted. (**see Definitions, "Recreational Vehicles"**)
9. All off-street required parking and loading spaces, together with driveways, aisles and other circulation areas, shall be improved in such a way as to provide a durable and dust-free concrete or asphalt surface. All high volume traffic areas shall have a hard surface. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. The owner of any parking lot or loading area shall maintain the area in good condition without holes and free of all dust, trash, and other debris. If lighting is used it shall not exceed five (5) foot candles.
10. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City with an adequate performance guarantee approved by the City.
11. The application for any building permit shall be accompanied by a site (plot) plan, which in addition to other information, shall show the location of the off-street parking area provided for such building.
12. No entrance to or exit from a parking area shall be more than twenty-four (24) feet in width in Residential Districts and thirty two feet in width in Nonresidential Districts. Entrances and driveways in all Nonresidential Districts must be constructed with a concrete apron. Except for residential uses, under no circumstances will off-street parking areas be designed so that vehicles must back into the street or public way. Determination of Nonresidential entrance requirements will be at the discretion of the City and considered during the site plan review process. The following variables will be considered:
 - i. The property's location with respect to the adjoining street and the volume of traffic on said street.
 - ii. The site of the structure located on such commercial/industrial property.
 - iii. The number of customers and employees using such commercial/industrial property.
 - iv. The likely number of commercial vehicles and/or trucks servicing the business to be located on such commercial/industrial property.

13. At an intersection or at an entrance, nothing shall be placed or allowed to grow in such a manner as to obstruct a motorist's sight triangle between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets.
14. No public or private garage in a Nonresidential District for more than five (5) motor vehicles shall have an entrance or exit within thirty (30) feet of a residential district boundary line or within one hundred (100) feet from an intersecting road.

Subd. 2. Damage or Destruction.

When a building is reconstructed or repaired after being damaged or destroyed, off-street parking and loading facilities must be restored or maintained in an amount at least equivalent to that at the time of such damage or destruction. However, it is not necessary to restore or maintain parking and loading facilities in excess of the applicable requirements of this section.

Subd. 3. Change in Land Use.

When the existing use of a building, structure, or parcel of land is changed to a new use, parking and loading spaces must be provided as requirement for the new use.

Subd. 4. Change in Intensity

1. When the intensity of use of any building, structure or parcel of land is increased, additional parking and loading spaces must be provided. The number of additional parking and loading spaces is based on the change in use or the increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement used to calculate the required number of parking or loading spaces.
2. When the intensity of use of any buildings, structure or parcel of land is decreased, the number of parking and loading spaces may be reduced so long as the parking requirements of this Ordinance are met for the entire building, structure or parcel of land as modified.

Subd. 5. Striping

All non-residential and multi-family off-street parking areas where ten (10) or more spaces are required must be marked by a durable painted stripe designating the parking spaces.

Subd. 6. Lighting

Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare from spilling into residential areas. Lighting levels shall be measured in foot-candles five (5) feet off the ground or floor level. The following light levels shall be met:

- Lot line of adjacent property 0.5 foot candle maximum
- Open parking areas 1.0 foot candle minimum
- Covered parking facilities/night (minimum):
 - General parking & pedestrian areas 5 foot candles
 - Ramps & corners 5 foot candles
 - Entrances & exits 5 foot candles
 - Stairwells 20 foot candles
- Covered parking facilities/day (minimum):
 - General parking & pedestrian area 5 foot candles
 - Ramps & corners 10 foot candles
 - Entrances & exits 50 foot candles
 - Stairwells 20 foot candles

Subd. 7. Required Parking Spaces.

1. **Daycare and nursery school facilities:** One (1) per each six (6) children the facility is licensed to serve.
2. **Single Family Dwellings:** Two (2) parking spaces per living unit and one additional space per boarder or accessory apartment dweller who has a car or other passenger vehicle.
3. **Multiple Family Dwellings:** Two and one-half (2-1/2) spaces for each living unit.
4. **Motels:** One and one-fourth (1¼) space per unit plus one space for each two (2) employees.
5. **Churches:** One (1) space for every three (3) seats or one (1) space for every five (5) feet of pew length, whichever is greater.
6. **Schools:** Eight (8) spaces for each four (4) classrooms in grade schools, plus adequate loading areas for bus service.
7. **Private clubs, community centers, libraries, museums, and places of assembly:** One (1) space for each five (5) seats.
8. **Bowling alley:** Five (5) spaces for each lane.
9. **Retail business:** One (1) space for every five hundred (500) square feet of sales area.
10. **Restaurants:** One (1) space for every three (3) seats.
11. **State licensed residential facility:** Four (4) spaces plus one (1) space for each three (3) beds for which accommodations are offered.
12. **Other businesses:** One (1) space for every three hundred (300) square feet of floor area.

13. **All industrial districts:** Two (2) spaces for every three (3) employees and shall provide for sufficient visitor and/or retail parking.
14. **For any and all uses or structures not specifically provided for in the foregoing:** Such parking space as the governing body shall determine to be necessary, considering all the parking generating factors involved.
15. **Handicap Spaces Requirements.** One parking space, designated with the appropriate signage, shall be provided for handicap parking, plus any additional parking spaces in accordance with the applicable requirements with the Americans with Disabilities Act of 1990 and the Minnesota State Building Code, as amended from time to time, or any other applicable laws, with a minimum of one (1) for every fifty (50) parking spaces.
16. **Mixed Uses.** In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the governing body may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities will not be needed by more than one of the users thereof at one time.

The City Council shall have the right to waive, vary, or modify the strict application of any of the regulations or provisions contained in this subdivision cases in which there are practical difficulties, unnecessary hardships or in the judgment of the Council no necessity for strict application of the provisions in the Ordinance or its amendments.

1425.03. RESIDENTIAL DISTRICT PARKING

1. In the event the driveway and parking areas required by Section 1425.02 (9), have not been installed at the time the final certificate of occupancy is requested due to weather, as determined in the sole discretion of the Building Official, the City may issue a conditional certificate of occupancy, provided the requestor shall enter into an escrow agreement with the City, which will specify the amount, manner, and time in which said driveway shall be completed.
2. Licensed vehicles in excess of 12,000 pounds as described in Minnesota Statutes, Section 186.013 are prohibited from on or off street parking in any Residential District.

1425.04. NONRESIDENTIAL DISTRICTS PARKING & LOADING

Subd. 1. Driveways.

All driveways in Nonresidential Districts shall be constructed with a concrete apron. Driveways in B-1, B-2 and B-3 Districts are restricted to a single driveway per lot with a maximum width of twenty-four (24) feet. Driveways in I-1, I-2, and RD Districts shall be limited to two (2) entrances with a maximum width of thirty-two (32) feet. Driveways shall adhere to the setback requirements per zoning district, except for the principal access to the public thoroughfare.

Subd. 2 Parking Lots

1. Parking Lots in B-1, B-2, and B-3 Nonresidential Districts shall be constructed with curb and gutter and shall have a concrete, asphalt or bituminous surface.
2. Employee and customer parking lots in I-1, I-2 and RD Nonresidential Districts shall be constructed with curb and gutter and may have a concrete or bituminous surface. Truck parking may be gravel, with appropriate runoff controls.
3. Surface Parking Lots in the Nonresidential Districts B-1, B-2, and B-3 shall be located at the side or rear of buildings and not in the front yard area, except as specifically authorized in this Code.
4. Parking space dimensions for angled parking shall be approved by the City, based on acceptable planning standards.
5. An exemption in I-1, I-2 and RD Districts may be approved by the Zoning administrator to allow employee and truck parking in the front of the lot where the primary structure in any Industrial or Rail Road District fronts on a public street, but is further than three hundred (300) feet from, or is not visible from a Residential Zone.

Subd. 3 Loading and Unloading.

1. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, laundry, dry cleaning establishments or other buildings that do not rely primarily on railroad transfer and where large amounts of goods are received or shipped, erected in any district after the effective date of this Ordinance, loading and unloading space shall be provided as follows:
 - a. In Nonresidential Districts, the property owners shall ensure the off-street capacity parking needs will be able to accommodate the truck services required specifically for the unique needs of each business servicing that use.
 - b. In neighborhood business districts, one (1) off-street loading and unloading space shall be provided for each store unit.
2. No required off-street loading space shall be less than three hundred (300) feet from any residential district boundary line.

1425.05. SHARED PARKING IN R-2 AND NONRESIDENTIAL DISTRICTS

1. Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.

2. A shared parking plan, involving fewer than ten parking spaces may be approved by the City. A shared parking plan involving in excess of ten (10) may be approved with a Conditional Use Permit if at least the following conditions are met:
 - a. No more than fifty percent (50%) of the required parking spaces for a given use may be shared with another use.
 - b. The applicant shall show that there is no substantial conflict between the principal operating hours of the uses that will share parking spaces.
 - c. A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator and the County.

1425.06. RECREATIONAL VEHICLE PARKING & STORAGE IN RESIDENTIAL DISTRICTS.

A. Time.

On-street parking for a recreational vehicle shall be permitted but not to exceed thirty six (36) hours within a consecutive seven-day period.

B. Number.

The maximum number of recreational vehicles permitted to be parked or stored outside of a building in a residential district will be one (1).

C. Size.

No recreational vehicles greater than forty five (45) feet in length shall be permitted on any residential lot in the City.

D. Location.

Recreational vehicles may be parked or stored in the front yard, interior side yard, street side yard, and rear yard, provided that a five (5) foot setback is maintained.

E. Ownership & Guest Parking.

All recreational vehicles parked or stored shall be owned or leased by an occupant of the premises where parked or stored. Guests of the occupant of the premises may park on a driveway on the premises for a period not exceeding seven (7) days in any consecutive thirty (30) day period. No nuisances, including noise, light, odor created by such guest parking are permitted.

CHAPTER 14: LAND USE DEVELOPMENT CODE

SECTION 1430 - SIGNS

1430.01	Purpose
1430.02	Definitions
1430.03	Signs in Residential Districts
1430.04	Signs in Nonresidential Districts
1430.05	Temporary Signs
1430.06	Nonconforming Signs

1430.01. PURPOSE.

The purpose of these sign regulations is to establish a set of standards to control the erection and use of on-premises and off-premises advertising, symbols, markings, or devices within the City of Rice.

1430.02. DEFINITIONS.

Accessory Sign: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises on which it is located.

Address Sign: Postal identification numbers only, whether written or in numeric form.

Area Identification Sign: A free-standing sign that identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center or area, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above that could be termed an area.

Banners and Pennants: Attention-getting devices that resemble flags and are of a nonpermanent paper, cloth or plastic-like material.

Bench Signs: A sign that is affixed to a bench or shelter at a bus stop.

Bulletin Sign: An accessory sign that announces goods or services available through the use of changeable letters.

Church Directional Sign: A sign that bears the address and/or name of a church and direction arrows pointing to a church location.

Dynamic Display Sign: "Dynamic display" shall mean any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the

sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.

Free-Standing Sign: A sign that is placed in the ground and not affixed to any part of any structure.

Illuminated Sign: Any sign that is illuminated by an artificial light source, which shall include all electronic signs utilizing internal light sources and any sign that makes use of electric lighting to reflect off of an otherwise opaque message surface.

Institutional Sign: Any sign or bulletin board that identifies the name and other characteristics of a public or private institution on the site where the sign is located.

Non-Accessory Sign: A sign other than an accessory sign.

Portable Sign: A sign that is not permanently attached to the ground or any structure and so designed as to be movable from one location to another.

Permanent Sign: Any sign that is not a temporary sign.

Pylon Sign: A free-standing area identification sign greater than twenty (20) feet in height, intended for freeway advertising.

Roof Sign: Any sign erected upon or projecting above the roofline of a structure to which it is affixed.

Sign: Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication whether painted, posted, printed, affixed or constructed, that is displayed outdoors or on a window or on the interior of a building within three (3) feet of a window and clearly visible from the outside of said building for informational or communicative purposes.

Sign Area: That area within the marginal lines of the surface that bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of the building, the area that is included in the smallest rectangle that can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a free-standing sign refers to a single facing.

Temporary Sign: A sign that is erected or displayed for a limited period of time.

Traffic Directional Sign: A sign that is erected by a governmental unit for the purpose of directing or guiding traffic.

Internal Traffic Directional Sign: A sign that is erected on private property by the owner of such property for the purpose of guiding vehicular and pedestrian traffic within the property. Such sign bears no advertising information.

Wall Sign: Any sign that is affixed to a wall of any building.

1430.03. SIGNS IN RESIDENTIAL DISTRICTS.

Subd. 1. PERMITTED SIGNS

1. The following on-premises signs shall be permitted in residential districts:
 - a. Nameplate Signs: One (1) sign for each dwelling unit, not greater than two feet in area, indicating the name and/or address of the occupant.
 - b. One unlighted identification sign for each use other than residential shall not exceed four (4) square feet in area.
 - c. One unlighted sign, having a surface area not exceeding twenty-four (24) square feet and a height not exceeding eight (8) feet, per vehicle entrance identifying each subdivision or housing development.
 - d. One (1) unlighted sign per vehicle entrance identifying a dwelling unit complex. Such signs may indicate the name and address of the building and rental or management offices. Such signs shall have a surface area not exceeding twenty-four (24) square feet and a height not exceeding eight (8) feet.
 - e. One area identification sign for each multiple residential complex consisting of four (4) or more structures. In R-2 districts such signs shall have a surface area not exceeding seventy-five (75) square feet and in R-4 districts surface area may not exceed one hundred (100) square feet. The height of the signs may not exceed eight (8) feet.
 - f. One home occupation sign, non-illuminated, attached to the wall of a dwelling and not exceeding four (4) square feet in area.
 - g. Advertising signs attached to fences within a ballpark.
 - h. Flags, badges, or signs of any governmental agency including but not limited to emergency signs.

Subd. 2. GENERAL REGULATIONS

1. No sign shall be permitted that is a hazard to the public health, safety, convenience or welfare. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.
2. Signs shall not be permitted within the public right-of-way or easements except public traffic control signs as determined by the city engineer.
3. Signs or marquees that may extend beyond the building line shall not be constructed to extend over the property line. Signs located within three (3) feet of an alley, a driveway, or parking area shall have a clearance of fourteen (14) feet above finished grade.

4. Except as provided in this Ordinance, all signs are required to follow the setback and side yard requirements for other structures in the district where located, provided that where a drive-in service or parking is permitted one (1) ground identification sign not exceeding thirty-five (35) square feet may be erected in any required front yard or setback area; however, it may not be located closer to the street or right-of-way than the required setback distance.
5. All displays shall be shielded to prevent light from being directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure an official traffic sign or signal.
6. No advertising devices shall be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with the drivers' view of approaching, merging, or intersecting traffic.
7. No advertising device shall be erected closer to any other such advertising device on the same side of the same street than 100 feet; provided, however, that this provision shall not prevent the erection of double-faced, back-to-back, or v-type advertising devices with a maximum of two signs per facing; the spacing between advertising devices does not apply to structures separated by buildings or other obstructions in such a manner that only one sign face located within the above spacing distances is visible from the street at any one time.
8. Directional signs shall be permitted in all districts provided the total area of each sign shall not exceed four (4) square feet per sign face.
9. It is unlawful to maintain for more than thirty (30) days, any sign that has become obsolete because of the discontinuance of the business, service, or activity that it advertises, removal from the location to which it directs, or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.
10. It is unlawful to erect or maintain any sign on any property. Public or private, without the consent of the owner or occupant thereof.
11. All signs shall be maintained in good condition and the area around them kept free from debris, bushes, and high weeds and from anything else that would be a nuisance.
12. "Billboards" in commercial and industrial districts are permitted to the extent authorized under the terms of this Ordinance and provided that they do not contain more than twelve (12) square feet of area per lineal foot of frontage of such lot and must contain spacing of 1,000 feet between the billboards. The billboards must be supported by a metal drum base (monopole).

Subd. 3: PERMIT REQUIREMENTS

1. Except as otherwise herein provided, it shall be unlawful for any person to erect, repair, alter, relocate, or maintain within the city any sign as defined in this Ordinance without first obtaining a permit from the Building Official and paying of the fee required. Fees for sign permits shall be in the amount established from time to time by the governing body. Sign permits shall be renewed annually. The renewal fee shall be in an amount established from time to time by the governing body.
2. Application for permits shall be made upon forms provided by the city and shall be accompanied by:
 - a. The name and address of the sign owner and sign erector.
 - b. A drawing to scale showing the design, location, and construction of the sign.
 - c. Written consent of the owner or lessee of any site on which the sign is to be located.
 - d. Such other pertinent information as the Building Official may require insuring compliance with this Ordinance.
3. The following signs shall be exempt only from a permit fee. The owner shall not be relieved from the responsibilities of following other regulations of erection and maintenance.
 - a. One (1) on-premises unlighted or indirectly illuminated identification sign not exceeding two (2) square feet in area in residential zones and six (6) square feet in other zones. The identification sign may announce only the name and/or address of the occupants of the premises.
 - b. Signs located on the rolling stock of common carriers, or on motor vehicles or trailers bearing current license plate, that are traveling or lawfully parked upon public highways, or lawfully parked upon other premises for a period not exceeding four hours, or for longer periods when the primary purpose of such parking is not the display of any sign, and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one plus one more for each 25,000 square feet of area of the premises.
 - c. Signs that are located on the interior of a building and are not visible from outside the building.
 - d. On-premises signs located inside an enclosed building and visible through a window or windows thereof where the area of such signs does not exceed twenty-five (25) percent of the area of the windows.

- e. Signs indicating only the name and/or date of erection of a building, having an area not exceeding six (6) square feet, and made an integral part of the structure.
- f. Public signs of a non-commercial nature erected by, or on the order of, a duly constituted public office of City, County, State or Federal Governments in pursuance of their public duties.
- g. Temporary signs except as otherwise provided in subsection 1430.05.
- h. One (1) sign for one hundred feet (100') of lineal frontage per lot, not to exceed two (2) signs for any lot provided such signs do not exceed two hundred square feet (200') per sign (with one face side considered). One (1) structure will be considered one (1) sign even if said structure advertises multiple businesses. The sign face will be a ratio of 1.25 square feet per one (1) lineal foot of property frontage. Building wall signs shall not exceed fifteen percent (15%) of the actual building frontage.
- i. On-premises signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of this property or traffic or parking thereon.

1430.04. SIGNS IN BUSINESS DISTRICTS

Subd. 1. STANDARDS AND REQUIREMENTS.

The following regulations shall apply to signs in business districts:

1. On-premises identification, business, or area identification signs are permitted. There may be building signs, free standing signs and pylon signs, the last not exceeding thirty-five (35) feet in height. Nearby residents shall be protected from direct light if these signs are illuminated.
2. **In B-1 district**, the business sign area for a lot shall not exceed the following:
 - a. Building wall signs shall not exceed one (1) square foot per lineal lot front or ten percent (10%) of building frontage area, or fifty (50) square feet, whichever is the greatest.
 - b. Free standing signs shall not exceed fifty (50) square feet.
 - c. Total square footage of all signs shall not exceed one hundred (100) square feet.
3. **In B-2 districts**, the business sign area per lot shall not exceed the following:

- a. Building wall signs shall not exceed two (2) square feet per lineal lot front or twenty (20%) of building frontage area or seventy-five square feet, whichever is the greatest.
 - b. Free standing signs shall not exceed fifty (50) square feet per side and shall have a maximum total sign face area of one hundred square feet (100) for all sides.
 - c. Total square footage of all signs may not exceed two hundred (200) square feet per side and shall have a maximum total sign face area of one hundred fifty (150) square feet for all sides.
 - d. One sign for 100 feet of lineal frontage per lot, not to exceed 2 signs for any lot.
 - e. The maximum size of a sign shall be 200 square feet (with one face side considered.) One structure shall be considered one sign even if the structure advertises multiple businesses. The sign face will not exceed 1.25 square feet per one lineal foot of property frontage.
 - f. Building wall signs shall not exceed fifteen percent (15%) of the actual building frontage.
4. **In B-3 districts**, the business sign area per lot shall not exceed the following:
- a. One sign for one hundred (100) feet of lineal frontage per lot not to exceed two (2) signs for any lot and a maximum of two hundred (200) square feet per sign (with one (1) face side considered).
 - b. One (1) structure will be considered one (1) sign even if said structure advertises multiple businesses.
 - c. The sign face will not exceed 1.25 square feet per one (1) lineal foot of property footage.
 - d. Building wall signs shall not exceed fifteen percent (15%) of the actual building frontage.

5. **SIGNS IN INDUSTRIAL DISTRICTS**

The following regulations shall apply to signs in Industrial Districts:

- a. Where appropriate, any sign permitted in the residential or business district shall be permitted in the Industrial District. Signs shall be under the same restrictions specified for those districts except as modified in this paragraph 5.

- b. Identification signs shall not exceed six (6) square feet. Building wall signs shall not exceed twenty percent (20%) of building frontage area.
- c. Free standing, pylon, or area identification signs may not exceed two hundred (200) square feet.
- d. The total square footage of sign area for each lot shall not exceed five (5) square feet for each lineal foot of lot frontage.

1430.05. TEMPORARY SIGNS

- A. Temporary signs shall be allowed in any district without a permit, except as specifically provided herein. There shall not be more than three (3) such signs, excluding political or campaign signs, on any lot. All signs shall be set back a minimum of ten (10) feet.
- B. During the development of a new subdivision consisting of two or more lots, there shall be allowed one sign in the subdivision not to exceed fifty (50) square feet in surface area and not to exceed eight (8) feet in height. The sign shall advertise the development and may name the subdivision. Subdivision layout, developer, contractors, brokers and financial institutions involved. A permit shall be obtained for the placement of such signs and a fee paid as set by Council resolution. Additional signs having a surface area not exceeding four (4) square feet, and a height not exceeding six (6) feet, directing the public and/or identifying models in the subdivision are also permitted. Both types of signs shall be removed when fifty percent (50%) of the lots are developed or within two years, whichever shall occur first. Such signs shall not be illuminated.
- C. Campaign signs posted by a bona fide candidate for political office, or by a person or group promoting an issue or a political candidate, may be placed in any district providing such signs do not exceed six (6) square feet per sign in a residential district and thirty-two (32) square feet per sign in any other district. Such a sign may be erected for a period not to exceed sixty (60) days prior to the general election, or sixty (60) days prior to a primary if one is held for a particular office, and shall be removed within five (5) days following the date of the election. Removal shall be the responsibility of the person placing the sign. Each sign shall show the name and address of the person responsible for the placement and removal of the sign. In all cases where the sign is not removed within the time allowed, or after a notice to remove it by the city, the city may cause the sign to be removed and the cost of the removal shall be charged to the person named on the sign. This Ordinance shall not limit the number or size of signs where such limitation is prohibited by Minnesota Statutes, Section 211B.045.
- D. An unlighted, on-premises sign, for the purpose of selling, leasing, or renting of lots, premises, or parts of premises shall be permitted in all districts provided such signs shall not exceed four (4) square feet in residential districts and thirty (30) square feet in other districts. Such signs shall be removed within seven (7) days following sale or lease. A corner lot may have two signs.

- E. Construction signs that identify the architects, engineers, contractors and other individuals or firms involved with the construction, and announce the character of the building, enterprise or the purpose for which the construction is intended, may be erected during the construction period. Signs for this purpose are limited to thirty-two (32) square feet on any one site. The signs shall be confined to the site of construction and shall be removed by the beginning of the intended use of the project.
- F. Decorative banners, flags, cloth signs, portable signs and search lights may be temporarily used in non-residential districts on a business property for a promotional event not to exceed seven (7) days prior to the event and to be removed immediately after the event. These devices shall be allowed for thirty (30) days maximum.
- G. Temporary displays that are erected to celebrate, commemorate or observe a civil or religious holiday are permitted.
- H. Temporary signs for special events by non-profit organizations are permitted, provided the sign does not exceed thirty-two (32) square feet in size.
- I. Temporary signs not exceeding four (4) square feet advertising home or garage sales at private homes. Those placing such signs are responsible for their removal within twenty-four (24) hours of the conclusion of the sale. Each sign shall show the name and address of the person responsible for the placement and removal of the sign.
- J. Other temporary signs shall be authorized by the Zoning Administrator for not more than two (2) months in a calendar year by written permit, which shall show the size, shape, content, height, type of construction and location of such signs and the period during which authorized, upon a finding by the Zoning Administrator, on the basis of written information furnished by the applicant, that the proposed signs are necessary for the direction of the public and not contrary to the purpose and spirit of this Ordinance, and upon payment of a fee as established by the governing body for each permit and renewal of each sign.

1430.06. NONCONFORMING SIGNS

- 1. It is intended that the City will eliminate nonconforming signs, except as otherwise specifically set forth in this section, as rapidly as the police power of the city permits. Any lawfully erected sign the maintenance of which is made unlawful by this Ordinance may continue to be maintained as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance, except as herein specified.
- 2. No nonconforming sign:
 - a. Shall be changed to another nonconforming sign.
 - b. Shall be structurally altered so as to change the shape, size, type or design of the sign.

- c. Shall be changed to enlarge or extend its nonconformity.
 - d. Temporary signs, in use as of the date of this Ordinance, may continue in use for a period of 2 years after the adoption of this Ordinance, at which time all use shall terminate and all continued use of said signs shall be subject to the terms of this Ordinance.
3. The Zoning Board of Appeals may permit variances from subsection 1430.06, or variances permitting the erection or maintenance of a nonconforming sign only upon the grounds established by law for the granting of zoning variances or upon finding that a grant of a variance will reduce the degree of non-conformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this Ordinance.
 4. Normal maintenance of a legal nonconforming sign is permitted, including necessary structural repairs that do not intensify or extend the nonconforming status.
 5. Whenever a legal nonconforming sign has been damaged, and the damage is fifty percent (50%) or more of its fair market value as estimated by the Building Official, the sign must be removed unless a building permit is applied for within 180 days of such damage.

CHAPTER 15: SUBDIVISION CONTROL

SECTION 1500 – PURPOSE, DEFINITIONS & GENERAL PROVISIONS

1500.01	Purpose
1500.02	Legal Authority
1500.03	Conveyances Subject to Subdivision
1500.04	Subdivision Classifications
1500.05	Compliance
1500.06	Savings Clause
1500.07	Exemptions
1500.08	Metes and Bounds Standards
1500.09	Definitions
1500.10	Minimum Subdivision Requirements

1500.01. PURPOSE.

- A. **Purpose.** The purpose of this Chapter is to provide a process for the orderly and predictable subdivision of land within the City. In order to integrate new subdivisions with the development objectives of the City and to contribute to an attractive, stable, and wholesome environment, adequate public services and an integrated safe road and highway system, the subdividing of the land in the City shall be required. If the City has in effect as of the effective date of this chapter, any ordinances regulating the subdivision of land within shore lands or floodplains, the provisions of those ordinances shall supersede the provisions of this chapter within the areas regulated. The provisions of this chapter shall not be in effect until a certified copy of this chapter is filed with the County Recorder as required by Minnesota Statutes, Section 462.36, as it may be amended from time to time.
- B. **Applicability.** These regulations governing plats and subdivision of lands apply within the corporate limits of the City and as provided in areas designated for orderly annexation or where otherwise provided in Minnesota Statutes.
- C. **Minimum Design Features.** The design features set forth in this chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided.
- D. **Zoning Ordinance and Zoning Map Consistency.** Subdivisions and preliminary or final plats may only be approved if they are consistent with the City's Zoning Ordinance (Land Use Development Code) and official Zoning Maps.

1500.02. LEGAL AUTHORITY.

This chapter is enacted pursuant to M.S. 462.358, as may be amended from time to time.

1500.03. CONVEYANCES SUBJECT TO SUBDIVISION REGULATIONS.

- A. The following land or parcel subdivisions or conveyances are subject to the subdivision requirements:
 - 1. Any subdivision of unplatted property.
 - 2. Lands that are to be divided into more than two (2) lots or parcels, any one of which is less than forty acres in size.
 - 3. Any unplatted land transferred from one zoning district to another at the request of the property owner.

- B. The following land or parcel subdivisions or conveyances are subject to the administrative subdivision requirements.
 - 1. Relocation of a common boundary line.
 - 2. Subdivision of an existing platted lot(s).
 - 3. Lands that are to be divided into two (2) lots or parcels, either of which is less than forty acres in size.

- C. The provisions of this Code do not apply to conveyance and land division if the land described:
 - 1. Was or is a cemetery lot(s), as defined by Minnesota Statutes.
 - 2. Resulted from a court order.
 - 3. Is a common Interest Community (CIC) Plat that meets the requirements of Minnesota Statutes, Chapter 505.
 - 4. Within the Rural Residential District, all subdivisions that create two (2) or more lots or parcels that are 10 acres or less in size will be processed as a plat in accordance with Minnesota Statutes, Chapter 505 and this Code. No permit for construction of buildings or sewage treatment systems will be issued unless the lot was approved as a part of a formal subdivision.

1500.04. OVERVIEW OF SUBDIVISION CLASSIFICATIONS.

Before any land is subdivided, the owner of the property proposed to be subdivided, or the owner's authorized agent, must apply for and secure approval of the proposed subdivision based on the following subdivision classifications:

Subd. 1. Subdivisions.

Subdivision shall mean all subdivisions not classified as administrative subdivisions, including but not limited to the division of a lot, parcel, or tract of land into more than two (2) lots, or the consolidation of more than two (2) lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements. Relocation of a common boundary line or subdivision of an existing platted lot(s) is considered an administrative subdivision as defined in Subd, 3 below. A subdivision application requires submittal of the following:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

Subd, 3. Administrative Subdivision.

An “administrative subdivision” involves relocation of a common boundary or subdivision of existing platted lot(s) and may be approved or denied by the Planning Commission or City Council. An “administrative subdivision” shall not involve any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and shall not adversely affect the remainder of the parcel or adjoining parcels and not be in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance or these regulations. An administrative subdivision application requires submittal of the following:

1. Administrative Plat

Subd. 4. NONRESIDENTIAL SUBDIVISION.

A “Nonresidential Subdivision” shall mean a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the application provisions of these regulations and shall require submittal of the following:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

Subd. 5. RESUBDIVISION.

A “resubdivision” shall mean a change in map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Such subdivision shall comply with the application provisions of these regulations and shall require submittal of the following:

1. Sketch Plan
2. Preliminary Plat

3. Final Plat

1500.05. COMPLIANCE.

Any subdivision creating parcels, tracts, or lots that results in one or more parcels or tracts shall be platted. The provisions of Minnesota Statutes, Chapter 505 shall prevail over any inconsistent provisions in this chapter.

- A. No conveyance or other document creating a subdivision of any real property other than by a duly approved plat shall be recorded unless accompanied by a registered surveyor's drawing for recording and city approval of the subdivision. The surveyor's drawing shall accurately illustrate the subdivider's entire lot, parcel or tract that is subdivided by the conveyance or other document, and shall illustrate the location of any wetlands, lakes, rivers, streams, or other public waters on that property. No conveyance or other document shall be recorded unless accompanied by this surveyor's drawing. If the parcel can be described as a rectangular portion of a parcel of the government rectangular survey system, a surveyor's drawing will not be required.
- B. Any surveyor performing a survey in the City shall file a copy of that survey with the City Clerk and also the County Recorder if applicable.
- C. No deed or other document purporting to subdivide property shall be recorded or certified for recording by the County Auditor, County Treasurer, or County Recorder unless it meets the requirements set forth above.

1500.06. SAVINGS CLAUSE.

All plats approved under this chapter are approved for City purposes only and shall not release the subdivider from any liability or obligation imposed by Minnesota Statutes or Federal Law. In the event any provision shall be found contrary to law by a court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this chapter shall continue in full force and effect as though the voided provision never existed.

1500.07. EXEMPTIONS.

The following are considered exemptions from this Subdivision Ordinance and its requirements:

- A. The division of a surveyed lot, parcel or tract for the purpose of attachment to contiguous platted lots where no residual plat or lot or real property is left unattached is exempted from the provisions of this chapter.

1500.08. METES AND BOUNDS STANDARDS.

No subdivision of real property in which the divided tract is described by metes and bounds shall be permitted, unless all tracts meet the following standards:

- A. Each lot, located in a shore land area or containing a wetland area must be a minimum of five acres in size; and all other lots must be a minimum of two and one-half acres in size;
- B. Certification of public road access;
- C. All roads must be identified on the surveyor's drawing;
- D. Sufficient suitable area for the installation of two standard on-site sewage treatment systems unless city sanitary sewer is available;
- E. A registered surveyor's drawing accompanies the document creating the subdivision for recording, as required by 1500.05 above; and
- F. The surveyor's drawing contains the following form for signature by the property owner; *"I hereby certify that the subdivided property described in this survey meets the City requirements for public road frontage and access and sewage treatments systems."*

Subd. 1. Required Information.

Metes and Bounds descriptions prepared shall at a minimum contain the following items:

- A. A preamble containing the Quarter Section, Section, Township, Range, Principal, Meridian and County and/or City of the tract of land being described or a preamble containing the Lot and/or Block number, subdivision name and if available, the recording information of the plat and the City, if applicable, and County in which it is filed of record, and;
- B. A beginning point (if applicable) referenced to a point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision, and;
- C. Distances listed to the nearest hundredth of a foot, if surveyed, and;
- D. Bearings or angles listed in degrees, minutes and seconds, if surveyed, and;
- E. A reference to all bearings shown must be clearly stated, i.e., whether to "True North"; "Grid North" as established by state plane datum"; "Assumed North based on the bearing of a well established line"; a "Deed call for a particular line"; or "the bearing of a particular line shown upon a plat", and;
- F. Curved lines with circular curves shall show:

1. Direction of the curve (right or left);
 2. The radius;
 3. Arc distance;
 4. Chord distance and chord bearing.
- G. The name and license number of the professional surveyor who prepared the description;
- H. The date of preparation of the legal description, and;
- I. Each metes and bounds description must return to the Point of Beginning and close mathematically within the allowable closure error stated in this section.

Subd. 2. Exceptions.

- A. Aliquot descriptions may be used in lieu of a metes and bounds description and shall at a minimum contain the following items:
1. Quarter Section, Section, Township, Range, Principal meridian, City, if applicable, and the County of the tract of land being described.
- B. Lot and Block description may be used in lieu of a metes and bounds description and shall at a minimum contain the following items:
1. Lot and/or Block number, subdivision name, City, if applicable, and County in which it is filed of record and, if available, the recording information of the plat.
- C. A written legal description of the surveyed tract of land must provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.

1500.09 DEFINITIONS.

The definitions below are those specific for the application of this Subdivision Ordinance. Additional definitions that also apply in this ordinance can be found in the City of Rice Zoning Ordinance.

Applicant. “Applicant” shall mean the owner of land proposed to be subdivided or the owner’s representative. Consent shall be required from the legal owner of the premises.

Backlot. “Backlot” shall mean Residential lots without water frontage located in the shoreland area of the City.

Backslope. “Backslope” shall mean the portion of the roadway cross-section beginning at the outside edge of the ditch bottom, sloping upward to a point where the slope intersects the existing ground line.

Bond. "Bond" shall mean any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

Butt Lot. "Butt lot" shall mean a lot at the end of a block and located between two corner lots.

Collector Street or Road. "Collector Street or road" shall mean a road intended to move traffic from local roads to secondary roads.

Contour Map. "Contour map" shall mean a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Covenants or Protective Covenants. "Covenants or Protective Covenants" are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social, and economic integrity of any given area.

Cul-de-Sac. "Cul-de-sac" shall mean a minor street with only one outlet and having a turnaround.

Dedicated Street. "Dedicated Street" shall mean a roadway designated for public use.

Development Agreement. "Development Agreement" shall mean a financial agreement between the governing body and the developer.

Development Objectives. "Development Objectives" shall mean those goals defined as part of the city's comprehensive planning program that indicates how the city wishes to develop itself.

Developer. "Developer" shall mean the owner of land proposed to be subdivided or the owner's representative. Consent shall be required from the legal owner of the premises.

Development. "Development" shall mean the act of building structures and installing site improvements.

Drainage Course or Drainage Way. "Drainage Course" or "Drainage Way" shall mean a water course or way for the drainage of surface water.

Final Plat. "Final Plat" shall mean the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Local Road or Street. "Local road or street" shall mean a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

Inslope. "Inslope" shall mean the portion of the roadway cross-section beginning at the outside edge of the roadway shoulder, sloping downward to the inside edge of the ditch bottom.

Metes and Bounds. "Metes and bounds" shall mean a method of describing land by measure of length (metes) of the boundary lines (bounds). Most common method is to recite direction and length of each line as one would walk around the perimeter. In general the "metes" and "bounds" can be recited by reference to record, natural or artificial monuments at the corners; and record, natural or cultural boundary lines.

Minimum Subdivision Design Standards. "Minimum subdivision design standards" shall mean the guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Water Way. "Natural water way" shall mean a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Outlot. "Outlot" shall mean a lot remnant or any parcel of land included in a plat that may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site.

Owner. "Owner" shall mean an individual, firm, association, syndicate, co-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.

Pedestrian Way. "Pedestrian way" shall mean a public right-of-way across or within a block, to be used by pedestrians.

Preliminary Plat. "Preliminary plat" shall mean the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission or City Council for approval. Preliminary Plat shall contain data required as outlined in subsection 1510.02.

Private Street. "Private Street" shall mean a street serving as vehicular access to two (2) or more parcels of land that is not dedicated to the public but is owned by one or more private parties.

Public Road. "Public Road" shall mean a particularly described and identified right-of-way, at least 33 feet in width, dedicated to public use for road or highway purposes.

Resubdivision. "Resubdivision" shall mean a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. "Right-of-way" shall mean the land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

Road, Dead-End. "Road, dead-end" shall mean a road or a portion of a street with only one (1) vehicular-traffic outlet.

Service Road. "Service Road" shall mean a public road having a traveled surface of at least 24 feet in width lying parallel and adjacent to an ARTERIAL ROAD or HIGHWAY that provides access to abutting properties and protection from through traffic.

Sketch Plan. "Sketch plan" shall mean a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Street Width. "Street width" shall mean the shortest distance between the lines delineating the right-of-way of a street.

Subdivider. "Subdivider" shall mean the owner, agent, or person having control of such land as the term is used in this ordinance

Subdivision. "Subdivision" shall mean the division of a parcel of land after the effective date of this Ordinance into two (2) or more lots or parcels, 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.

Subdivision Agreement. "Subdivision Agreement" shall mean an agreement between the governing body and the subdivider pertaining to special subdivision requirements and/or conditions.

Survey, Land. "Survey, land" shall mean the process of determining boundaries and areas of tracts of land. Also called property survey; boundary survey.

Surveyor. "Surveyor" shall mean a land surveyor registered and licensed under Minnesota State Laws.

Vicinity Map. "Vicinity map" shall mean a map drawn to comparatively small scale that definitely shows the area proposed to be platted in relation to known geographical features, i.e., town centers, lakes, roads.

Zoning Administrator. "Zoning Administrator" shall mean the Clerk of the City or another person appointed by the City Council to administer this chapter.

1500.10 MINIMUM SUBDIVISION REQUIREMENTS

Subd. 1. Streets.

- A. Below is a chart for road and street standards required for all proposed subdivisions:

	Primary Arterial	Major Collector	Minor Collector	Local Road
Right-of-way (ft.)	100	100	100	66
Pavement width (ft.)	50	44	36	28
Type of Curb	B624	B618	B618	B618
Barrier Curb (B)	B-24	B-24	B-18	B-18
Drive over Curb (D)				D-18
Sidewalk width (ft.)	5	5	5	5
Sidewalk distance from curb face (ft.)	9	9	9	11
Minimum sight distance (ft.)	300	300	300	300
Maximum grade	8%	8%	8%	8%
Minimum Grade C&G	0.50%	0.50%	0.50%	0.50%
Minimum Grade no C&G	1.00%	1.00%	1.00%	1.00%
Intersection approach	200	200	200	200
Maximum Approach Grade	2%	2%	2%	2%
Maximum cul-de-sac length (ft.)	N/A	N/A	N/A	1000
Minimum cul-de-sac radius (ft. of R.O.W.)	N/A	N/A	N/A	45
Frontage road (ft. of R.O.W.)	66	66	66	N/A
Alley right-of-way width (ft.)				20
Alley pavement width (ft.)				16

B. Blocks.

1. Length: Block length shall not exceed 1,200 feet and shall not be less than four hundred feet.
2. Pedestrian Ways: In blocks longer than six hundred feet a pedestrian crossway easement or right of way with a minimum width of 20 feet will be required at the center of the block. The use of additional access ways to schools, parks and other destinations may be required.

C. Corners.

1. Curb lines at street intersection shall be rounded at a radius of not less than fifteen feet.

D. Private Streets.

1. Public improvements shall not be approved for any private street.

E. Design Speed.

1. Street alignment for local streets, both vertical and horizontal, shall meet MNDOT state aid standards for thirty mph designed speed.

F. Sidewalks

1. Sidewalks are required on one side of all arterial streets and are generally required on both sides along through streets within a development, along streets in commercial areas, and connecting neighborhoods to parks, trails, and playgrounds.
2. Sidewalks extended through driveways shall be constructed of concrete and be at least six inches thick.

G. Local Service Drives

1. Where a proposed plat is adjacent to a major thoroughfare, the council may require the developer to provide local service drives along the right of way, or they may require that lots shall back on thoroughfares, in which case, vehicle and pedestrian access between the lots and thoroughfares shall be prohibited.

H. Trail Easements.

1. Shall be at least twenty feet wide, unless abutting public right of way.
2. The required width of trail easements abutting public right of way shall be determined by the City Engineer.

I. Easement Protection.

1. All roads shall be constructed outside of all easements except for access drives crossing such easements.

Subd. 2. Street Lighting.

A. Installation.

1. In all new developments, street lights shall be installed at the same time electrical service to the development is installed.
2. Street lighting plans require approval of the city engineer.

B. Requirements. In subdivisions, developers shall:

1. Pay the full capital cost of every light to be installed.
2. Pay operation and maintenance and projects street lighting system until the city accepts the project or until the development is fifty percent built, whichever is longer.
3. Place street lights at intersections. Placed mid-block when intersections are more than five hundred feet apart and at the end of cul de sacs.

Subd. 3. District Lot Regulations.

For minimum area, setbacks, and height requirements, refer to the City of Rice Zoning Ordinances (Chapter 14) for specific Zoning District specifications. All proposed subdivisions shall meet the minimum lot requirements for the district in which they will be placed.

Subd. 4. Grading & Erosion Control Standards.

A. Grading Plan.

Grading plans shall show the following:

1. Platted lot and block numbers and street names if the grading plan is updated after plat approval.
2. A box to record the date of the latest revision approval from the City.
3. Finish grades and surface drainage of all parcels including overall final contours at two foot intervals, with existing contours shown as dashed and proposed contours shown as solid.
4. Extension of existing two feet contour lines a minimum of one hundred feet beyond the property boundary or more as needed to accurately depict the existing drainage patterns.
5. Limits of clearing and grading.
6. Adjacent plats, parcels and property lines, section lines, streets, existing storm drains and appurtenances, etc.
7. Detail of housing types proposed with basements, first floor, lowest opening and garage floor elevations.
8. Proposed corner lot elevations.

9. All drainage swales and critical drainage plan with elevations.
10. Existing benchmarks used for surveying grading plan.
11. Other right of way or easement locations, width and purpose.
12. The Normal Water Level (NWL), High Water Level (HWL) and overflow elevation for all storm water ponds.

B. Erosion Control Plan

The Erosion Control features may be illustrated on the submitted grading plan or on a separate plan sheet. Erosion control features such as silt fence, rock access driveways, inlet protection, concrete truck wash out areas, rock check dams, dirt stockpiles and temporary sedimentation basins shall be clearly identified on the erosion control plan.

C. Grading Standards.

The developer shall be responsible for maintenance of all ponds until the later of: Two years after the improvements are accepted by the City or until fifty percent of the lots are developed.

1. **NPDES Permit.** Prior to the start of construction, the Developer shall obtain all regulatory agency permits and approvals including those from the Minnesota Pollution Control Agency for “General Storm Water Permit for Construction Activity” and the signature of the company responsible for erosion and sediment control plan preparation, implementation and maintenance.
2. **Minimum Grades.** Minimum grade for drainage swales and lot grading shall be two percent or greater.
3. **Maximum Grades.** Maximum 4:1 slopes are allowed in “maintained” areas approved by the City Engineer. Maximum slopes in ponding basins are 5:1. Approved slopes greater than 4:1 shall have erosion control blanket installed immediately after finished grading.
4. **Drainage Swales.** Maximum length for drainage swales shall be 30 feet or a total of eight lots, or as approved by the City Engineer. All drainage plans shall contain a detail of a typical drainage “Swale” with a minimum depth of eighteen inches and a minimum width of 18 inches at the bottom; 5:1 side slopes, and minimum two percent grade. All swales must be contained within easements of sufficient size and width. All cross lot drainage must be contained in such swales, which shall be located in defined and protected easements.
5. **Emergency Overflow Swales.** The grading plan shall show emergency overflow routes from all low points and show elevation of high point along emergency overflow route. Submit design calculations verifying the adequacy of the overland drainage route

capacity. The following emergency overflow construction and design requirements shall apply:

- a. Emergency over flows that drain over vegetated areas shall be lined with Geotextile Erosion Control Matting such as: Enkamat, Tensar, LAN lock, or approved equal.
- b. After overflow area is fine graded, the area shall be sodded to match the specified overflow elevation and is to be protected with a temporary fence, which shall delineate the easement limits and protect the overflow swale from disturbance by adjacent home construction and lot grading.
- c. Abutting structure "lowest" openings shall be at least twenty four inches above the 100-year overflow profile (HWL) of the emergency swale.
- d. There shall be at least a fifteen foot separation from the overflow swale drainage easement to any livable structure.

6. **Ponding and Sedimentation Basins.** If suitable soil conditions are available for use, infiltration of runoff on-site shall be required for site development storm water management. Water quality treatment measures to promote sedimentation of suspended particles in storm water runoff are required for all developments. Dual purpose ponds that provide both water quality treatment and storm water detention without creating a permanent pool are encouraged. If a permanent pool is to be construed as part of the sedimentation basis (rather than a dual purpose pond) the following minimum design criteria shall govern:

- a. An average permanent pool depth of four to ten feet;
- b. A permanent pool length to width ratio shall be 3:1 or greater;
- c. Pool side slopes shall not exceed 5:1;
- d. A protective buffer strip of vegetation surrounding the permanent pool shall be constructed at a minimum width of 16.5 feet and a maximum slope of 10:1.
- e. An infiltration basin may be approved with certain conditions by the City Council upon recommendation from City Engineer.

D. Storm Water Design Review. The applicant shall provide detailed hydrologic/hydraulic design calculations that include:

1. Drawings showing the existing and proposed drainage boundaries.
2. 1-year, two year, and 100 year design drainage boundaries.

3. Existing and proposed hydrologic/hydraulic calculations for 1, 2 and 100 year storms.
4. Existing and proposed ponding calculations for the 100 year 10 day snow melt.

E. Retaining Walls. Retaining walls will not be allowed within the City's Right-of-ways or easements, unless approved with the overall subdivision grading plan. Approved subdivision retaining walls within the right of way or easement areas shall meet current MNDOT standards and specifications. Detailed plans and specifications for retaining walls shall be submitted for review.

F. Maintenance Access Routes. The plans shall show or define access routes for maintenance purposes to all inlets or outlets at ponding areas (must be a maximum of 8% grade, 2% cross slope and 10' wide) and side yard or back yard utility manholes and drainage structures. Ten foot wide bituminous trails may be required to be constructed to provide access for maintenance vehicles. Bituminous maintenance shall have a minimum cross section of 1.5 inches of wearing course, 1.5 inches of base course, and six inches of aggregate base.

G. Buffer Strip Requirement. A 10' buffer strip shall be maintained around the perimeter of the all wetlands.

CHAPTER 15: SUBDIVISION CONTROL

SECTION 1510 – PLATTING PROCEDURES

1510.01	Platting Procedures
1510.02	Preliminary Plat
1510.03	Final Plat
1510.04	Certificate Requirements
1510.05	Administrative Plats
1510.06	CIC Plats

1510.01. PLATTING PROCEDURES.

The following procedures shall be followed in the administration of this section and no real property or conveyance of land within the jurisdiction of this section shall be subdivided and offered for sale, transferred or conveyed, or a plat recorded contrary to the provisions of this Code. Failure to comply with these provisions shall result in the City denying the issuance of building permits to any parcel.

1510.02. PRELIMINARY PLATS.

Subd. 1. Pre-application Meeting.

Prior to the submission of any plat for consideration by the Planning Commission, the subdivider shall meet with the City staff to introduce himself/herself as a potential subdivider and learn the relevant requirements of the City's code. The applicants may prepare a sketch plan for discussion purposes prior to preparing a preliminary plat.

Subd. 2. Submission Requirements.

The applicant must submit the following at least ten (10) working days before the next regularly scheduled Planning Commission Meeting:

- A. Six (6) full size copies, not to exceed twenty-four inch by thirty-six inch (24" x 36") in size, of the proposed preliminary plat and fourteen (14) eleven inch by seven inch (11" x 7") copies. All sets must be assembled, collated, stapled, and rolled.
- B. One electronic copy of the proposed preliminary plat to the email address specified by the City.
- C. Supplemental material, necessary to address specific physical conditions of the proposed subdivision as determined by City staff.
- D. The preliminary plat review fee as set forth in the City's fee schedule.

Subd. 3. Plat Requirements.

Each preliminary plat must contain the following information:

A. Existing Conditions.

1. Proposed name of subdivision, which name cannot duplicate the name of any plat recorded in Benton County.
2. Location by section, township, range or other legal description and Benton County Property Identification Number (P.I.N.) of all parcels included with the proposed plat.
3. Names, electronic and postal addresses of the owner(s), subdivider(s) and all persons currently having ownership interest or control of the lands or parcels comprising the proposed plat.
4. Graphic scale, not less than one inch to one hundred feet (1":100'), unless a larger scale is approved by the Zoning Administrator based upon the site size.
5. North point, designated as true north.
6. Date of preparation and any subsequent revisions, including a signature of the person who prepared the drawing, together with any registration number or other professional certificate number or title.
7. Boundary line survey, including measured distances and angles, which must close by latitude and departure with an error of closure not exceeding one (1) foot in five thousand (5,000) feet.
8. Total acreage of the preliminary plat computed to one-hundredth of an acre.
9. Location and names of existing or platted streets, or other public ways, parks, and other public open spaces, permanent buildings and structures, easements and section and corporate lines within the tract and to a distance of one-hundred (100) feet beyond the tract.
10. If the proposed subdivision is a rearrangement or replat of any former plat, the lot and block arrangement of the original plat, along with its original name must be indicated by dotted or dashed lines. Any revised or vacated roadways of the original plat must also be indicated.
11. Location and size of existing paved streets, curbs and curb cuts, driveways, free-standing signs, railroads, sewers, water mains, storm drains, gas mains, electric and telephone lines, utility poles, including utilities stubbed into the property, quarries, gravel pits, culverts, or other underground facilities within the tract and to a distance of one-hundred (100) feet beyond the tract. Also, such data as grades, invert elevations and location of catch basins, personnel access structures and hydrants.
12. Boundary lines of adjoining platted or unplatted land and owners of all tracts within one hundred (100) feet. Adjoining addresses, as shown on the County 911 system.

13. Complete topographical map with contour intervals not greater than two feet, water courses, marshes, wetlands, rock outcrops, and other significant features, all superimposed on at least one (1) print of the preliminary plat. United State Geodetic Survey datum must be used for all topographical mapping. High water elevation and date thereof if parts of plat are wet or have been wet.
14. Floodplain, 100 year Flood elevation and shoreland district boundaries within the proposed plat.
15. The subdivider shall define and shall provide an exhibit prepared by a Civil Engineer showing drainage areas contributing to the preliminary plat and shall show a calculation of existing runoff contributed by storms with a return frequency of 1 year, 2 years, and 100 years.
16. A wetland report completed by a Certified Wetland Scientist if requested by City staff.
17. Report of soil borings and tests, if required by City staff.
18. An Environmental Assessment Worksheet (EAW) when required and subject to the provisions of Minnesota State Statutes.

B. Proposed Features.

1. Layout of streets, showing right-of-way widths and names of streets.
2. Proposed centerline grades of streets and alleys, if any, and a complete set of profiles showing both existing and proposed grade lines.
3. Street and lot grading, including the phasing of grading.
4. Location and widths of alleys, pedestrian ways, sidewalks, trails, and fire lanes.
5. Written description that provides information about the proposed plat including, but not limited to: number of lots, development type, and anticipated completion date.
6. Locations of all easements, including oversize or non-typical easements.
7. Areas other than those mentioned above, intended to be dedicated for public use, including area and dimensions scaled to the nearest foot.
8. Layout, lot outlots, and block numbers, and typical lot dimensions scaled to the nearest foot. Square footage for each lot must be denoted.

C. Other Requirements.

1. An erosion control plan, pursuant to the requirements of this chapter and meeting the requirements of BMP as defined by Minnesota Pollution Control Agency.

2. When eligible, if municipal water and sewer utilities are not available to the proposed subdivision, a utility plan shall be provided, which shall include completed plans, operational arrangements, and financial guarantees. Plans and design conditions for Community Water and Sewer systems shall be prepared in accordance with the requirements of State and Federal regulatory agencies and Ten State Standards for Sewage and Water Works as prepared by Great Lakes – Upper Mississippi River Board.
 - a. Community Sewer and Water Systems shall utilize only proven technologies.
 - b. Community Sewer and Water Systems shall be prepared under the direct supervision of a Minnesota Licensed professional engineer and approved by the City Engineer.
 - c. Community Sewer and Water Systems shall be designed to facilitate connection to the City Sewer and Water utilities in the future.
 - d. Ownership of Community Sewer and Water Systems shall be either private or public. In the event of private ownership, the financial viability of the organization owning the said facilities shall be personally guaranteed by the property owners utilizing said facilities.
3. A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision.
4. A tentative plan for project phasing, if applicable.

Subd. 4. Plat Review Standards.

- A. The Planning Commission, in review of a preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and widths of streets, the general drainage situation, lot sizes and arrangements, as well as master plan requirements such as parks, school sites, boulevards and highways.
- B. When a tract is subdivided into larger than building lots or parcels, as set forth in this Code, such lots or parcels must be arranged to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivisions.
- C. Any residentially zoned lot, excluding the Rural Residential District, that is larger than one-half acres or has street frontage in excess of one hundred fifty (150) feet that is intended to be initially served by a private or community septic system must include a proposed “ghost plat” within the preliminary plat for the lot that depicts future subdivision of the property that may be permitted following extension of municipal utility services.
- D. Subdivisions showing unplatted strips or private streets controlling access to public ways or private or public lots will not be approved.

- E. Deviations from standards may be approved by the City Council when recommended by Planning Commission to be deemed necessary to satisfy or achieve and outcome provided for in a City goal, policy, or ordinance (e.g. affordable housing initiatives, natural resource protection).

1510.03. FINAL PLAT.

Subd. 1. Submission Requirements.

The applicant must submit the following at least ten (10) working days before the next regularly scheduled Planning Commission Meeting:

- A. Six (6) full size copies of the proposed final plat and fourteen (14) eleven inch by seven inch (11" x 7") copies.
- B. One electronic copy of the proposed final plat to the email address specified by the City.
- C. Supplemental material, necessary to address specific physical conditions of the proposed subdivision as requested by City Staff.
- D. The final plat fee as set forth in the City's fee schedule.

Subd. 2. Plat Requirements.

- A. The graphic scale of the plat must be one (1) inch equals one hundred (100) feet (1":100'), unless a larger scale is approved by the Zoning Administrator based upon site size.
- B. Square footage per lot, lot dimensions, delineation of wetlands, dedicated streets and public sites and open spaces, and total platted land area must be calculated and submitted with the final plat.
- C. The name of the subdivision must be lettered in prominent print at the top of the plat, together with the name of the City and County wherein the subdivision lies. The name of the subdivision must be simple in nature, easy to pronounce, and cannot duplicate an exact name of any plat of record in the County.
- D. Notarized certification by owner and any mortgage holder of record, of the adoption of the plat and the dedication of public streets, sites and open spaces, and other public areas.
- E. Certifications showing that all taxes and special assessments due on the property have been paid in full.
- F. Form of approval by the City Council as follows:

1. *Approved by the City Council of Rice, Minnesota this ____ day of ____, 20__.*

- | | |
|------------------|-------------------|
| 2. <i>Signed</i> | <i>Attest</i> |
| 3. _____ | _____ |
| 4. <i>Mayor</i> | <i>City Clerk</i> |

G. Form of approval by the Planning Commission as follows:

1. *Approved by the Planning Commission of Rice, Minnesota this _____ day of _____, 20____.*
2. *Signed*
3. _____
4. *Planning Chairperson*

H. Form of approval by County authorities as required by their standards.

I. All other information and requirements in accordance with Minnesota Statutes, Chapter 505.

Subd. 3. Action on a Final Plat

- A. Once an application for a final plat has been determined to be complete, the Planning Commission must recommend approval or denial of the final plat. A final plat is considered complete when the applicant has complied with all conditions and requirements of preliminary approval either through assuring satisfactory performance or the execution of appropriate agreements assuring satisfactory performance.
- B. After receiving the recommendation from the Planning Commission, the City Council must approve or deny the final plat. Failure to certify approval within sixty (60) days, if the applicant has complied with all conditions and requirements, is deemed approval. Upon demand of the applicant, the Zoning Administrator may execute a certificate of approval for the final plat.
- C. The owner of the subject property must record the final plat with the County Recorder within one hundred twenty (120) days of final plat approval; otherwise, such approval will become null and void. The City Council may confirm its prior approval without the necessity of the Planning Commission review if a plat is not recorded in one-hundred twenty (120) days and no changes have been made to the original approval.

Subd. 4. Subdivision Agreement.

- A. When a final plat requires a subdivision agreement, before a final plat is approved by the City Council, the owner and subdivider of the land covered by the plat must execute and submit a subdivision agreement to the City Council which is binding on his/her or their heirs, personal representatives and assigns, that he/she will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for construction until all improvements required under this Code have been made or arranged for in the manner prescribed in this Code.

- B. The subdivision agreement must provide that all of the required improvements will be made in accordance with standards established by the City Engineer, and must include adequate provisions in the form of escrow deposits or other form of deposit acceptable to the City Council to insure that all the improvements made by the applicant will comply with such standards.
- C. If approved by the City Council, required improvements may be installed under contract by the City after petition for the same by the owner. The cost must be assessed in accordance with the City assessment policy or as otherwise determined by the City Council.
- D. Approval of the final plat and subdivision agreement of the City Council is contingent on the deposit of those sums to the City required by the agreement. No signatures indicating the City's approval of the plat will be affixed to the plat until such sums have been deposited with the City Clerk.
- E. Subdivision agreement must be recorded concurrently with the final plat. All costs associated with recording the final plat and subdivision agreement are the responsibility of the applicant.

1510.04. CERTIFICATE REQUIREMENTS.

A. Legal Description Certificate.

Each secondary plat submitted shall contain a metes and bounds legal description prepared by a registered professional land surveyor of the outside boundary of the complete survey.

B. Land Surveyor's Certificate.

Each secondary plat submitted shall carry a certificate signed by a registered professional land surveyor in substantially the following form:

*I _____, hereby certify that I am a Registered Professional Land Surveyor of the State of Minnesota; and that this plat correctly represents a survey completed by me or under my direct supervision on _____, 20___; and that any changes from the description appearing on the last recorded transfer of land contained in the secondary plat are so indicated; that all monuments shown thereon actually exist or will be installed (before the release of financial surety) and their location, size, type and material are accurately shown in compliance with the City of Rice Subdivision Control ordinance, and that all monument dimensional data, as well as of the data included with the secondary plat is correct and in compliance with both the City of Rice Zoning Ordinance and the City of Rice Subdivision Control Ordinance. SEAL _____
Signature: _____*

C. Dedication Certificate.

Each secondary plat submitted to carry a deed of dedication, either on the secondary plat or incorporated by reference, in substantially the following form:

We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat, and

subdivide, said real estate in accordance with the herein plat.

The subdivision shall be known and designated as _____ consisting of _____ lots and _____ blocks containing _____ acres.

All streets and alleys and open public spaces show and not heretofore dedicated are hereby dedicated to the public.

Clear title to the land contained in this plat is guaranteed. (Any encumbrances and special assessments are explained as follows):

The setback lines shall be determined by the regulations of the City of Rice Zoning Ordinances of current adoption.

There are strips of ground on this plat and marked easement, reserved for the installation and maintenance of utilities and drainage facilities. Within these easements, no structure, planting, or other material shall be placed or permitted to remain that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is dedicated the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

1510.05. ADMINISTRATIVE PLAT.

The process and submission requirements for an administrative plat are the same as for a preliminary plat, with the following exceptions:

Subd. 1. Review of Administrative Plat.

The Zoning Administrator will, within twenty working days, review the administrative plat to determine if it is in compliance with the provisions of this Section. If an administrative plat is determined to be incomplete or not in compliance with provisions of this Code, then the Zoning Administrator will notify the applicant within ten (10) working days.

Subd. 2. Action on Administrative Plat.

If an administrative plat is determined to be complete and in compliance with the provisions of this Code, then it will be approved or denied by the Zoning Administrator within ten (10) working days. The timeline may be extended before the initial ten (10) working day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, and cannot exceed thirty (30) working days unless approved by the applicant.

1510.06. COMMON INTEREST COMMUNITY (CIC) PLATS.

- A. A Common Interest Community (CIC) Plat is required for those lots held in separate ownership but considered one (1) zoning lot in order to fulfill Code requirements, because common site elements are shared between the lots. The City is not responsible for maintenance of perpetual rights between private owners for common elements, such as off-street parking spaces, access drives and open spaces, that are shared between lots in separate ownership. CIC plats must be prepared by a licensed land surveyor in accordance with Minnesota Statutes, Section 515B.2-110.

- B. Prior to the date of adoption of this Code, those lots held in separate ownership, but considered one (1) zoning lot in order to fulfill Code requirements that were established through the Certificate of Survey process or a cross-access agreement are permitted to continue under such approved Certificates of Survey or previously established agreements.

CHAPTER 15: SUBDIVISION CONTROL

Section 1515: Required Improvements

1515.01. REQUIRED IMPROVEMENTS/FINANCIAL AGREEMENTS.

Improvements Required. The subdivider shall arrange for installation of all the following required improvements in the development subject to the development contract and the requirements defined in the City Public Works Design Manual, if such manual exists or is amended or is adopted in the future. The City reserves the right to elect to install all or any part of the basic improvements required under this section pursuant to Minnesota Statutes, Chapter 429, as may be amended.

- A. All of the following required basic improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of Section 1510 (Platting Procedures), this chapter, and the City of Rice Public Works Design Manual, if such manual exists or is amended or is adopted in the future and approved by the City Engineer. All of the City's expenses incurred as the result of the required improvements shall be paid to the City by the subdivider.
 1. Streets
 2. Sanitary sewer
 3. Water main
 4. Surface water facilities (pipes, ponds, rain gardens, etc.)
 5. Grading and erosion control
 6. Sidewalks and trails
 7. Street lighting
 8. Street signs and traffic control signs
 9. Landscaping required by the Zoning Ordinance
 10. Wetland mitigation and buffers
 11. Monuments required by Minnesota Statutes
 12. Miscellaneous facilities
 13. The subdivider shall arrange for the installation of telephone, CATV, electrical and natural gas service following the grading of boulevard or utility easements

B. Completion of Basic Improvements

1. Reproducible and electronic files showing record plans of all public improvements as required by the City Engineer shall be furnished to the City by the subdivider. Such record plans shall be in Mylar format and, unless previously exempted from the electronic format requirements, an electronic dwg. format approved by the City Engineer and shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements said plans shall be submitted to the City within 30 days of the City's substantial approval of the project.

C. Payment for Installation of Improvements and Financial Guarantees

1. The required improvements listed in this chapter are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part against the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of part of the cost by the community.
2. Subsequent to execution of the development contract but prior to the release of a signed final plat Mylar for recording, the subdivider shall provide the City with a automatically renewing financial guarantee in the form of a performance bond, letter of credit from a bank, cash escrow, or a combination of a performance bond, letter of credit, and cash deposit with the City. The guarantee shall be in an amount equal to 125 percent of the estimated cost of completion of the specified basic improvements. The security shall be acceptable to the City. The financial guarantee required as part of the subdivision agreement shall be one of the following:
 - a. Escrow deposit. The community shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the community for completion of the work in case of default of the subdivider under such contract, and for any damages sustained on account of any breach thereof. The escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator or the Administrator's designee presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right.
 - b. Performance bond. The subdivider may furnish a performance and payment bond with corporate surety, in a penal sum equal to one hundred twenty-five percent (125%) of the total cost, as estimated by the engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the community engineer. The bond shall be approved as to form by the attorney and filed with the clerk.
 - c. Letter of credit. The subdivider may deposit with the community, from a bank subject to the approval of the governing body, an irrevocable letter of credit, which shall certify the following:

- i. The term is sufficient to cover the completion, maintenance and warranty periods identified in this Section.
- ii. That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the community immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter, or at the city's discretion the creditor may renew the letter of credit.
- iii. That this letter of credit may not be withdrawn, or reduced in amount, until released by the governing body, and require only that the City present the credit with a sight draft and an affidavit signed by the City Administrator or the Administrator's designee attesting to the City's right to draw funds under the letter of credit.

D. Release and Expiration of Financial Guarantees

1. The financial guarantee shall be held by the City until, upon written notice by the subdivider and certification from a professional engineer that all of the required improvements have been completed and upon verification of such by the City staff, a portion or the entire financial guarantee is released by the City Engineer. No financial guarantee shall be released in full until the City has received 1) certified, reproducible record plans of all required improvements installed by the subdivider and 2) a title insurance policy approved by the City Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.
 - a. It shall be the responsibility of the subdivider to insure that a submitted financial guarantee shall continue in full force and effect until the City Engineer has approved and accepted all of the required improvements, and thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided above.
 - b. Letters of credit having expiration dates shall provide that they are automatically extended without change for 12 months from the expiration date unless 60 days prior to the expiration date; the financial institution notifies the City in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the City Engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. The term of any extension shall be approved by the City Engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee the City Engineer may release the original guarantee.

E. Performance Guarantee

1. The subdivider shall submit either 1) a performance bond or 2) a letter of credit for 125% percent of the amount of the original cost of the improvements for warranties.

2. The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be 2 years from the date of final written City acceptance of the work.
3. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of 2 years from the date of final written City acceptance of the work. The required warranty period for sod, trees and landscaping is one growing season following installation.

CHAPTER 15: SUBDIVISION CONTROL

Section 1520: Dedication Requirements

1520.01. DEDICATION REQUIREMENTS.

As a condition of subdivision approval, subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in M.S. § 471.191, playgrounds, trails, wetlands or open space; provided that the city may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land following the criteria of M.S. § 462.358, Subd. 2b, as it may be amended from time to time.

- A. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of propose park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location. Land with trash, junk, pollutants, flooding or wetlands and/or unwanted\structures are not acceptable.
- B. The Planning Commission and the City Council shall determine the land and/or cash contribution requirements for proposed subdivision.
- C. Any increase in density of subdivisions shall be reviewed for reconsideration of park land and/or cash contribution requirements.
- D. Cash contributions shall be deposited in the park dedication fund at the time of final subdivision approval.

Any person or entity proposing to plat real estate in the City of Rice shall pay a park dedication fee of \$500 per single lot or \$300 per multi-family unit (i.e. townhouse, apartment condominium, etc.).

Chapter 16 - Development Standards

Section 1600: Development Standards

1600.01	Administration of Code
1600.02	Transition Rules
1600.03	Building Permits Required
1600.04	Application Process, Generally
1600.05	Rezoning & Text Amendments
1600.06	Interim Uses
1600.07	Conditional Uses
1600.08	Variance
1600.09	Abandonment of Variance/CUP
1600.10	Subdivision Procedures
1600.11	Nonconformities
1600.12	Appeals

1600.01 ADMINISTRATION OF CODE.

Notwithstanding anything in this chapter to the contrary, the provisions of Minnesota Statutes, Section 15.99 as it may be amended from time to time, and the following sections shall govern the process for making decisions under this chapter. To the extent to which these sections conflict with the provisions of Minnesota Statutes, Section 15.99, as it may be amended from time to time, the provisions of that statute shall apply.

Any landowner may request a determination by the City Council that a use not included in the Zoning Ordinance is substantially similar to a use classified as permitted, conditional or accessory. An application for such a determination shall be filed with the Zoning Administrator who shall refer it to the Planning Commission. The Planning Commission shall consider the application and shall file its recommendations with the City Council. If the City Council determines that the use is substantially similar to a use included in these regulations, such use shall thereafter be permitted whenever the similar listed use is authorized.

Subd. 1. ZONING ADMINISTRATOR.

The office of Zoning Administrator is hereby established. The duties of this office shall rest with the City Clerk-Administrator, except that he or she may assign all or a portion of these duties to City staff or consultants, or to an appointed position or positions, at the direction of the City Council. The duties of the office shall include the following:

1. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of the Zoning Ordinance;
2. Notify, in writing, any person responsible for violating a provision of the Zoning Ordinance, indicating the nature of the violation and ordering the action necessary to correct it;

3. Order discontinuance of illegal use of land, buildings or structures; order removal of illegal buildings, structures, additions, alterations; order discontinuance of illegal work being done; or take any other action authorized by this Chapter or the Zoning Ordinance to ensure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints;
4. Maintain permanent and current records of the Zoning Ordinance, including all maps, amendments, conditional uses, and variances;
5. Maintain a current file of all permits, all certificates, and all copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this Chapter and the Zoning Ordinance and, on request, provide information to any person having a proprietary or tenancy interest in any specific property;
6. Provide clerical and technical assistance to the Planning Commission and Board of Appeals and Adjustments;
7. Submit each month to the Planning Commission an itemized summary of certificates and permits granted and other significant activity of the preceding month;
8. Receive, file and forward to the board of appeals and adjustments or Planning Commission all applications for conditional use permits, variances or amendments.

Subd. 2. ADMINISTRATIVE FEES.

1. **Permit Charges.** No person shall be issued a permit pursuant to this Chapter or the Zoning Ordinance until the applicant has paid to the Administrator the fixed and additional costs incurred by the City in reviewing the application as provided for in this Chapter or the Zoning Ordinance.
2. **Fixed Administrative Costs.** Each applicant shall be charged the fixed fee specifically provided in this Chapter or the Zoning Ordinance or in duly enacted resolutions of this City as required to cover the costs incurred by the City in administratively processing, reviewing and issuing, if granted, each permit.
3. **Variable Additional Costs.** Each applicant shall be charged an amount equal to the additional costs incurred by the City in processing and reviewing each application for a permit including, but not limited to, engineering, legal and planning consultant costs when authorized by the City Council.
4. **Initial Payment.** At the time of making application for a permit, each applicant shall pay the fixed fee as described above in paragraph 2 plus a deposit for the costs described above in paragraph 3, which shall equal the City Clerk-Administrator's estimate of the additional costs the City will incur in processing and reviewing the applicant's particular permit application if such an estimate can be made.

5. **Payment of Costs.** If no estimate of costs can be made by the administrator, the applicant shall receive a monthly statement of costs incurred by the City, which shall be payable fifteen (15) days after receipt by the applicant. Failure to pay such costs shall result in a suspension of action on the application. If a payment of estimated costs has been made, such payment shall be a credit against such statements until the sum is exhausted in which event the excess shall be due upon receipt of the statement. Any unused portion of the deposit shall be refunded upon final action on the application. No permits shall be issued until an applicant shall make payment in full of costs billed to the applicant.
6. **Unpaid Costs.** The City Council shall certify all unpaid costs described above in paragraph 5 to the County Auditor who shall enter them upon the tax records as a lien upon such land to be collected in the same manner as other real estate taxes are collected.
7. **Establishment of Fees.** An administrative fee schedule for planning and zoning applications shall be established by City Council resolution at the first City Council meeting of each year.

Subd. 3. SEVERABILITY.

If any court of competent jurisdiction adjudges any provisions of this Code to be invalid, such judgment will not affect the validity and continued enforcement of any other provisions of this Code. If any court of competent jurisdiction adjudges the application of any provisions of this Code to any property, structure, or use to be invalid, such judgment will not affect the application of that provision to any other property, structure, use not specifically included in that judgment.

Subd. 4. INCONSISTENT PROVISIONS.

If the text of this Ordinance or the Zoning Ordinance conflicts with an exhibit on the chart, the text will supersede the exhibit or chart, but if the text is omitted but listed on the chart, the chart will supersede.

Subd. 5. ENFORCEMENT.

This Code is administered and enforced by the Zoning Administrator who is the designated enforcing agent. In carrying out this general authority, the Zoning Administrator shall:

1. Cause inspections of buildings and the use of land to determine compliance with the terms of this Code.
2. Maintain permanent and current records pertaining to this Ordinance and the Zoning Ordinance, including, but not limited to maps, amendments, conditional uses, variances, appeals, and applications thereof.
3. Receive, file, and forward applications for rezoning, variances, conditional use permits, or other action to the appropriate official bodies.

4. Provide clerical and technical assistance to the Planning Commission and the City Council.
5. Make recommendations to the City Council on the institution of appropriate actions or proceedings for enforcement of this Chapter and the Zoning Ordinance on amendments, and on any other matters relating to the administration of this Chapter and the Zoning Ordinance.
6. The City shall require that any application for a building permit, and the accompanying site plan for all construction, contain all of the information necessary to enable them to determine whether the proposed structure complies with the provisions of this Chapter and the Zoning Ordinance. No building permit shall be issued for the construction, structural alteration, or moving of a structure until the City has verified that the proposed building other alteration complies with all the provisions of this Ordinance and the Zoning Ordinance and other applicable regulations.
7. The Police Department, as the enforcing agency of this Ordinance and Zoning Ordinance, shall have all the powers, duties, and responsibilities, necessary to enforce the provisions of this Chapter and the Zoning Ordinance and to issue such directives as may be necessary to carry the intent thereof.
8. After conviction becomes final, the continued violation of such provision constitutes a separate offense for each day such violation continues, with the exception of Subdivision regulations. Anyone violating any of the Subdivision regulations of this Code is guilty of a misdemeanor, and each month such violation continues constitutes a separate offense.

Subd. 6. VIOLATIONS AND PENALTIES.

1. Violations.

A failure to comply with any of the requirements of this Ordinance and the Zoning Ordinance, including violations of conditions and safeguards established in connection with the granting of variances, conditional use permits, subdivisions, and planned unit development plan approvals shall constitute a violation of this Ordinance and the Zoning Ordinance. Any violation of the terms and provisions of this Chapter or the Zoning Ordinance shall constitute a misdemeanor.

2. Legal Proceedings.

The Zoning Administrator, the Planning Commission, the Board of Zoning Appeals or any designated enforcement official may bring to the attention of the Planning Commission, City Council, or City Attorney a violation of the provisions of this Ordinance or the Zoning Ordinance in order to initiate legal proceedings pursuant to law.

3. Mandatory Injunction.

In the event of a violation, or threatened violation of this Chapter or the Zoning Ordinance, the City Council and/or Administrative Officer, in addition to other

remedies may institute appropriate action or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it shall be the duty of the City Attorney to institute such action. This will include, but not be limited to mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

The Zoning Administrator, the Planning Commission, the Board of Zoning Appeals or any designated enforcement official may request the Planning Commission, City Council, or City Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or discontinue working in violation of the provisions of this Ordinance or the Zoning Ordinance pursuant to law.

4. Common Nuisance.

Any structure erected, raised, or converted, or land or premises used in violation of any provision of this Ordinance or the Zoning Ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such, may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.

5. Fines.

Any violation of this Ordinance or the Zoning Ordinance is a misdemeanor. For the purposes of this Ordinance and the Zoning Ordinance, each twenty-four hour day that a violation continues shall constitute a separate offense.

6. Person in Violation.

Any person, who attempts, commits, participates in, assists or maintains a violation of this Ordinance or the Zoning Ordinance may be found guilty as a principal and suffer the penalties herein provided.

7. Remedy for Failure.

The remedy provided in this Section for failure to comply with any of the requirements of this Ordinance or the Zoning Ordinance, whether civil, criminal, or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law.

1600.02. TRANSITION RULES.

In determining the applicability of this Code, with respect to the previous applicable regulations, the following rules apply.

A. Existing Unlawful Uses and Structures.

A structure or use not lawfully existing at the time of adoption of this Code must be deemed lawful as of the effective date of this Code if it conforms to all requirements of this Code. If such structure or use does not conform to all the requirements of this Code, then the structure or use must remain unlawful.

B. Existing Permitted Uses

When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this Code, and such use is classified as a conditional use by this Code that use is hereby deemed a lawful conditional use for the purpose of this Code. Any addition, enlargement or expansion of such use must conform to the requirements for conditional uses within this Code.

C. Uses Rendered Nonconforming

When a lot is used for a purpose that was a lawful use before the effective date of this Code, and this Code, or any amendment thereto, no longer classifies the use as either a permitted or conditional use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of subsection 1600.11 “Nonconformities” below.

D. Structures and Lots Rendered Nonconforming

Where any lawful structure or lot existing on the effective date of this Code does not meet all standards set forth in this Code, or any amendment thereto, that structure or lot is deemed nonconforming and is controlled by the provisions of subsection 1600.11 “Nonconformities” below.

E. Previously Issued Building Permits

Where construction has lawfully begun prior to the effective date of this Code, or subsequent amendment thereto, such construction is permitted, provided:

1. A complete building or signed permit application is received that contains all requested and required information, prior to City Council action adopting or amending this Code.
2. Actual construction is begun within thirty (30) days after City Council action to adopt or amend this Code and is diligently prosecuted to completion. Actual building construction means the placing of construction materials in a permanent position and fastened in a permanent manner, and does not include the demolition or removal of an existing building.

There is no entitlement under this paragraph E to continue construction that is inconsistent with this Ordinance or the Zoning Ordinance or the Subdivision Ordinance, or any amendment, on the basis of any permit issued during consideration of adoption or amendment of such ordinances when the applicant is authorized to make improvements at the applicant’s risk and the applicant elects to commence construction.

1600.03. BUILDING PERMITS.

Subd. 1. BUILDING PERMITS REQUIRED.

- A. No person or corporation may erect, construct, enlarge, repair, move, improve, convert, or demolish any structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such structure from the Building Official.
- B. No building permit or other permit or certificate pertaining to the use of land or buildings shall be issued unless such building is designed and arranged to conform to the provisions of this Chapter and the Zoning Ordinance.

Subd. 2. SITE PLAN REQUIRED.

Every application for building permit shall be accompanied by a site plan, in duplicate, drawn to scale showing actual dimensions of the following, if applicable:

- A. the lot or lots to be built upon;
- B. the location and size of the structures;
- C. improvement or use to be erected, altered or placed on the lot;
- D. location of required parking and loading areas;
- E. size of yards and open spaces;
- F. existing and proposed streets and alleys adjoining or within the lot;
- G. such other information as may be necessary to provide for the enforcement of this Chapter; and
- H. in the case of flood land areas, elevations and locations of the following must be shown: lot, existing or proposed structures, fill, and storage of material and stream channel.

Subd. 3. OCCUPANCY CERTIFICATE REQUIRED.

No land shall be occupied or used and no building erected, reconstructed or structurally altered after the adoption of this Code shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy has been issued by the Building Official stating that the building and the use appears to comply with all of the provisions of this Chapter or the Zoning Ordinance applicable to the building or premises of the use in the district in which it is located.

Subd. 4. CHANGE IN USE.

No change in use shall be made in any building or part thereof, now existing or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the Zoning Administrator, and no such permit shall be issued to make such a change unless it is in conformity with the provisions of this Chapter or the Zoning Ordinance. Application for a certificate of occupancy shall be made with the application for a building permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration is completed.

Subd. 6. EXPIRATION OF PERMITS.

- A. **Work not Begun or Abandoned.** Every permit issued under this Chapter or the Zoning Ordinance shall expire by limitation and become null and void if the work authorized thereby is not commenced within one hundred twenty (120) days from the date of issue of such permit, or if the work authorized thereby is suspended or abandoned at any time after work has been commenced for a period of one hundred twenty (120) days.
- B. **New Construction.** In the case of a permit issued under this Chapter or the Zoning Ordinance for new construction of a one- or two-family dwelling, such permit shall expire and become null and void if the dwelling is not completed by the end of two (2) years from the date of issuance of the permit.
- C. **Alterations.** In the case of a permit issued under this Chapter or the Zoning Ordinance for the construction of additions, alterations or improvements to an existing one- or two-family dwelling, or accessory structures thereto, such permit shall expire and become null and void if the dwelling is not completed by the end of one (1) year from the date of issuance of the permit.
- D. **Extensions.** The time limits set forth in Subdivisions 1 through 3 may be extended with the approval of the Planning Commission provided that a written application for such extension, with stated reasons for the extension, is submitted to the Zoning Administrator at least two (2) weeks prior to the regularly scheduled Planning Commission meeting prior to the date the permit would otherwise expire.

Subd. 7. COMPLETION OF WORK.

The terms completed or completion of work shall mean:

- A. Completion of all visible exterior construction with approved finished materials in accordance with a posted list available at City Hall.
- B. Painting, staining, or other exterior finishing.

- C. Finishing of driveways and walks as proposed in building plans.
- D. Removal of construction materials, equipment, debris, and excess earth from the building and property.
- E. Placement of top soil and finish grading.
- F. Finish grading of any swales within established drainage easements necessary to accommodate natural drainage of adjacent properties.

1600.04. APPLICATION PROCESS, GENERALLY

Subd. 1. SUBMITTING AN APPLICATION

Notwithstanding anything to the contrary in this Chapter, all applications for any site plan, conditional use permit, variance, or for any other city approval required by this Chapter or the Zoning Ordinance, or to amend this Chapter or the Zoning Ordinance, shall be made in writing to the Zoning Administrator or other person appointed by the City Council to administer this Chapter or the Zoning Ordinance. The Zoning Administrator is authorized to reject in writing any incomplete application within fifteen (15) business days of the receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought. Nothing in this section shall be deemed to prevent the city from requesting additional information from the applicant upon which to base a decision.

The purpose of this Section is to outline the general application, notice, public hearing procedures for the Zoning applications and approvals found within this Code.

- A. **Filing.** An application for any application or approval may be filed by those persons, councils, boards, commissions, and officials indicated in this Section or other sections of this Code for each application or approval.
 - 1. All applications are to be filed with the Zoning Administrator.
 - 2. The application will be filed in such number as the instructions provide.
 - 3. All applications must include the following information (additional information may be requested by the City). Also see specific sections for details.
 - a. Site address, legal description, lot, block, and parcel ID;
 - b. The name, address and contact information of the property owner;
 - c. The present zone classification of the property;

- d. A description of the proposed use of the property;
 - e. A map or plot showing the property and all the properties within 500 feet of the boundaries; and
 - f. A list of names and addresses of all property owners within five hundred fifty (500) feet of the parcel included in the request, plus the required fee, as set forth in the City's fee schedule, as amended from time to time.
- B. **Completeness.** The Zoning Administrator will determine whether the application is complete. If the application is not complete, the Zoning Administrator will notify the applicant of any deficiencies, and take no steps to process the application until the deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application will be scheduled for consideration by the Planning Commission and a public hearing, where applicable.
- C. **Fees.** Every application must be accompanied by the required filing fee as established and modified from time to time, by the City Council. The failure to pay such fee when due is ground for refusal to process the application, and for denying or revoking any permit or approval for the subject property.
- D. **Withdrawal of Application.** An applicant has the right to withdraw an application at any time prior to the decision on the application by a City Official, commission or board. Such withdrawal must be done in writing.
- E. **Successful Applications.** Within one year of the date of denial, a subsequent application cannot be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial. Such subsequent application must include a detailed statement of the grounds justifying its consideration. The Zoning Administrator will make a determination as to whether the subsequent application is making essentially the same request. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, the Zoning Administrator will summarily, and without hearing, denies the request.
- F. **Timeline.** All application procedures must follow the timelines required by the Minnesota Statutes, Section 15.99 (Timeline for Agency Action), if applicable.

Subd. 2. REFERRAL TO PLANNING COMMISSION.

Any proposed zoning amendment shall be submitted to the Planning Commission who will hold whatever public hearings it deems advisable in the manner provided in this Ordinance. The Planning Commission must then transmit to the City Council its conclusions and recommendations concerning the proposed amendment.

Subd. 3. GIVING PUBLIC NOTICE.

1. **Time Frame.** Unless otherwise specified, all notice timeframes are measured in calendar days.

i. All determinations for rezoning, conditional uses, variances requests shall have sixty days from the date a complete application is received. Extensions by the Planning Commission or City Council may be sought but notice shall be provided to the applicant with reasons for the extension. and anticipated determination date. All subdivision requests, including preliminary and final plats, shall have one hundred twenty (120) days from the date a complete application is received for preliminary plat approval and sixty (60) days for final plat approval.

2. **Required Notice.** The table below indicates which type of notice is applicable for each type of land use application and approval.

PUBLIC NOTICE TABLE:

APPLICATION AND APPROVAL NOTICE					
APPLICATION	PUBLISHED NOTICE		MAILED NOTICE		POSTED NOTICE
	Planning Commission/Zoning Board of Appeals	City Council	Planning Commission/Zoning Board of Appeals	City Council	
Text Amendment	X	X			
Rezoning	X	X	X	X	X
Administrative Variance	X		X		X
Major Variance	X		X		X
Appeals of Zoning Administrator Determination	X				

Appeals to Zoning Board of Appeals Determination		X			
Preliminary Plat	X	X			X
Final Plat	X	X			X

A. **Mailed Notice.** For applications that require a mailed notice in accord with the above Table:

- i. Written notice for public hearings will be mailed to the owners of all properties located within three hundred fifty (350) feet from the property line of the subject property at least ten (10) days prior to the public hearing or the nearest twenty (20) property owners, whichever will provide notice to the greatest number of owners. The three hundred fifty (350) feet is measured in all directions from the perimeter of the subject property.
- ii. Copies of all notices to consider a text amendment or variance to the regulations, a rezoning of land, or for a conditional use permit in a Flood Plain District must be sent to the FEMA, and postmarked at least ten (10) days before the public hearing. A copy of any approved amendment, rezoning, variance or conditional use permit must be sent to FEMA and postmarked within ten days of final action.
- iii. For minor variances or minor conditional use permits that do not require a public hearing, notification must be given at least ten days prior to the date of the Zoning Administrator’s decision to the owners(s) of all properties adjacent to the subject property, as well as property located directly across the street.
- iv. The giving of such notice pursuant to this section does not prevent the applicant from giving such additional notice as he/she may deem appropriate.
- v. For the purposes of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners, including the local Tax Assessment Records. A copy of the notice and a list of the owners and addresses to which the notice was sent must be attested to by the responsible person.

- vi. The body conducting the hearing will hear no application unless the applicant complies in all respects with the requirements herein. The failure to give mailed notice to individual property owners, or defects in the notice, does not invalidate the proceedings, provided a bona fide attempt to comply with this requirement has been made.
- B. **Posted Notice.** A public notice sign will be posted for applications for zoning map amendments, any conditional use permits, administrative and major variances, and other actions for which a public hearing is required. The following standards are required for the placements of public notice signs:
- i. The City will provide public notice sign(s) to the applicant for posting on the subject property. The sign(s) must be picked up from the City on the Friday prior to the posting date before 4:00 PM.
 - ii. Sign(s) must be in place at least ten (10) days prior to the date of the public hearing and must be removed by the applicant within forty-eight (48) hours after the public hearing.
 - iii. The intent of the public notice sign is to notify the public of the proposed action. Therefore, the sign must be located and installed so it will be readily visible and not obscured from public view due to blockage by vegetation, fencing or other structures.
 - iv. Failure to post may result in a delay of permit processing and postponement of public hearing.
 - v. Public notice signs are exempt from the requirements of the Sign Ordinance of this Code.
- C. **Convening and Location.** Public hearings regarding zoning matters may be held within the corporate limits of the City by order of the City Council, Planning Commission or board of appeals and adjustments whenever said bodies deem such hearings necessary or when required by this Chapter or the Zoning Ordinance. Public hearings for amendments to the zoning ordinance or for conditional use permits shall be held in the manner provided in Minnesota Statutes, Section 462.357, subdivision 3.
- D. **Notice Requirement.** Notice of a public hearing shall be given by publication at least once in the official newspaper of the City, not less than ten (10) days and not more than thirty (30) days prior to the hearing, stating the time, place and purpose of the hearing together with a description of property affected. Not less than ten (10) days nor more than thirty (30) days prior to the hearing a copy of the notice shall be mailed by the City Clerk or Zoning Administrator to the owner or owners of the property affected and to the owner or owners of property within five hundred (500) feet of the property affected.

- E. **Mailings.** For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. Proof of mailing of notice shall be made by affidavit of the person mailing same and shall be made a part of the proceedings.
- F. **Impact of Improper Notice.** The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

Subd. 4. PUBLIC EXAMINATION.

During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Minnesota Data Practices Act. Upon reasonable request, any person is entitled to copies of the application and related documents. The City will make copies of such materials available for a fee as specified by the City.

Subd. 5. PUBLIC HEARING.

All public hearings will be conducted in accordance with the rules and procedures of the body conducting the hearing. After the public hearing the Planning Commission will make a recommendation to the City Council to approve, not approve, or approve with conditions.

Subd. 6. CITY COUNCIL.

Upon receipt of the recommendation of the Planning Commission the City Council shall consider the proposed amendment. In considering the proposed amendment, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire City, and for the uses to which the property affected is being devoted at the time. No change to the Zoning Ordinance shall be recommended unless it is required of the public good, is in the interest of the public health, safety, and welfare, and is compatible with the Comprehensive Plan of the City and any applicable requirements of this Chapter. The Council may approve, not approve or approve with conditions.

Subd. 7. APPROVAL.

1. A conditional use permit approved by the Council shall be established within one (1) year following the Council's determination, unless an extension of time has been granted by the City Council, as recommended by the Planning Commission. Such extension must be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good-faith attempt to complete the work permitted in the conditional use permit.
2. A certified copy of any approved conditional use permit shall be filed with the County Recorder by the owner. The Conditional Use Permit shall include the legal description of the property involved. The owner shall provide the

governing body with receipt verifying said Conditional Use Permit was properly filed and recorded within thirty (30) days from mailing the city's determination.

Subd. 8. DENIAL.

The proposed amendment may be denied by motion of the City Council and such motion shall constitute a finding and determination by the City Council that the conditions required for approval do not exist.

1600.05. REZONING & TEXT AMENDMENTS

- A. Proceedings for amendment that are initiated by the petition of the owner or owners of the property and are consistent with the goals of the Comprehensive Plan shall be filed with the Zoning Administrator.
- B. Initiation. The City Council, Planning Commission, or owner of property within the City may propose a text amendment or rezoning.

Subd. 1. APPLICATION REQUIREMENTS.

Applications shall additionally include the following information:

- 1. The present zone classification of the area and the proposed zone classification;
- 2. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
- 3. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- 4. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
- 5. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred fifty (350) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area.

Subd. 2. FINDINGS OF FACT.

The Planning Commission, in making recommendation, and the City Council, in granting approval or denial, must consider the following standards:

- 1. Consistency with the Comprehensive Plan;
- 2. Conservation of property values and rights, and whether the amendment will have an adverse effect on adjacent properties;
- 3. Effect of the change upon existing uses of property and the zoning district(s).

Subd. 3. RETENTION OF ZONING POWER.

No amendment adopted to rezone property, upon petition of its owner(s), prohibits the City Council from subsequently rezoning the same property.

1600.06. INTERIM USES.

Subd. 1. AUTHORIZATION.

The City Council may authorize an interim use of property, by means of an Interim Use Permit, which shall be processed in the same manner as a Conditional Use Permit as established in Subsection 1600.07.

Subd. 2. CONSISTENT USE.

Interim uses may or may not be consistent with the land uses designated on the adopted Land Use Plan, and may also fail to meet all of the zoning standards established for the zoning district within which it is located.

Subd. 3. TERMINATION.

In reviewing the Interim Use Permit application, the City will establish a specific date or event that will terminate the use on the property, but in no case more than three (3) years from the date of approval of the interim use, after which the applicant shall have the right to use the property only in a manner consistent with the land use designations and policies of the City Comprehensive Plan and Zoning Ordinance.

Subd. 4. CONDITIONS.

The City Council may attach additional conditions to an Interim Use Permit to insure that it will not have adverse effects on the public health, safety, and welfare, and that it will not impose additional costs on the public if it is necessary for the public to take the property in the future. Such conditions will be reviewed annually within the period of the Interim Use Permit, and the City Council may order the inspection and revocation of the permit as provided for in this Chapter.

1600.07. CONDITIONAL USES.

Subd. 1. GENERALLY.

The City Council may grant Conditional Use Permits when such permits are authorized by the Zoning Ordinance and may impose conditions and safeguards in such permits to protect the health, safety and welfare of the community and assure harmony with the comprehensive plan of the City.

Subd. 2. CRITERIA.

In acting upon an application for a Conditional Use Permit, the City shall consider the effect of the proposed use upon the health, safety, and general welfare of the City

including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood; consistency with the Comprehensive Plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire; effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains and soils; and other factors as found relevant by the City. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City or other governmental bodies having jurisdiction over the City. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this Chapter, additional conditions that it considers necessary to protect the best interest of the surrounding area or the community as a whole.

Subd. 3. INITIATION.

Any owner of any property in the City may request a Conditional Use Permit.

Subd. 4. APPLICATIONS.

Applications for a Conditional Use Permit may be completed on a form as provided by the City, together with supplemental information as required below. All requests must comply with the provisions in Subdivision 2 above and be accompanied with an administrative fee as set by Council resolution. Additionally, applications shall include the following information:

1. A description of the proposed use;
2. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
3. A map or plot showing the property and all property within five hundred (500) feet of the boundaries of the property;
4. The names and addresses of the owners of record of all property within five hundred (500) feet of the boundaries of the property;
5. Any other information required by the Zoning Administrator, Planning Commission or City Council;
6. Applications shall be accompanied with a Site Plan, showing such information as necessary to show compliance with this Ordinance and the Zoning Ordinance, including but not limited to:
 - a. Description of site (full legal description)
 - b. Site Plan drawn to scale showing parcel and building dimensions

- c. Location of all easements
- d. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks
- e. Landscaping and screening plans
- f. Drainage Plan
- g. Sanitary sewer and water plan with estimated use per day
- h. Soil Type
- i. Any additional written or graphical data reasonably required by the Zoning Administrator or the Planning Commission.

Subd. 5. PLANNING COMMISSION ACTION.

No Conditional Use shall be recommended by the Planning Commission unless the Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property or predominant uses in the area.
3. Those adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.
4. Those adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. Those proper facilities are provided that would eliminate any traffic congestion or traffic hazard that may result from the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with the Comprehensive Land Use Plan adopted by the City.
9. That the use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements.

10. Those proper facilities are provided that would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
 - a. That the proposed use shall provide buffering or screening as required by the City.
 - b. The demonstrated need for the proposed use.

Subd. 6. RECORDING.

A certified copy of any Conditional Use Permit shall be filed with the County Recorder by the property owner. The permit shall include a copy of the resolution authorizing the permit and subsequent conditions, the legal description and parcel I.D. of the property included. A recorded, certified copy must be provided to the City within thirty (30) days.

Subd. 7. LAPSE DUE TO NON-USE.

Whenever one (1) year after granting a Conditional Use Permit, the work permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for an extension of time for a period not to exceed and additional one (1) year term, in which to complete the work that has been granted by the City Council. Such extension must be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original Conditional Use Permit. There shall be no charge for filing such petition. The request for extension shall state facts showing good-faith attempt to complete the work permitted in the conditional use permitted in the Conditional Use Permit. Such petition shall be presented to the Planning Commission for recommendation and to the City Council for a decision. Further, whenever a conditional use has not been in operation for a period of twelve months, the conditional use shall be considered null and void.

Subd. 8. CONDITIONAL USE COMPLIANCE.

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith. The effectiveness of Conditional Use Permit may be reviewed at any time but at least annually by the City Council.

Subd. 9. INSPECTION AND REVOCATION.

The City may at any time inspect the conditionally permitted use to determine if the applicant is strictly adhering to the Conditional Use Permit and the conditions thereof. If it is found that the permit and the conditions of the permit are not being adhered to, the applicant shall be notified in writing by the City and given ten (10) days to come into strict compliance. If compliance is not achieved after that ten day period, the City Council shall hold a public hearing to consider the matter and may revoke the Conditional Use Permit.

Subd. 10. CONDITIONAL USE PERMITS WITHIN FLOODPLAIN DISTRICTS.

A copy of all decisions granting Conditional Use Permits in Flood Plain Districts shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

1600.08. VARIANCES.

Subd. 1. GENERALLY.

The City Council may grant variances from the strict application of the provisions of the Zoning Ordinance and impose conditions and safeguards to the variance so granted, but no variance shall be granted unless the City Council finds that the conditions of Minnesota Statutes, Section 462.357, Subd. 6 are met.

Subd. 2. PROHIBITED USES.

No variance shall be granted to allow any use that is not permitted under this Chapter for property in the zone where the applicant's land is located.

Subd. 3. APPLICATIONS.

Applications for a variance may be completed on a form as provided by the City, together with supplemental information as required below. All requests must comply with the provisions in Subdivision 1 above and be accompanied with an administrative fee set by Council resolution. Additionally, applications shall include the following information:

1. A description of the proposed use and how it varies from the applicable provisions of the Zoning Ordinance;
2. A legal description of the property, including plot and parcel number;
3. A map or plat showing the property and all property within five hundred (500) feet of the boundaries of the property;
4. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
5. The names and addresses of the owners of record of all property within five hundred (500) feet of the boundaries of the property;
6. A statement of the applicant, referring to specific facts, describing the following:
 - a. The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone classification;
 - b. The practical difficulties to the applicant if the variance is not granted;

- c. That the granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood;
- d. Any other information required by the Zoning Administrator, Planning Commission or Council.

Subd. 4. AUTHORITY.

1. Findings of Fact

No variance from the provisions of the Zoning Ordinance will be granted unless the Zoning Board of Appeals makes specific findings of fact based directly on the standards and conditions imposed in this subsection. These standards are as follows:

- a. Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, practical difficulties to the owner would result if the strict letter of the law were carried out.
- b. There are exceptional circumstances or conditions that are unique and applicable to the property or building that do not apply generally to other properties or buildings in the same zone or neighborhood and that were not created by the property owner.
- c. The granting of the variance is a reasonable request and will not be materially detrimental to public health, safety, or welfare, or injurious to the property or improvements in the zone or neighborhood in which the property is located.
- d. The proposed variance will not be contrary to the essential character of the neighborhood, or the intent of this Code or the Comprehensive Plan.
- e. When considering a variance for shoreland properties, excluding those within a floodway, where development exists on both sides of the proposed building site, water and road setback may be varied to conform to the existing established setbacks.
- f. When considering a variance for shoreland properties, the Zoning Board of Appeals 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.

- g. The following additional variance criteria of the Federal Emergency Management Agency (FEMA) must also be satisfied:
- 1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - 2) A determination that the failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

Subd. 5. TERM OF VARIANCE.

The structure authorized by a variance must be established within one (1) year, unless an extension of time has been granted by the City Council, or the variance will lapse.

Subd 6. RECORDING OF VARIANCE.

A certified copy of all variances granted shall be filed with the Benton County Recorder by the property owner. The filing shall include a copy of the resolution authorizing the variance and the legal description and parcel I.D. of the applicable property or properties. A recorded, certified copy must be provided to the City within thirty (30) days.

1600.09. ABANDONMENT OF CONDITIONAL USE OR VARIANCE.

Subd. 1. ABANDONMENT.

Whenever within one (1) year after the granting of a conditional use permit or a variance the owner or occupant shall not have substantially completed the erection or alteration of a building or structure described, then the permit or variance shall become null and void unless a petition for extension of time in which to complete the proposed construction of alterations has been granted.

Subd. 2. EXTENSION OF TIME.

A petition to extend time of a conditional use permit or variance shall be in writing and filed with the Zoning Administrator no later than twenty (20) days before the expiration of one (1) year from the date the permit or variance was approved. It shall state facts showing a good faith attempt to use the permit or variance, and shall state the additional time requested to complete the construction or alteration. Such petition shall be presented to the board of appeals and adjustments for hearing and decision in the same manner as the original request. In determining whether the petitioner has made a good

faith attempt to use the permit or variance, the board may consider such factors as the design, size, expense and type of the proposed construction or alteration.

Subd. 3. TWO-YEAR PERIOD.

It shall be within the power of the Planning Commission or board of appeals and adjustments, at the time of granting the original request for a conditional use permit or variance, to grant a two-year period for the substantial construction of the building or structure, but such two-year period may not thereafter be extended.

1600.10 SUBDIVISION REQUESTS.

The provisions of this subsection must be followed in addition to those specified in the Subdivision Ordinance.

Subd. 1. Pre-application Meeting.

Prior to the submission of any plat for consideration by the Planning Commission, the subdivider shall meet with the City staff to introduce himself/herself as a potential subdivider and learn the relevant requirements of the City's code. The applicants may prepare a sketch plan for discussion purposes prior to preparing a preliminary plat.

Subd. 2. Review for completion.

1. Before any plat submission is considered complete, the Zoning Administrator will, within ten (10) working days, review the plat to determine if it complete and in general compliance with the provisions of this subsection and the Subdivision Ordinance. When a plat application is determined to be incomplete or not in general compliance with provisions in this Code, the Zoning Administrator will notify the applicant within five (5) working days.
2. When a plat is deemed complete, the City Clerk will notify the applicant in writing and schedule the application for next available Planning Commission meeting. The City Clerk shall also forward the application to Commissioner of Transportation for review if the plat includes or borders on a trunk highway or state rail bank property. Within five (5) days after receiving the preliminary plat that includes or borders on an existing or proposed county road or state rail bank property, the Administrative Officer must submit it to the county Engineer for review. The Commissioner of Transportation and the County Engineer must report to the city within thirty (30) days with any comments or recommendations they may have. The Administrative Officer must also submit the plat to the City's Fire Chief and Engineer, who must report to the City within ten (10) days with any comments and recommendations they may have.

Subd. 3. ACTION ON PRELIMINARY PLATS

Once an application for a preliminary plat is determined to be complete, the Planning Commission must recommend approval or denial within sixty (60) days and the Council must act on the application within one hundred twenty (120) days. Failure to approve or deny by the Council within the review period is deemed approval. Upon demand of the applicant, the Zoning Administrator may execute a certificate of approval for the preliminary plat.

Subd. 4. ACTION ON FINAL PLATS

- A. Once an application for a final plat has been determined to be complete, the Planning Commission must recommend approval or denial of the final plat within thirty (30) days and the Council must act on the application within sixty (60) days. A final plat is considered complete when the applicant has complied with all conditions and requirements of preliminary approval either through assuring satisfactory performance or the execution of appropriate agreements assuring satisfactory performance.
- B. After receiving the recommendation from the Planning Commission, the City Council must approve or deny the final plat. Failure to certify approval within sixty (60) days, if the applicant has complied with all conditions and requirements, is deemed approval. Upon demand of the applicant, the City Administrative Officer and the Zoning Administrator may execute a certificate of approval for the final plat.
- C. The owner of the subject property must record the final plat with the County Recorder within one hundred twenty (120) days of final plat approval; otherwise, such approval will become null and void. The City Council may confirm their prior approval without the necessity of the Planning Commission review if a plat is not recorded in one-hundred twenty (120) days and no changes have been made to the original approval.

Subd. 5. SUBDIVISION AGREEMENT.

Upon approval, the subdivider will enter into a Subdivision agreement with the City.

1600.11. NONCONFORMITIES.

Subd. 1. GENERAL STANDARDS OF APPLICABILITY.

- A. **Authority to Continue.** Any use, structure, or lot that existed as a lawful nonconformity at the time of the adoption of this Code, and any use, structure or lot that has been made nonconforming because of the terms of this Code or its subsequent amendments, may continue subject to the provisions of this subsection so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Code remains illegal if it does not conform to each and every requirement of this Code.

- B. **Burden on Property Owner to Establish Legality.** In all cases, the burden of establishing the legality of nonconformity under the provisions of this Code is upon the property owner of the nonconforming use, structure or lot.
- C. **Safety Regulations.** The City may permit an expansion to a nonconforming use, in accordance with Subdivision 2 below or impose on nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, and safety. All police power regulations enacted to promote public health, welfare and safety, including but not limited to, all building, fire and health codes, apply to nonconforming structures.
- D. **Nuisances.** Nonconforming structures and/or uses that are determined by the City Council to be public nuisances are not authorized to continue.
- E. **Nonconformity in Floodplain Area.** The City may regulate the repair, replacement, maintenance, improvement or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Floodplain Insurance Program and to avoid an increase in the flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- F. **Ordinary Repairs and Maintenance.** Normal repair, replacement, or improvement may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity or increase the bulk or density of the nonconforming use.
- G. **Structural Alterations.** Structural Alterations to a structure containing a nonconforming use are permitted so long as they do not create any new nonconformity or increase the bulk or density of the nonconforming use. In addition, alterations are allowed:
 - i. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of any official charged with protecting the public safety.
 - ii. When the alteration is for the purpose of bringing the use into conformity.
- H. **Relocation.** A nonconforming structure may not be relocated, in whole or in part, to any other location on the same lot or parcel unless brought into full compliance with this Code.

Subd. 2. PERMIT FOR EXPANSION OF NONCONFORMING USES.

In certain cases, nonconforming uses may be permitted to expand where it can be shown that such action will not be harmful and will be beneficial to the surrounding properties, the neighborhood and the community. An exception, granted by ordinance, may be issued for an existing nonconforming use by the Board of Appeals only where

the applicant demonstrates that the proposed activity will comply with all of the following criteria:

- A. The use occurs entirely within an existing site;
- B. The use is not detrimental or injurious to other uses permitted within the district;
- C. The use is appropriate and consistent with the general welfare of the community and enjoyment of adjacent property;
- D. The off-street parking is adequate to serve the use;
- E. The use is in substantial agreement with the Comprehensive Plan;
- F. Hardship would result if the use were not allowed to expand;
- G. Rezoning the property would result in “spot zoning” or zoning inappropriate to surrounding land uses;
- H. The expansion will be beneficial to surrounding properties, the neighborhood and the community;
- I. The use is one of the following:
 - a. Single-family, multi-family, townhouses, apartments or other residential facilities located in a Nonresidential district;
 - b. Any commercial use in an industrial district;
 - c. General, medical, and dental office uses in residential districts; or
 - d. Any residential use in an industrial district.

Subd. 3. CHANGE OF USE.

A nonconforming use must not be changed to any use, other than one permitted within the zoning district in which it is located. When such a nonconforming use has been changed in whole or in part, to a conforming use, the whole or part that has been made to conform may not be changed back to a nonconforming use. A change of use is deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Code is deemed an abandonment of the previously existing lawful conforming use.

Subd. 4. DISCONTINUATION OR ABANDONMENT.

If a nonconforming use or occupancy is discontinued for a continuous period of one (1) year, such nonconformity or occupancy is deemed to be abandoned and may not be re-established or resumed regardless of the intent to resume or continue the use. Any subsequent use of such land or structure must conform to all regulations of the zoning district in which such land use or structure is located. The period of such discontinuance caused by government action, acts of God, or other acts without any contributing fault by the user, must not be included in calculating the length of discontinuance for this section.

Subd. 5. DAMAGE OR DESTRUCTION.

- A. If a structure and/or property devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of fifty percent (50%) or less of the market value at that time, then the structure and/or property may be repaired, reconstructed or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair or reconstruction within one hundred eighty (180) days of the date of the damage or destruction, and construction must be completed within one (1) year of issuance of the building permit. If a building permit is not obtained within one hundred eighty (180) days, then the nonconforming use cannot be continued.

- B. If a nonconforming structure and/or property devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of greater than fifty (50%) of its market value at that time and no building permit has been applied for within one-hundred eighty (180) days of when the property is damaged, the nonconformity may not be continued, repaired or replaced. The City may impose reasonable conditions upon a building permit issued under this Subdivision in order to mitigate any newly created impact on adjacent property.

Subd. 6. NONCONFORMING LOTS OF RECORD.

This Subdivision regulates lots of record that at one time were conforming, but that no longer conform to the lot area requirements of the zoning district in which they are located.

- A. If there are two or more lots of record with contiguous frontage in common ownership, and one or more of the lots does not meet the requirements for lot width or lot area as established by this Code, the land so involved is considered a single undivided zoning lot for the purposes of this Code. If such zoning lot is comprised of existing lots of record that each meet ninety percent (90%) or more of the required lot width or lot area of the district in which they are located, such lots of record may be used, transferred or conveyed, so long as the remaining

lots of record within that zoning lot meet ninety percent (90%) or more of the required lot area or lot width.

- B. A use that is permitted within a zoning district is allowed to be erected upon an existing nonconforming lot of record providing the square footage of the lot is 5,000 square feet or greater.

1600.12. APPEAL FROM ADMINISTRATIVE DECISIONS.

Subd. 1. TIME FOR APPEAL.

An appeal may be taken to the board of appeals and adjustments by any person aggrieved by any order, requirement, decision or determination made by the Zoning Administrator or any other administrative office of the City in the enforcement of this Chapter or the Zoning Ordinance. Such an appeal shall be made by written notice to the Zoning Administrator within twenty (20) days of the order, requirement, decision or determination, shall be accompanied by an administrative fee as prescribed by the City fee schedule and shall specifically describe the facts involved and the basis for appeal.

Subd. 2. PROCEEDINGS.

Upon receipt of a notice of appeal, the Zoning Administrator shall transmit the notice to the board of appeals and adjustments, together with all papers constituting a record upon which the action appealed was taken and shall set a time and place for a hearing on the appeal. Such time shall not be less than ten (10) and not more than thirty (30) days after receipt of the notice. Due notice of the hearing shall be given to the parties.

Subd. 3. DECISION AND REVIEW.

Within a reasonable time after the hearing, the board shall make its order deciding the matter and serve a copy of such order upon the applicant by mail. The applicant may, within thirty (30) days, file with the City Clerk an appeal to the Council from the decision of the board.

Subd. 4. BOARD OF APPEALS AND ADJUSTMENTS.


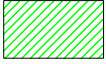



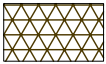

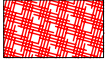
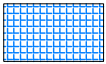
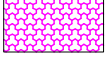

A board of appeals and adjustments is hereby established. The board shall consist of all the members of the Planning Commission and shall have the following powers and duties:

1. To review and hold public hearings on all applications for variances and to make recommendations on said applications to the City Council;
2. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or any other administrative officer of the City in the enforcement of this Chapter or the Zoning Ordinance;

3. To hear and decide appeals by landowners who have been denied building permits due to the location of their land within an area governed by an official map duly adopted and filed by the City.

CITY OF RICE ZONING MAP 2012

LEGEND

-  CHURCH OR PUBLIC PROPERTY
-  RR - RURAL RESIDENCE
-  R1 - SINGLE FAMILY RESIDENCE
-  R2 - MULTIPLE FAMILY RESIDENCE
-  I1 - LIGHT INDUSTRIAL
-  I2 - HEAVY INDUSTRIAL
-  B1 - NEIGHBORHOOD BUSINESS
-  B2 - GENERAL BUSINESS
-  B3 - HIGHWAY BUSINESS
-  AG - AGRICULTURE
-  MUNICIPAL BOUNDARY

THIS IS TO CERTIFY THAT THIS MAP CONSTITUTES THE OFFICIAL ZONING MAP OF THE CITY OF RICE, BENTON COUNTY, MINNESOTA AS IS REFERRED TO IN THE 2011 COMPREHENSIVE PLAN OF THE MUNICIPALITY.

ZONING ADMINISTRATOR _____ DATE _____

ADOPTED BY THE CITY COUNCIL OF THE CITY OF RICE ON _____
- RESOLUTION NO. _____

REVISION DATE: MAY 26, 2012

