

CHAPTER 14: LAND USE DEVELOPMENT CODE

Section 1420: NONRESIDENTIAL DISTRICTS

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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