

## **Chapter 501      Introductory Provisions**

### **501.01      Title**

This Ordinance shall be known, cited and referred to as the Rice County Zoning Ordinance. When referred to in this document, it shall be known as “this Ordinance.”

### **501.02      Purpose**

This Ordinance is adopted for the purposes of:

- A. Implementing the Rice County Comprehensive Land Use Plan
- B. Protecting the public health, safety, comfort, convenience and general welfare
- C. Protecting and preserving agricultural land
- D. Promoting orderly development of residential, commercial, industrial, recreational and public areas
- E. Conserving the natural and scenic beauty and attractiveness of the County
- F. Conserving the natural resources in the County including wetlands and woodlands
- G. Providing for the compatibility of different land uses and the most appropriate use of land throughout the County
- H. Minimizing environmental pollution

### **501.03      Statutory Authorization**

This Ordinance is adopted pursuant to the authorization contained in Minnesota Statutes, Chapter 394, Chapter 103B, Chapter 103F, Chapter 116, or successor statutes; and Minnesota Rules, Chapter 7020, or successor rules.

### **501.04      Jurisdiction**

This Ordinance shall apply to all areas in Rice County, Minnesota, except areas within the incorporated limits of any municipality.

### **501.05      Compliance Required**

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used or subdivided, for any purpose or in any manner, which is not in conformity with this Ordinance. Owners and applicants are jointly and severally required to ensure compliance with all applicable provisions of this Ordinance.

### **501.06      Severability and Validity**

It is hereby declared to be the intention that the several provisions of this Ordinance are severable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

### **501.07      Prior Ordinance Repealed**

This Ordinance repeals and replaces all prior zoning ordinances.

**501.08 Effective Date**

This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

**501.09 Rules of Construction and Interpretation**

The following rules of construction and interpretation apply to this Ordinance:

- A. **Conflict.** Where any provision of this Ordinance conflicts with another rule, regulation or ordinance of the County, the provision that is more restrictive shall prevail. For example, a provision that requires a thirty-five acre minimum lot size for residential use is more restrictive than a provision that requires a two-acre minimum lot size for residential use.
- B. **Minimum requirements.** This Ordinance establishes minimum requirements for the use and development of land.
- C. **Powers not limited.** This Ordinance does not limit any other power granted to Rice County.

## Chapter 502 Definitions

### 502.01 Introduction

Definitions for words and terms used in this Ordinance are defined in §502.03. If not defined in this Chapter, words and terms shall be given their common meaning.

### 502.02 Interpretation of certain terms

For the purpose of this Ordinance, certain terms or words are used that shall be interpreted as follows:

- A. The word "shall" is mandatory and not discretionary.
- B. The word "may" is permissive.
- C. The word "person" shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.
- D. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
- E. The word "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
- F. The masculine gender shall include the feminine and neuter.
- G. The word "Board" includes the "county commissioners", the "Board of County Commissioners" or any other word or words meaning the "Rice County Board of Commissioners."

### 502.03 Definitions

#### Abandoned Farm Homestead

A site previously occupied by a farm dwelling and evidenced by a foundation, uninhabitable farm dwelling, windbreak, outbuildings or other observable physical features.

#### Abut

Physically touching or bordering upon; or to share a common property line but not overlap. See ADJOINING LAND

#### Accessory Dwelling Unit (ADU)

An ADU is an accessory residential dwelling unit on the same parcel on which a detached single-family dwelling is present or will be constructed. It provides separate housekeeping and cooking facilities from the Principal Dwelling. It may take various forms including but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or an attached unit that is part of an expanded or remodeled dwelling unit.

#### Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

#### Accessory Use

A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

#### Adjoining Land

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See ABUT

#### Adult Entertainment

Adult entertainment uses include adult bookstores, adult motion picture theatres, adult motion picture sales/rental, adult massage parlors, adult steam room/bathhouse/ sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses 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" which are capable of being seen by members of the public.

**Agricultural Tourism**

Practice of visiting an Agricultural Use property, whose primary use is agricultural, for the purpose of recreation, education or active involvement in the operation, other than as a contractor or employee of the operation.

**Agricultural Tourism Business**

An Agricultural Use property, whose primary use is agricultural, that hosts guests for the purpose of agricultural related recreation, education or active involvement in the agricultural operation, other than as a contractor or employee of the operation. The business may also utilize the agricultural settings and features to host non-agricultural celebration events.

**Agricultural Use**

Real or personal property used for the production of crops, tillage, husbandry or farming, including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products (see AGRICULTURALLY ORIENTED BUSINESS).

**Agriculturally Oriented Business**

A business including, but not limited to commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; greenhouse and nursery sales; ethanol and bio-diesel production.

**Airstrip, Private**

An area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

**Amenity**

A natural or created feature that enhances the aesthetic quality, visual appeal, comfort, convenience or general attractiveness of a particular property, place or area.

**Annexation**

The incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

**Bed and Breakfast**

An owner-occupied single-family dwelling used in part as short-term lodging, providing one or more meals as part of the rental fee.

**Block**

The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

**Bluff**

A hill, cliff or embankment typically overlooking a plain or body of water, especially on the outside of a stream or river meander, that has the following characteristics:

- A. Part or all of the feature is located within 1,000 feet of a lake or 300 feet of a river or stream; and
- B. The slope drains toward the water body; and
- C. The slope averages at least eighteen (18) percent over fifty (50) feet, and rises at least twenty-five (25) feet above the ordinary high water level of the water body; or the grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;

**Bluff, Toe**

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest-ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff, Top**

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent slope.

**Bluff Impact Zone**

A bluff and land located within thirty (30) feet from the top of the bluff.

**Bluffline**

A line along the top of a slope connecting the points at which the slope becomes less than 12%. This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

**Board of Adjustment**

The Rice County Board of Adjustment as described in the administrative section of this Ordinance and Minnesota Statutes, section 394.27.

**Board of Commissioners**

The Rice County Board of Commissioners, also referred to as the County Board.

**Boathouse**

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

**Building**

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

**Building Height**

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

**Building Line**

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 Setback Line**

A line parallel with the street right-of-way line, private road, property line, ordinary high water mark, or access easement, at the required setback beyond which a building may not extend.

**Building, Temporary**

A structure that has no electrical or water connections, no permanent foundation, is built on skids and can be moved when empty with a farm tractor.

**Campground**

An area accessible by vehicle and containing camp sites or camping spurs for tents and trailer camping.

**Centralized Water and Sewer Systems; Centralized Utilities**

Utilities systems serving a group of buildings, lots, or an area of the County, with the design and construction of such utility systems as approved by the County and/or the State of Minnesota.

**Clear-Cutting**

The removal of the major portion (more than 90%) of a stand of timber.

**Cluster Development**

A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of common open space.

**Common Open Space**

Land used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes, that is permanently protected from future development.

**Comprehensive Plan**

The Comprehensive Plan of Rice County, Minnesota, as adopted in 2002 and as subsequently amended or updated.

**Commercial Use**

The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

**Commissioner, Department of Natural Resources**

The Commissioner of the Department of Natural Resources, or his or her designee within the Department.

**Composting**

The aerobic decomposition of organic wastes to a relatively stable humus subject to further, slower decay but sufficiently stable not to reheat or cause odor or fly problems.

**Conditional Use**

A land use or development as defined by ordinance that would not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, (2) the use or development conforms to the Comprehensive Plan and (3) the use is compatible with the existing neighborhood.

**Condominium**

A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

**Conservation Easement**

A legal agreement restricting development of farmland or natural areas. Lands subject to a conservation easement are generally restricted to farming and open space uses. A conservation easement does not imply any right of public access, except for periodic monitoring by the agency or entity holding the easement.

**Contour Map**

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.

**Contractor's Yard**

Outdoor storage of materials and vehicles associated with a contractor's office that shares the site.

**Cooperative**

A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

**County**

Rice County, Minnesota.

**Covenants**

Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Crop Equivalency Rating**

The weighted average per quarter-quarter section of land that represents the relative net economic return per acre of soil as reflected by the differences in productivity between soils, as determined by the University of Minnesota and adopted by the Board of County Commissioners.

**Deck**

A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features attached or functionally related to a principal use or site.

**Domestic Pets**

Any of various animals adopted by man so as to live and breed in a tame condition.

**Double Frontage Lots**

Lots which have a front line abutting on one street and a back or rear line abutting on another street.

**Drainageway**

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**Dredging**

The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.

**Dwelling, Multifamily**

A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

**Dwelling, Two Family**

A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. Also called a Duplex.

**Dwelling, Single-Family**

A free-standing (detached) residence designed for or occupied by one (1) family only, including manufactured homes that meet current federal HUD standards.

**Dwelling, Single-Family Attached**

A single family dwelling attached by party walls to other single family dwellings in a linear arrangement, and oriented so that all exits open to the outside. See TOWNHOUSE.

**Dwelling Unit**

Two (2) or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling. A mobile home, with the above accommodations, located in areas approved for mobile homes shall be considered a dwelling unit. A house trailer, camper-trailer, camper-bus or tent are not considered dwelling units.

**Easement**

A grant by an owner of land for the specific use of said land by the public, or to a person or persons.

**Erosion**

The process by which the ground surface is worn away by action of wind or water.

**Essential and Transmission Services**

Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication supply or disposal systems and structures used by public utilities or governmental departments or commissions or as required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Ordinance the word "building" does not include "structures" for essential services.

**Excavation or Extraction**

Any artificial movement of the earth within the County, dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth.

**Exterior Storage (includes open storage).**

The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**Family**

An individual, or two (2) or more persons related by blood, marriage or adoption, or up to six (6) unrelated persons, living together as a single housekeeping unit in a dwelling unit.

**Farm**

A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming.

**Fence**

A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

**Fill**

Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting therefrom.

**Final Plat**

The final drawing of the subdivider's plan as presented to the County Board for approval and which, if approved, will be submitted to the County Recorder to be recorded.

**Floor Area**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

**Food Sales/Service Located on a CSA Farm**

Establishments located on a Community Supported Agriculture Farm primarily intended to serve the local CSA and local neighborhood whose principal business is the sale of food and/or non-alcoholic beverages including a standard restaurant, bakery, coffee house, ice cream parlor, deli, grocery or similar use. However, no one use may exceed 2,000 square feet of floor area.

**Forest Land**

Land not currently developed for nonforest use and having at least 20 percent stocking of deciduous trees. Contiguous areas of trees must have a minimum crown width of 120 feet and trees with a minimum diameter, measured at 4.5 feet, of twelve (12) inches to qualify as forest land. Land within ravines, on steep slopes, below the ordinary high water level, or a flood plain, shall not constitute forest land. Unimproved roads and trails, streams or other bodies of water or clearings in forest areas will not be classed as forest land. The minimum contiguous area for classification of forest land is one (1) acre, minimum width is 120 feet and minimum canopy density is sixty (60) percent.

**Forestry**

The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, and fences.

**Grading**

Any excavating or filling of earthen materials or combination thereof, but not including normal agricultural operations.

**Home Occupation**

Any gainful occupation or profession engaged in by an occupant of a dwelling which is clearly limited in extent and secondary to the principal use of the dwelling for residential purposes, and which does not change the character of the principal use.

**Homeowners Association**

A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.

**Hunting Club**

A private noncommercial site maintained by a membership organization for the purpose of hunting and related outdoor recreation.

**Industrial Use**

The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.

**Industrial Waste**

Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

**Infill Development**

Development of a vacant parcel or parcels in a predominately built-up area, such as a village or shoreland neighborhood. Infill parcels are generally located on an existing street and are adjacent to existing dwellings or other developed parcels.



**Intensive Vegetation Clearing**

More than 90% removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Interim Use**

A temporary use of property until a particular date, until the occurrence of particular event, until zoning regulations no longer permit it, or until the land occupation of the interim use changes ownership.

**Junk Yard/Salvage yard**

Land or buildings where waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles or other forms of motorized transportation or trailers shall be considered a junk yard. This includes but is not limited to cars, trucks, trailers, snowmobiles, ATVs, motorcycles and off highway vehicles.

 **kennel, Commercial**

Any structure or premises on which four (4) or more domestic dogs, cats or other domestic animals over four (4) months of age are kept for sale, breeding or profit.

**Land Alteration**

The extraction, grading or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other areas.

**Land Use Permit**

Any permit required under this ordinance; except building or structure permits.

**Lodging Room**

A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

**Logging**

The cutting of timber on any public or private land of one (1) acre or more for the major purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

**Lot**

A parcel of land, legally described and recorded with the County Recorder.

**Lot Area**

The gross lot area is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, flood plain zone or floodway.

**Lot Depth**

The average horizontal distance between the front lot line and the rear lot line or ordinary high water mark, or to the most distant point on any other lot line where there is no rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

**Lot Width**

The lot width is the horizontal distance between the side lot lines of a lot, parallel to the front lot line and measured at the minimum required front yard setback.

**Lot Line**

A property boundary line of any lot held in separate ownership except that where any portion of the lot extends into the abutting alley or street, the lot line shall be deemed to be the street or alley right-of-way line.

**Lot Line, Front**

That boundary of a lot which abuts an existing or dedicated public street. A corner lot shall be deemed to have frontage on both streets. Where a lot does not abut a publicly dedicated road the front line shall be designated by the County.

**Lot Line, Rear**

The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line.

**Lot, Corner**

A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street.

**Maintenance and Minor Repairs**

Includes repair of doors, floors and eave troughs, repainting and stuccoing of exterior, interior redecorating, foundation or basement repair, new heating, air-conditioning and plumbing equipment or repair of present equipment; each of which may be done in total, or in part, except the structure shall not be expanded in any way.

**Manufacturing, Limited**

A business engaged in light manufacturing activities that are contained wholly within a building and do not produce any off-site impacts. Examples include light assembly and packing.

**Metes and Bounds Description**

A description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property.

**Miniature Golf**

A theme-oriented recreational facility, typically composed of nine or 18 putting greens, each with a "cup" or "hole," where patrons pay a fee to move in consecutive order from the first hole to the last. The facility is not a true golf course, and is typically less than 10,000 square feet in size.

**Mixed-Use Building**

A building that combines two or more uses, typically with nonresidential (commercial or office) uses on the ground floor and residential uses, offices or studios above.

**Mining Operation**

The removal of stone, sand and gravel, peat, black dirt, topsoil, or other material from the land for commercial, industrial, or governmental purposes.

**Mobile Home/Manufactured Home/Prefabricated Building**

A residential unit constructed at a factory or assembly point, designed for year round occupancy and moved to site in one (1) or more sections. Trailers, campers, bus(es) are not included.

**Mobile Home Park**

Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile Home Park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

**Mobile Home Subdivision**

A subdivision intended for placement of mobile homes or conventional homes, having a minimum of ten (10) lots and at least thirty (30) percent of the lots must be occupied by or reserved for mobile homes.

**Natural Waterway**

A natural passageway on 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.

**Nonconforming Use**

A use lawfully in existence on the effective date of the adoption of this Ordinance and not conforming to the new regulations for the district in which it is situated.

**Obstruction (Waterway)**

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Off-Street Loading Space**

A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

**On-site Sewage Treatment System**

A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by this Ordinance and the Rice County Sewage and Waste Water Treatment Ordinance.

**Open Space Recreational Use**

Recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

**Ordinary High Water Level**

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

**Parcel**

See LOT

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building and of sufficient size to store one standard automobile.

**Permit**

The granting of authority by governmental body to conduct certain activities and which may include a certificate of compliance.

**Planned Unit Development**

A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and/or mix of structure types and land uses.

**Portable Building**

A structure that can be easily moved when empty and which is not on a permanent foundation.

**Prefabricated Home**

A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

**Preliminary Plat**

A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

**Principal Structure or Use**

One which determines the predominant use as contrasted to accessory use or structure.

**Property Line**

The legal boundaries of a parcel. For setback purposes a road right-of-way will be considered a property line.

**Public Land**

Land owned or operated by municipal, school district, county, state, or other governmental units.

**Public Recreation Area**

Land owned by a municipality, school district, county, state or township and operated as a parks and recreation area; trail, or forest and game management area.

**Public Waters**

Those waters of the state identified as public waters or wetlands under Minnesota Statutes Section 103G.005, Subd. 15 and Subd. 18.

**Quarter-Quarter**

A square measure of approximately forty (40) acres being one quarter of a quarter section and lying wholly within a single section. Correction lines required by the Rectangular Survey System which result in a quarter-quarter section of less than forty (40) acres shall constitute a quarter-quarter section for purposes of this Ordinance.

**Receiving Area**

An area or district to which development rights may be transferred. Sending and receiving areas may be located in the same zoning district or in different districts, as specified in Chapter 520 of this Ordinance.

**Recreational Vehicles**

Travel trailers including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, and converted buses that provide temporary living quarters. A vehicle is considered recreational if it:

- A. Is not used as the residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
- C. Is self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities; and
- D. Is licensed as a motor vehicle and is maintained in road-ready condition.

**Registered Land Survey**

A survey map of registered land designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes §508.47.

**Resort**

A development consisting of buildings, camping spaces, parking areas, and recreation areas, for lease or rent for short-term residence, on one tract of land, under one ownership for the purpose of vacationing, relaxation or recreation.

**Right-of-Way**

The land covered by a public road and adjacent land designated or reserved for public use.

**Road**

See STREET

**Salvage Yard**

See Junk Yard

**Sanitary Landfill**

A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

**Selective Cutting**

The removal of single scattered trees while maintaining a continuous tree cover.

**Semipublic Use**

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

**Sending Area** – An area or district from which development rights may be transferred.

**Sensitive Resource Management**

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

**Setback**

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

**Sewage**

Any water-carried domestic waste, exclusive of subsurface and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

**Shore Impact Zone**

Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the normal structure setback.

**Shoreland**

Land defined on the official zoning map, and generally extending: (1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and (2) three hundred (300) feet from a river or stream or the landward extent of a floodplain. Shorelands may also be defined by a physical feature such as a ridgeline, change in topography, or roadway that generally parallels the shoreline, or by the boundary of an existing developed area.

**Shoreland Residential Cooperative**

A cooperative formed under Minnesota Statutes Chapter 308A, which cooperatively owns real property located in the Shoreland District. Such cooperative may include ownership of residential structures and accessory community structures.

**Shoreland Setback**

The minimum horizontal distance between a structure and the ordinary high water level.

**Sign**

A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

**Sign, Off-Premises**

A sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where the sign is located.

**Sign, Surface Area of**

The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing the total surface area.

**Sign, Temporary**

A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board or similar material and intended to be displayed for a limited period of time but does not include candidate advertisements.

**Significant Historical Site**

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

**Sketch Plan**

A concept drawing indicating a proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

**Soil Survey**

A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

**Solid Waste**

Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

**Steep Slope**

Lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more.

**Street**

A public way for vehicular traffic, whether designated as a street, highway, arterial, collector, road, avenue, land, place or otherwise designated. Street classifications include the following:

- A. **Arterial Street or Highway**  
A street or highway designed primarily to serve as a link between various sectors of the County and beyond.
- B. **Collector Street**  
A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic from local streets and connects with highways and/or arterial streets.
- C. **Local Street**  
A street designed for access to abutting property not intended to facilitate through traffic.
- D. **Private Street**  
A street serving as vehicular access to a parcel of land which is not dedicated to the public but is owned by one or more private parties.
- E. **Cul-de-sac**  
A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.
- F. **Service Road**  
A minor street which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties.

**Street Width**

The width of the right-of-way, measured at right angles to the center line of the street.

**Structure.**

Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground. See also BUILDING.

**Structural Alterations**

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Subdivider**

Any person commencing proceedings under this Ordinance to effect a subdivision of land whether for that person or for another.

**Subdivision**

The division of any parcel of land into two (2) or more lots, blocks and/or sites, including the resubdivision of land.

**Suitable Area**

“Suitable Area” is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25 percent, all easements and rights-of-way, wetlands, land below ordinary high water level, road setbacks and ordinary high water setback are subtracted.

**Supervised Residential Program**

A program which provides 24 hour-a-day care, supervision, food and lodging outside a person's home for persons whose primary diagnosis is mental retardation, mental illness, chemical abuse or dependency.

**Surface Water-oriented Commercial Use**

The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, baitshops, campgrounds and restaurants with transient docking facilities are examples of such use.

**Temporary**

The use of land, or a structure, that occurs or exists for a short, limited period of time, as distinguished from uses and structures that are permanent.

**Transfer of Development Rights** – The conveyance of development rights by deed, easement or other legal instrument authorized by the County to another parcel of land, and the recordation of that conveyance in the land records of Rice County.

**Transferable Development Right** – The right to develop one dwelling unit on a parcel or tract of land, under the requirements of Chapter 520 of this Ordinance.

**Tower**

Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the use of mounting an antenna, meteorological device, or similar apparatus above grade.

**Townhouse**

A single family dwelling attached by party walls to other single family dwellings in a linear arrangement, and oriented so that all exits open to the outside. See DWELLING, SINGLE-FAMILY ATTACHED

**Travel Trailer**

A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place and includes camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved State of Minnesota Building Code.

**Tributary River or Stream**

Protected watercourses in Rice County classified and defined in Chapter 516, Shoreland Districts, Section 4F.

**Use**

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

**Use, Accessory**

A use clearly incidental or accessory to the principal use of a lot or building located on the same lot as the accessory use.

**Use, Conditional**

A use which, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Planning Commission and imposition of such conditions as necessary to make the use compatible with other uses permitted in the same district or vicinity.

**Use, Permitted**

A public or private use which is generally permitted if it conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

**Use, Principal**

The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

**Variance**

Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

**Water-Oriented Accessory Structure or Facility**

A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. No bathroom, kitchen facilities or bedrooms are permitted.

**Water-Oriented Commercial Recreation**

The principal use of land or buildings in a Shoreland District for the sale, lease, rental or trade of products, goods and services that relate to a nearby body of water and could not be effective if operated away from a body of water. Examples include: fishing and bait shops, and boat and canoe rentals.

**Wetland**

Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have hydric soils, predominantly hydric vegetation, and display wetland hydrology. Wetlands are further defined in the Wetland Conservation Act, Minnesota Statutes, section 103G.222-2373.

**Yard**

A required open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for such accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and any building.

**Yard, Front**

An unoccupied and unobstructed space on the same lot with a building extending along the full width of a front lot line and situated between the front line of the building and the front line of the lot.

**Yard, Rear**

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

**Yard, Side**

A yard lying between side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines.

**Zoning Amendment**

A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

**Zoning District**

An area or areas within the limits of the County for which the regulations and requirements governing use are uniform. District boundaries are shown on the Official Zoning Map.



## Chapter 503 Zoning Administration

### 503.01 Planning and Zoning Department

The Rice County Board of Commissioners hereby establishes the Planning and Zoning Department, for which the Board may appoint a Director and employ such other staff as deemed necessary to discharge the duties of this department.

**A. Duties and powers of the Planning and Zoning Director.** The Rice County Planning and Zoning Director (Planning Director) shall have the following duties and powers:

1. Coordinate activities between the Planning and Zoning Department and other County and state departments.
2. Administer and enforce the Zoning Ordinance and the Subdivision Regulations.
3. Issue, deny or enforce building permits, certificate of occupancy, certificates of compliance, and other permits and certificates as required by the terms of this Ordinance.
4. Receive and forward to the County Board, County Planning Commission, Board of Adjustment and other appropriate agencies appropriate applications, documents, and proposed actions.
5. Supervise the keeping of all necessary records and maps.
6. Maintain a record of all conditional use and interim use permits issued including information on the use, location, and conditions imposed by the County Board and time limits, review dates, and such other information as may be appropriate.
7. Delegate such duties as provided for in this Ordinance to a Zoning Administrator, Building Official, or other staff.

### 503.02 Permits and Certificates

The following permits and certificates are required in Rice County for land use and construction activities and may be issued by the Planning Director or designee.

**A. Building Permits.** The following provisions shall apply to the issuance of building permits in all zoning districts in Rice County:

1. **Building permit required prior to action.** A building permit shall be obtained prior to erecting, installing, altering, converting, remodeling, moving or demolishing any building or structure or part thereof.
  - a. **Exceptions.** The following structures shall be exempt from the requirement to obtain a building permit, but must meet zoning requirements:
    - i. Storage buildings 200 square feet or less in size.
    - ii. Agricultural structures that obtain an Agricultural Structures permit as provided for in Section B, below.
2. **Must meet sewage requirements.** Before a building permit for construction of a new residence or addition, or remodeling that results in increased water usage is issued, the provisions of the Rice County Sewage and Wastewater Treatment Ordinance shall be met. Before a building permit for any other activity is issued within a Shoreland area, Shoreland district, or Floodplain district, the applicant must provide evidence of a conforming sewage treatment system or evidence that one will be provided if the building permit is issued.
3. **Setbacks from proposed roads.** A permit shall not be issued where a proposed setback does not comply with the planning of future road construction as determined by the County Highway Engineer. Structure setbacks from proposed roads shall be equal to setback requirements for existing roads as specified in §505.10.
4. **Building code compliance.** Activities undertaken subject to a building permit shall conform to the most current state building code as adopted by Rice County.

5. **Site plan.** A site plan conforming to the provisions of §505.16 shall be submitted with all building permit applications.
- B. **Agricultural Structure Permit.** In all zoning districts, an Agricultural Structure Permit shall be obtained for the construction of new agricultural buildings and structures or for additions to such structures. Buildings and structures must meet the following criteria to be defined as an agricultural building or structure for the purposes of this provision:
  1. The building or structure must be on a parcel at least ten (10) acres in size and used exclusively for storage of agricultural goods or equipment; or
  2. The building or structure must be used exclusively to house animals.
- C. **Deleted**
- D. **Certificate of Zoning Compliance.** A Certificate of Zoning Compliance issued by the Planning Director, or designee, shall be required prior to any construction or change in use. This certificate will specify that the proposed use of land conforms to the requirements of this Ordinance. Failure to obtain a Certificate of Zoning Compliance for any use, arrangement, or construction shall be deemed a violation of this Ordinance.
- E. **Certificate of Occupancy.** A Certificate of Occupancy shall be required for any building erected or structurally altered after final inspection and approval by the Rice County Building Official, after final inspection and approval by Rice County Environmental Health Services, and before the building is occupied or the use is altered. Approval for temporary occupancy may be granted by the Rice County Building Official.
- F. **Grading/Filling Permit.** Topographic alterations not associated with another permit or approval, that propose to move greater than 50 cubic yards of material, or greater than 10 cubic yards of material within a shore impact zone, steep slope, of bluff impact zone must obtain a grading/filling permit as specified in §506.11.B. Active agricultural operations shall not be required to obtain a grading and filling permit.
- G. **Wildlife Pond Permit.** Excavations for the purpose of wildlife ponds must obtain a wildlife pond permit. The requirements to receive a wildlife pond permit shall include:
  1. A completed Minnesota local/state/federal application for water/wetland projects.
  2. Compliance with all grading/filling standards as specified in §506.11.B.
  3. A design that will enhance the wildlife habitat of the proposed project area.
- H. **Application Procedure for Permits.** The following provisions shall be met when applying for a building or structure permit or certificate:
  1. **Owner's signature required.** The application shall be signed by the owner of the land that is the subject of the permit.
  2. **Forms.** Applications shall be made on forms furnished by the County.
  3. **Information required.** Each application shall be accompanied by:
    - a. A site plan **drawn to scale** showing the dimension of the lot to be built upon and the size and location of the building or use and accessory buildings to be erected, and
    - b. Other information as may be deemed necessary by the Planning Director or designee
  4. **Standard of review.** The Planning Director or designee may issue the permit or certificate only after determining that the building, site plans and proposed use, together with the application, comply with the terms of this Ordinance.
  5. **Time limited.** A building or structure permit issued under the terms of this Ordinance shall be valid for one hundred and eighty (180) days from the date of issuance.
    - a. **Extension.** If construction has not been completed within one hundred and eighty (180) days after a permit has been issued, the permit may be extended by the Rice County Building Official an additional one hundred and eighty (180) days where reasonably diligent construction could not complete the proposed structure within the first period.

- b. **Expiration.** A building or structure permit shall expire and be considered null and void one (1) year after the date of issuance of the permit if no construction has begun. For the purposes of this section, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Land clearing or the installation of utilities shall not constitute construction.

### **503.03 Planning Commission**

The Rice County Board of Commissioners hereby establishes the Planning Commission.

- A. **Number and geographic distribution of members.** The Planning Commission shall consist of five (5) members appointed by the County Board representing an even distribution of geographic areas in the County. At least two (2) members shall be residents of that portion of the County outside the corporate limits of municipalities.
- B. **County Board member.** An ex-officio County Board member shall be without voting rights.
- C. **Non-voting seats.** The County Board may designate any county officer or employee as a non-voting member of the Planning Commission.
- D. **Eligibility limitation.** No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of their income from business operations involving the development of land within Rice County.
- E. **Term length and reappointment.** The term of each member shall be for three years. Each member may be eligible for reappointment, but not more than three (3) consecutive three (3) year terms.
- F. **Staggered terms.** Appointments shall be staggered .
- G. **Removal.** The County Board of Commissioners remove any member for non-performance of duty, misconduct in office, or to comply with Section A above. If a member has four unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- H. **Vacancy.** Should any vacancy occur among the members by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given to the Chair of the County Board and the County Board shall appoint a replacement. Should any vacancy occur among the officers, the vacant office shall be filled in accordance with the Planning Commission rules, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- I. **Officers.** The Planning Commission shall elect a chair, vice-chair/secretary from among its members.
- J. **Compensation.** The members of the Commission may receive a per diem in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- K. **Functions of the Planning Commission.** The Planning Commission is authorized to perform the following functions:
1. **Rules and public record.** The Planning Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and recommendations.
  2. **Comprehensive plan and official controls.** The Planning Commission shall cooperate with the Planning Director and other employees of the County in preparing and recommending to the Board for adoption or amendment, comprehensive plans and recommendations for plan implementation in the form of official controls and other measures.
  3. **Administration of Ordinance.** The Planning Commission shall provide assistance to the County Board and Planning Director in the administration of this Ordinance.
  4. **Rezoning, zoning amendments, conditional use permits, and interim use permits.** The Planning Commission shall review, hold public hearings, and make recommendations to the

County Board on all applications for zoning amendments, conditional use permits, and interim use permits using the criteria established in this ordinance.

**503.04 Zoning Amendments**

The County Board may adopt amendments to the zoning ordinance and zoning map. Amendments to the zoning ordinance or zoning map shall conform to the following provisions.

- A. **General Criteria for Amendments.** Amendments may be adopted to reflect changes in the goals and policies of the community as reflected in the Rice County Comprehensive Plan or changes in conditions in the County.
- B. **Deleted**
  - 1. **Deleted**
  - 2. **Deleted**
  - 3. **Deleted**
- C. **Required information and exhibits for Ordinance text amendments.** Applications to change the wording of this Ordinance shall include the following:
  - 1. Reason for requested change
  - 2. Statement on compatibility with the Rice County Comprehensive Plan
  - 3. Text of portion of the existing ordinance to be amended
  - 4. Proposed amended text and statements outlining any other effects that the amendment may have on other provisions of this Ordinance
  - 5. Additional information as may be requested by the Planning Commission or County Board
- D. **Required information and exhibits for rezoning or land use amendments.** Applications to change zoning district boundaries or permitted or conditional and interim land uses shall include:
  - 1. The names and addresses of the petitioner or petitioners, and their signatures to the petition as verified by the Zoning Administrator
  - 2. A specific description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within five hundred (500) feet of such area, and a description of the property owned by each
  - 3. The present district classification of the area and the proposed district classification
  - 4. Proposed use of the land including a statement of the type of use, extent of the use, and area to be covered by the use
  - 5. Reason for requested change
  - 6. Statement on compatibility with the Rice County Comprehensive Plan
  - 7. A legal description of the property(ies) to be rezoned or amended
  - 8. Map, plat plan, or survey drawing, drawn to scale, of property to be rezoned or amended showing:
    - a. Location
    - b. Dimensions
    - c. Zoning of adjacent properties
    - d. Existing uses and buildings on adjacent properties within five hundred (500) feet in incorporated areas, and within one-half (1/2) mile in unincorporated area
  - 9. Additional information as may be requested by the Planning Director, Planning Commission or County Board

- E. **Procedure.** The following procedure shall be followed in reviewing ordinance or map amendments:
1. **Who may initiate.** An amendment to the text of the Ordinance may be initiated by the County Board, the Planning Commission or by application of an affected property owner or County resident. An amendment to the zoning map may be initiated by the County Board, the Planning Commission or by application of a property owner. Individuals wishing to initiate an amendment to the zoning ordinance or zoning map shall fill out a zoning amendment application form and submit it to the Planning Director.
  2. **Completeness required.** If the application is deemed complete, the application shall be referred to the Planning Commission for review. If the application is not complete, the Planning Director shall send a letter to the applicant, with the application attached, stating the information that must be provided to complete the application.
  3. **Planning Commission review.** An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the County Board until it has received the Planning Commission's recommendations.
  4. **Public hearing.** A public hearing on the application for amendment shall be held by the Planning Commission after the application has been certified as complete. The Planning Commission shall make its report to the County Board recommending approval, disapproval or modified approval of the proposed amendment.
  5. **Notice to public.** Notice of the hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
  6. **Notice to governing bodies of towns and municipalities.** Written notice of public hearings on the proposed amendment shall be sent by the Planning Director to the **governing bodies of all towns and municipalities located** within the County.
  7. **Notice to property owners.** In unincorporated areas, property owners of record within one-half (1/2) mile of the property in question shall be notified in writing of the proposed zoning amendment. In incorporated areas, property owners within five hundred (500) feet of the property in question shall be notified in writing of the proposed zoning amendment.
  8. **Review by agencies.** The Planning Commission may require a review of the proposed zoning amendment when appropriate by the Commissioner of the Department of Natural Resources, the Minnesota Pollution Control Agency, Minnesota Department of Health, Rice County Soil and Water Conservation District, County Surveyor, County Highway Engineer and County Environmental Health Services or other county, state or federal agencies, or local governments.
  9. **Recommendation of the Planning Commission.** After the public hearing has been held the Planning Commission shall make a recommendation of approval or denial to the County Board of Commissioners.
  10. **County Board action required.** The County Board shall take action on the proposed amendment following receipt of the recommendations from the Planning Commission. Said action for approval by the County Board shall be not less than a four-fifths (4/5) vote of its members. The person making application for the amendment shall be notified in writing of the Board's action.
  11. **Frequency of application for amendments limited.** No application of a property owner for an amendment to the text of this Ordinance or the Zoning Map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission it is warranted by new evidence or a change of circumstances.

### **503.05 Conditional and Interim Use Permits**

This Ordinance allows certain uses that are not permitted uses to be processed as conditional or interim uses. Allowed conditional and interim uses are listed in this Ordinance; uses that are not listed are prohibited. Conditional uses may be allowed only under the following regulations:

- A. **Conditional and Interim uses listed.** Only those uses listed as conditional or interim uses within the applicable zoning district may be allowed through the issuance of a conditional use or interim use permit.
- B. **Existing uses.** All uses existing at the time of adoption of this Ordinance that now require a conditional or interim use permit may continue subject to the General Regulations Standards contained in Chapter 505 and the Environmental Performance Standards in Chapter 506 of this Ordinance. Any change, enlargement, structural alteration, modification, addition, or intensification of the use shall require a conditional or interim use permit and the use shall be subject to all the criteria and procedures for conditional and interim use permits in this Ordinance.
- C. **Term.** A conditional or interim use permit shall remain in effect only for the period specified in the permit and only so long as all the conditions attached to the permit are met, except that:
  - 1. **Expiration.** A conditional or interim use permit shall expire and be considered null and void one (1) year after the County Board of Commissioner’s final decision to grant the conditional or interim use permit if no construction has begun. For the purposes of this section, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Land clearing or the installation of utilities shall not constitute construction.
- D. **Required information and exhibits.** An application for a conditional or interim use permit shall include a site plan that meets the requirements in §505.16.
- E. **Criteria for granting conditional or interim use permits.** The following criteria shall be met before a conditional or interim use permit may be granted or renewed by the Rice County Board:
  - 1. **Criteria in other sections.** This Ordinance may contain specific criteria for conditional or interim uses in other sections. Any criteria relating to a proposed conditional or interim use contained in other sections of this Ordinance shall be met, in addition to the review criteria in this section, before a conditional or interim use permit may be granted or renewed.
  - 2. **Review criteria for all conditional and interim use permits.** In granting or renewing a conditional or interim use permit, the Rice County Board of Commissioners shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the following findings shall be made:
    - a. **Burden on public facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the area.
    - b. **Sewer and water.** The site is adequate for water supply and on-site sewage treatment.
    - c. **Compatible with surrounding uses.** The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
    - d. **Appearance.** The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
    - e. **County needs.** The use is reasonably related to the overall needs of the County and to the existing land use.
    - f. **Zoning district purposes.** The use is consistent with the purposes of this Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
    - g. **Comprehensive Plan.** The use is in conformance with the Rice County Comprehensive Plan.
    - h. **Traffic.** The use will not cause traffic hazard or congestion.

- i. **Effect on businesses.** Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
  - j. **Soil erosion.** The use shall provide for the prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - k. **Visual Impact.** The visibility of structures and other facilities as viewed from public waters is limited.
  - l. **Watercraft.** The types, uses and number of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
  - m. **Other.** Any other factors bearing on public health, safety or welfare.
- F. **Conditions.** Standards and conditions that must be attached to specific conditional or interim uses as part of the issuance or renewal of a conditional or interim use permit are found in Chapter 507. In addition to those specific standards and conditions, the Planning Director may recommend the imposition of additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:
- 1. Increasing the required lot size or yard dimension
  - 2. Limiting the height, size or location of buildings
  - 3. Requiring environmental protection measures exceeding those specified in this Ordinance
  - 4. Controlling the location and number of vehicle access points
  - 5. Road improvements necessary to meet increased traffic demand generated by the use
  - 6. Increasing the number of required off-street parking spaces
  - 7. Limiting the number, size, location or lighting of signs
  - 8. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
  - 9. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted
  - 10. Designating sites for open space
  - 11. Limiting the time period of the interim use permit
  - 12. Requiring periodic review by County staff of the site and use
  - 13. Increased setbacks from the ordinary high water level.
  - 14. Special provisions for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
  - 15. Other conditions necessary to protect the public health, safety and welfare
- G. **Denial of CUP or IUP application.** A conditional or interim use permit application will be denied if the Board of Commissioners cannot impose conditions that mitigate impacts to the extent necessary to meet the criteria for granting a conditional or interim use permit for the proposed use.
- H. **Procedure.** The following procedure shall be followed in reviewing applications for a new or renewal of a conditional or interim use permit:
- 1. **Application.** The person applying for a conditional or interim use permit shall complete and submit to the Planning Director a conditional or interim use permit application. The application shall be signed by the owner of the property on which the conditional or interim use is proposed.

2. **Completeness required.** If the application is deemed complete, the application and any recommended conditions shall be referred to the Planning Commission for review. If the application is not complete the Planning Director shall send a letter to the applicant, with the application attached, stating the information that must be provided to complete the application. Applications shall not be accepted for uses other than those listed in Table 508-1.
3. **Public hearing.** A public hearing on the application shall be held by the Planning Commission after the application has been certified as complete. The Planning Commission shall make its report to the County Board recommending approval with conditions, or disapproval of the proposed conditional or interim use permit.
4. **Notice to public.** Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
5. **Notice to governing bodies of towns and municipalities.** Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two (2) miles of the affected property.
6. **Notice to property owners.** In unincorporated areas of the County, property owners of record within one-quarter (1/4) mile of the affected property or the ten (10) properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional or interim use permit. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the request for a conditional or interim use permit.
7. **Review by agencies.** The Planning Commission may require a review of the proposed conditional or interim use when appropriate by the Commissioner of the Department of Natural Resources, the Minnesota Pollution Control Agency, Minnesota Department of Health, Rice County Soil and Water Conservation District, County Surveyor, County Highway Engineer and County Environmental Health Services or other county, state or federal agencies, or local governments.
8. **Recommendation of the Planning Commission.** After the public hearing has been held the Planning Commission shall make a recommendation of approval or denial to the County Board of Commissioners.
9. **County Board action required.** The County Board shall take action on the conditional or interim use permit application following receipt of the findings and recommendations by the Planning Commission. Said action for approval by the County Board shall be by majority vote of its members. The person making application for the conditional or interim use permit shall be notified in writing of the Board's action.
10. **Request for change in CUP or IUP.** A request for a change in conditions attached to the granting of a conditional or interim use permit or a request to carry out activities not allowed by the conditional or interim use permit shall be subject to reapplication and to the procedures required for a new conditional or interim use permit application.
11. **Frequency of application for CUP or IUP limited.** No application for a conditional or interim use permit shall be resubmitted for a period of one (1) year from the date that the request is denied except the Planning Commission may permit a new application, if in the opinion of the Planning Commission it is warranted by new evidence or a change of circumstances.

#### **503.06 Board of Adjustment**

The Rice County Board of Commissioners hereby establishes the Board of Adjustment, which shall comply with the following rules and procedures:

- A. **Number and geographic distribution of members.** The Board of Adjustment shall consist of five (5) members, appointed by the County Board, representing an even distribution of geographic areas in the County, including at least two (2) members from the unincorporated area of the County.
- B. **County employees and officers not allowed.** No elected officer of the County nor any employee of the County shall serve as a member of the Board of Adjustment.



- C. **Planning Commission designated seat.** At least one member of the Board of Adjustment shall also be a member of the Planning Commission.
- D. **Term length and reappointment.** The term of each member shall be for three (3) years. Each member may be eligible for reappointment, but not more than three (3) consecutive three-year terms.
- E. **Staggered terms.** Appointments shall be staggered.
- F. **Removal.** The County Board may remove any member of the Board of Adjustment for nonperformance of duty or misconduct in office. If a member has four consecutive unexcused absences in any one year, the secretary shall certify this fact to the Board of Adjustment and the Board of Adjustment shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- G. **Vacancy.** Should any vacancy occur among the members by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chair of the County Board and the County Board shall appoint a replacement. Should any vacancy occur among the officers, the vacant office shall be filled in accordance with the Board of Adjustment rules, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- H. **Officers.** The Board of Adjustment shall elect a chair and vice chair from among its members and shall appoint the Zoning Administrator as secretary.
- I. **Meetings.** The meetings of the Board of Adjustment shall be held at the call of its chairperson and at such other times as its rules of procedure may specify.
- J. **Compensation.** Members of the Board of Adjustment may receive a per diem in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board of Adjustment.
- K. **Functions and authority of the Board of Adjustment.** The Board of Adjustment is authorized to perform the following functions:
  - 1. **Rules and public record.** The Board of Adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.
  - 2. **Variances.** The Board of Adjustment shall have the authority to order the issuance or denial of variances from the provisions of this Ordinance using the criteria and procedures in §503.07. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent properties and the public interest. The following variances are prohibited and may not be granted by the Board of Adjustment:
    - a. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
    - b. No variance may be granted which would allow for a lesser degree of flood protection than required in this Ordinance.
  - 3. **Appeals.** The Board of Adjustment shall have the authority to hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with administering and enforcing this Ordinance. Such appeals shall be governed by the following provisions:
    - a. **Who may appeal.** An appeal may be taken by any aggrieved person or by any officer, department, town board, municipality, county, or state.
    - b. **Time frame for appeal.** An appeal shall be taken within thirty (30) days from the date of issuance of the order, requirement, decision or determination by filing with the Board of Adjustment a notice of appeal specifying the grounds of the appeal.
    - c. **Hearing and notice.** The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public.

- d. **Decision.** A decision shall be issued within ninety (90) days from the date of the hearing. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.
- e. **Stay of action.** An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.
- f. **Appeal orders recorded.** The Planning Director shall file for record with the County Recorder/Registrar of Titles a certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance. The order issued by the Board of Adjustment shall include the legal description of the property involved.

### 503.07 Variances

A variance to the provisions of this Ordinance may be issued to a landowner upon application to the Board of Adjustment under the following procedures and criteria:

- A. No use variances may be issued.
- B. **Runs with the land.** A variance shall run with the land and remain in effect so long as all conditions imposed by the Board of Adjustment are met, except that:
  - 1. **Expiration.** A variance shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance if no construction has begun. For the purposes of this section, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Land clearing or the installation of utilities shall not constitute construction.
- C. **Required information and exhibits.** An application for a variance shall include the following:
  - 1. Printed names, addresses and signatures of the petitioner or petitioners
  - 2. A description of the site and all land uses within one-quarter (1/4) mile of the subject property
  - 3. The existing land use and the proposed use of land for which variance is requested
  - 4. A statement of whether the property is used seasonally or year-round
  - 5. A statement of the compatibility of the proposed variance with the Rice County Comprehensive Plan
  - 6. A legal description of the property for which the variance is requested
  - 7. A detailed map of the property showing the location of proposed buildings, dimensional variances requested, and existing land uses and buildings of adjacent properties within five hundred (500) feet in incorporated areas, and within one-quarter (1/4) mile in unincorporated areas
  - 8. The application shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property.
- D. **Criteria for granting variances.**
  - 1. No variance may be granted unless a nonconforming sewage system on the site is made compliant with the Rice County Sewage and Wastewater Treatment Ordinance.
  - 2. Variances shall only be permitted if all of the following criteria are met:
    - a. The variance is in harmony with the general purposes and intent of this Ordinance and consistent with the Rice County Comprehensive Plan.
    - b. The property owner proposed to use the property in a reasonable manner not permitted by the Ordinance.
    - c. The plight of the landowner is due to circumstances unique to the property not created by the landowner

- d. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties.
  - e. The granting of the variance is not based solely on economic considerations.
  - f. The variance requested is the minimum variance necessary to afford relief.
  - g. Adequate sewage treatment systems and water capabilities can be provided.
  - h. There would be no significant effect on the public health or safety.
  - i. The variance would not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.
  - j. If applicable, the property has inadequate access to direct sunlight for solar energy systems.
3. No variance shall be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
4. The Board of Adjustment may impose conditions that are directly related to and bear a rough proportionality to the impact created by the variance.
5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes Section 216C.06, Subdivision 14, when in harmony with the Ordinance.
- E. **Procedure.** When considering a variance, the Board of Adjustment shall adhere to the following procedures:
- 1. **Application.** The landowner shall complete and submit a signed variance request form to the Planning Director.
  - 2. **Completeness required.** If the application is deemed complete, the application shall be referred to the Board of Adjustment for review. If the application is not complete the Planning Director shall send a letter to the applicant, with the form attached, stating the information that must be provided to complete the variance request form.
  - 3. **Public hearing and decision.** A public hearing on the variance request shall be held by the Board of Adjustment after the application has been certified as complete. The Board of Adjustment shall take action on the variance request after receiving the application.
  - 4. **Notice to public.** Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
  - 5. **Notice to governing bodies of towns and municipalities.** Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two (2) miles of the affected property.
  - 6. **Notice to property owners.** In unincorporated areas of the County, property owners of record within one-quarter (1/4) mile of the affected property or the ten (10) properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the variance request. In incorporated areas of the County, property owners of record within five hundred (500) feet of the property in question shall be notified in writing of the public hearing on the variance request.
  - 7. **Review by agencies.** The Board of Adjustment may require a review of the variance request when appropriate by the Commissioner of the Department of Natural Resources, the Minnesota Pollution Control Agency, Minnesota Department of Health, Rice County Soil and Water Conservation District, County Surveyor, County Highway Engineer and County Environmental Health Services or other county, state or federal agencies, or local governments.
  - 8. **Conditions may be imposed.** If the variance is granted, the Board of Adjustment may impose conditions it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.

9. **Form of decision - Findings.** The decision by the Board of Adjustment to approve, modify or deny the variance request shall take the form of formal findings on the record. The decision shall make the following findings:

- a. That all of the criteria in §503.07 D. above have been met by the applicant
- b. The findings shall include any conditions imposed by the Board of Adjustment and the reasons for imposing conditions.

10. **Frequency of application for amendments limited.** No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Board of Adjustment may allow a new application, if new evidence or a change in circumstances warrant it.

11. **Variance decisions recorded.** The Planning Director shall file for record with the County Recorder/Registrar of Titles a certified copy of any approved variance or record of denial of a variance. The decision issued by the Board of Adjustment shall include the legal description of the property involved

### **503.08 Notification to the Department of Natural Resources**

The Department of Natural Resources requires the following notification for actions by the Rice County Planning Commission and Board of Adjustment.

- A. **Notices.** Copies of all notices of any public hearing to consider variances, amendments, conditional uses in Shoreland Districts, Wild and Scenic River Districts, and Floodplain Districts must be sent to the Commissioner of the Department of Natural Resources and postmarked at least ten (10) days before the hearings. Notices of hearings sent pursuant to this paragraph shall include a copy of the variance application, proposed amendment, conditional use application, or flood plain technical study.
- B. **Approvals.** A copy of approved amendments, subdivisions or plats, and final decisions granting variances or conditional uses in Shoreland Districts, Wild and Scenic River Districts and Floodplain Districts must be sent to the Commissioner of the Department of Natural Resources and postmarked within ten (10) days of final action. If the Department of Natural Resources formally recommended denial of a variance, and the County subsequently approved such variance, the notification of the approved variance shall also include the Board of Adjustment summary of the public record/testimony and the findings of fact and conclusions that supported the issuance of the variance.

### **503.09 Fees**

Fees for permits, certificates, applications, reviews, inspections, investigations, after-the-fact permits or other activities performed by County staff pursuant to provisions of this Ordinance shall be set by resolution of the County Board.

### **503.10 Violations**

Persons or organizations that violate the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine, imprisonment or both. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues shall constitute a separate offense. All of the following shall be deemed violation of this Ordinance:

- A. Failure to comply with any of the provisions of this Ordinance
- B. Failure to obtain any required permit or certificate
- C. Failure to pay a required fee
- D. Making a false statement in any document required to be submitted under the provisions of this Ordinance
- E. Violating a condition of a permit
- F. It is a violation for an owner to maintain, permit or otherwise allow any non-compliance with the provisions of this ordinance or the conditions of a permit on the owner's property.

- G. It is a violation for a permit applicant to instruct, permit or otherwise allow a subordinate person or entity to violate the provisions of this ordinance or the conditions of a permit.

**503.11 Enforcement**

The provisions of this Ordinance may be enforced by Rice County through the following methods.

- A. **Stop work order.** The Planning Director or designee shall investigate all alleged violations of the Ordinance and determine if a violation has occurred. If a violation of this Ordinance has occurred, the Planning Director, Zoning Administrator or Building Official may issue a Stop Work Order and immediately halt construction or the use until a proper permit or approval is obtained.
  - 1. **Violations.** A violation of this Ordinance that may result in a Stop Work Order includes, but is not limited to:
    - a. A violation of a condition of a permit
    - b. Beginning construction without the proper permit
    - c. Undertaking a use or a change in use without the proper permit
  - 2. **Investigation fee.** In addition to any permit fee, an investigation fee shall be charged to the owner of land where a violation occurs and the structure or use is under construction or development.
  - 3. **If construction complete.** If the construction or development is already completed, the Planning Director shall either:
    - a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
    - b. Notify the responsible party to apply for an after-the-fact permit or development approval within a specified period of time not to exceed thirty (30) days; or
    - c. Remove the use or structure within a specific period of time.
  - 4. **Failure to comply.** Failure to comply with a Stop Work Order, order to undertake corrective actions, order to remove the use or structure, or an order to apply for an after-the-fact permit constitutes a violation of this Ordinance, and each day the Stop Work order is violated constitutes a separate offense.
- B. **Clean-up or demolition order.** The Planning Director or designee shall investigate all alleged violations of the Ordinance and determine if a violation has occurred. If a violation of this Ordinance results in a public nuisance or an unsafe or unhealthy condition, the Planning Director may issue a Clean-up Order or a Demolition Order stating a reasonable time frame for the landowner to clean up the violation or demolish the structure, and stating that if the landowner fails to comply in the stated time the County shall enter and enforce the order.
  - 1. **Costs charged to landowner.** If the landowner fails to correct a situation subject to a Clean-up or Demolition Order, the County undertakes clean-up or demolition, the costs of clean-up or demolition shall be charged to the landowner or placed as a lien upon the property.
  - 2. **Investigation fee.** An investigation fee shall be charged to the owner of land where an investigation by County staff identifies a violation under this section.
- C. **Other legal actions**  
 The County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate violations or threatened violations of this Ordinance, and it shall be the duty of the County Attorney to institute such action.
- D. **Mandamus Proceedings**  
 Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## Chapter 504 Nonconforming Parcels, Structures, Uses

### 504.01 Purpose

This chapter is established in recognition of the existence of uses, structures, site improvements and parcels which were lawfully established but which do not currently comply with the provisions of this Ordinance or subsequent amendments of this Ordinance. It is the intent of this Chapter to specify the requirements, circumstances and conditions under which nonconforming uses, structures, site improvements and parcels will be maintained and to encourage actions that bring such nonconformities into conformance with this Ordinance.

### 504.02 Continuance of nonconforming situations

Legal nonconforming situations shall be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this Chapter. Nonconforming situations which were not lawfully in existence on the effective date of this Ordinance shall be prohibited. A change of tenancy, ownership or management of any nonconforming situation shall be allowed, provided there is no change in the nature or character of such nonconforming situation, except as otherwise provided by this Chapter.

### 504.03 Nonconforming Uses

Nonconforming uses are uses of land or structures lawfully in existence prior to the adoption of this Ordinance that are not allowed permitted or conditional uses under this Ordinance in the zoning district in which the use is located (refer to Table 508-1 for permitted and conditional uses). Nonconforming uses shall be allowed to continue only if they comply with all of the following provisions:

- A. **Illegal nonconforming uses shall cease.** Nonconforming uses that were not lawfully in existence prior to the adoption of this Ordinance shall cease, except for businesses of record that meet the provisions of §504.03.B. In no case shall this provision be interpreted to give legal status to the unlawful use for any period, past or future.
- B. **Business of record exemption.** A business that meets all the requirements of §505.11, Rural Business Registration, shall be considered a business of record and shall be considered a legal non-conforming use to the requirements of this Ordinance, except that:
  1. Junkyard/salvage yards are only allowed for those sites that legally existed prior to July 15, 2004 and have now obtained a Conditional Use Permit.
  2. If the business of record is located in a nonconforming structure, it shall meet the requirements of §504.04.
  3. A business of record where the use is not an allowed permitted or conditional use for the zoning district where the business is located (as listed in Table 508-1) may continue as it existed on the effective date of this ordinance; however, the use may not be expanded, enlarged or changed.
- C. **Nonconforming uses restrictions.**
  1. Expansions of the land area or building area occupied by a nonconforming use are prohibited.
  2. A nonconforming use may be changed to lessen the nonconformity of the use. In such cases, the previous non-conforming use shall not be re-established.
  3. Repairs and maintenance of a structure containing or related to a nonconforming use may be permitted subject to §504.04 B.
  4. The nature of a lawfully existing nonconforming use shall not be expanded, enlarged or altered, including any increase in the volume, intensity, duration or frequency of the use.
  5. A change from one nonconforming use to another nonconforming use is prohibited.
  6. A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any further use shall be in conformity with this Ordinance.
  7. If a structure used for a lawfully existing nonconforming use is destroyed by any cause or means to the extent of fifty percent (50%) or more of its market value, as determined by the

Rice County Assessor and the Building Official, any subsequent use of the land or structure shall be a use conforming to the provisions of this Ordinance.

#### **504.04 Nonconforming Structures**

Nonconforming structures are structures that do not meet the requirements of this Ordinance for permitted uses in the zoning district in which the structure lies.

- A. **Dwelling of record.** For purposes of this Ordinance, a nonconforming single family structure must meet the following provisions to be defined as a dwelling of record:
  1. **In all zoning districts.** To be considered a dwelling of record a nonconforming single family dwelling must meet all of the following requirements:
    - a. Homestead, non-homestead, or seasonal non-homestead taxes were paid on the dwelling in the last year; and
    - b. No portion of the dwelling is located within a shore impact zone, bluff impact zone or floodplain; and
    - c. The dwelling was constructed under a residential building permit issued by Rice County prior to the effective date of this Ordinance, or was constructed before January 1, 1964;
    - d. The dwelling is located on a separately described parcel meeting the minimum parcel size for the district in which it is located.
  2. **More than one dwelling on a single parcel.** Each dwelling, having a permanent foundation, on a single parcel in the A, Agricultural district may be defined as a dwelling of record if it meets the requirements in §504.04 A.1. a., b and c.
- B. **General requirements for nonconforming structures.**
  1. **Maintenance and repair.** A nonconforming structure may be maintained and repaired up to fifty percent (50%) of the current market value of the structure.
  2. **Additions or expansions.** Additions or expansions up to twenty-five percent (25%) of the bulk area of the structure may be made to a nonconforming structure only if the addition meets the following conditions:
    - a. **Increasing nonconformity prohibited.** An addition or expansion shall not increase the degree of nonconformity of the structure, or further infringe upon established setbacks or building restrictions, except that
      - i. Existing structures meeting at least fifty percent (50%) of the required front yard setback may be allowed to expand provided the addition does not encroach further upon existing setbacks and the structure is not located within the shore impact zone, bluff impact zone or in a floodplain.
      - ii. Existing structures not meeting the required side or rear yard setbacks may be allowed to expand provided they do not encroach further upon the existing setbacks and are not located within the shore impact zone, bluff impact zone or in a floodplain.
      - iii. New accessory structures may be built in line with the residential structure at the same existing side yard setback, but no closer than one-half (1/2) the required side yard property line setback.
    - b. **Cannot result in replacement.** The process of adding on to an existing nonconforming structure shall not be used to effectuate replacement of the structure where replacement would not otherwise be allowed under the provisions of this Ordinance.
    - c. **Existing structure in sound condition.** An addition may be made to a nonconforming structure only if the existing structure is in sound condition, as determined by the Rice County Building Official.
    - d. **Existing structure must remain.** No structural part of the existing structure shall be removed once the new construction is completed.

- e. **Encasement prohibited.** The addition, or multiple additions, shall not surround or encase the existing structure.
  - 3. **Replacement.** A nonconforming structure may be replaced only if the replacement structure meets the setback requirements and all other provisions of this Ordinance.
  - 4. **Sewage treatment.** Expansion of, addition to, or replacement of a nonconforming structure requiring a building permit shall be subject to the requirements of the Rice County Sewage and Wastewater Treatment Ordinance.
  - 5. **Interior alteration.** An interior alteration of a nonconforming structure is permissible provided it will not result in increasing the flood damage potential of that structure.
- C. **Destruction of nonconforming structures.** In the event of the destruction of a nonconforming structure, the following standards shall apply for rebuilding:
- 1. **50% of market value.** A nonconforming structure may not be rebuilt if it is destroyed by any cause to the extent of fifty percent (50%) or more of its estimated market value, excluding land value, as determined by the County Assessor, except that:
    - a. A Dwelling of Record located outside of the floodplain may be replaced if it is destroyed to any extent by fire or natural disaster.
    - b. A Dwelling of Record in the floodplain may be issue a conditional use permit for reconstruction if it is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of Chapter 518 of this Ordinance.
  - 2. **Sewage system must be conforming.** Rebuilding, under any circumstance, shall only be permitted where the sewage disposal system is found to be in conformance with the Rice County Sewage and Wastewater Treatment Ordinance.
  - 3. **Must meet setback requirements.** Rebuilding shall be in conformance with the setback requirements of this Ordinance.
- D. **Current Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

#### 504.05. Nonconforming Parcels

Nonconforming parcels of land are parcels that do not meet the minimum lot width, length or area requirements of this Ordinance for permitted uses in the zoning district in which the parcel lies. Nonconforming parcels shall not be built on, except for nonconforming parcels of record meeting the following:

- A. **Parcels of record defined.** For purposes of this Ordinance, an area of land must meet all of the following provisions to be defined as a nonconforming parcel of record:
  - 1. The area of land:
    - a. Is described on a single deed and was legally recorded with the Rice County Recorder on or before August 8, 1975, and has not been changed since; or
    - b. Is described on a single contract for deed that was executed on or before August 8, 1975 and has not been changed since; or
    - c. Is a residual parcel reduced from an area of land described on a single deed that was legally recorded with the Rice County Recorder on or before August 8, 1975, because of a taking or dedication for a public right-of-way or public purpose; or was a correction of a legal description or survey error;
    - d. Was a lot created by platting prior to the adoption of this Ordinance.



2. **One parcel of record per deed.** The entire area of land described in a single deed shall be considered one parcel of record regardless of whether the area is described in several parcels, several lots, sub areas or sub parcels in the deed, and regardless of whether the parcels, lots, sub areas or sub parcels are contiguous or not contiguous.
  3. **Contiguous parcels shall be combined.** If contiguous parcels are parcels of record separately meeting the definition requirements of §504.05A. 1, but are under the same ownership on the date of the adoption of this Ordinance they shall comply with all of the following requirements before a permit may be issued:
    - a. The contiguous parcels shall be considered as a parcel of record only if combined to meet, to the maximum extent possible, the minimum lot width, length and area requirements for the proposed permitted use in the zoning district within which the parcels lie; and legally platted lots in the Shoreland districts shall only be required to combine to meet the minimum lot area required in that district; and
    - b. The separate nonconforming parcels shall not be considered separate parcels of record meeting the definition requirements of this section or for the purpose of §504.05 C; and
    - c. No permit shall be issued unless the contiguous parcels are legally described as a single parcel, and legally recorded as a single parcel with the Rice County Recorder; and
    - d. If one or more of the contiguous parcels is transferred into separate ownership after the date of adoption of this Ordinance the parcels shall not separately be considered a parcel of record.
- B. **Proof of parcel of record.** All applicants for a permit, dimensional variance or conditional use involving a parcel of record must provide the Zoning Administrator with sufficient documentation to establish that the parcel meets the definitional requirements for a parcel of record contained in §504.05 A. If proof is not established, the applicant must meet all requirements of this Ordinance. No application for a land use permit, dimensional variance or conditional use involving an undeveloped parcel of record shall be accepted or considered without such documentation.
- C. **Parcels of record are buildable lots.** Parcels of land that meet the definition of a parcel of record in §504.05 A. above shall be defined as buildable lots even though the parcel may not conform to the minimum lot size or density requirements of this Ordinance, provided however, that all setback requirements and all provisions of the Rice County Sewage and Wastewater Treatment Ordinance are met.
- D. **Parcels that are not parcels of record.** Parcels of land that do not meet the definition of a parcel of record in §504.05 A. above must be enlarged and/or replatted to conform to all the requirements of this Ordinance before being considered a buildable lot. If a parcel of land is created by platting after the date of adoption of this Ordinance it shall conform to all the requirements of this Ordinance before being considered a buildable lot.

## Chapter 505      General Regulations

### 505.01      Purpose

The purpose of this Chapter is to provide regulations of general applicability for property in unincorporated areas of Rice County, to promote the orderly development of use of land, to protect the natural environment, and to minimize conflicts among land uses. General regulations must be met before a land use permit is issued.

### 505.02      Applicability

The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this Ordinance. The provisions of this Chapter shall be applied to all zoning districts, and shall be in addition to the requirements in any specific zoning district. A permit shall not be issued unless provisions are made for meeting the applicable general regulations in this Ordinance and other County ordinances.

### 505.03      Permits Required

- A. Permits are required for the following:
  1. Any change in use
  2. New, altered, moved or replaced structures
  3. Signs
  4. Installation or alteration of a sewage treatment system
  5. Shoreland alterations not exempted in §506.11 A. 3.
- B. Permits shall only be approved if they comply with this Ordinance and other County ordinances, where applicable.
- C. Alterations to wetland areas shall require review from the Rice County Soil and Water Conservation District.
- D. It shall also be the responsibility of the applicant to adhere to local, state and federal rules and to obtain all required permits.

### 505.04      Site Suitability Required

Land in all districts shall be suited to the purpose for which it is to be used. Development shall not be allowed on a parcel or lot if it is not suitable for the proposed use unless appropriate remediation has been approved. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider the following factors:

- A. Susceptibility to flooding
- B. Existence of wetlands
- C. Soil and rock formations with severe limitations for development
- D. Severe erosion potential
- E. Slopes greater than eighteen percent (18%)
- F. Inadequate water supply or sewage treatment capabilities
- G. Near-shore aquatic conditions unsuitable for water-based recreation
- H. Existence of endangered or threatened species
- I. Important fish and wildlife habitat
- J. Presence of significant historic sites

- K. Any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the County

**505.05 Applicant Responsibility**

The applicant for any permit under this Ordinance shall assume all responsibility for any adverse effects created pursuant to permits granted under this Ordinance. Owners and applicants are jointly and severally required to ensure compliance with all applicable provisions of this Ordinance.

**505.06 Protection for Farming Practices**

All agricultural uses in Rice County occurring on parcels of a minimum of ten (10) acres and being conducted in compliance with the terms of this Ordinance and other applicable local, state and federal regulations shall have the right to continue regardless of the fact that there may have been changes in the surrounding character of the area.

**505.07 Significant Historic Sites**

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

**505.08 Airport Overlay Requirements**

Uses and structures in Rice County may be within an airport overlay area and shall comply with the provisions of the Rice County Airport Overlay Ordinance, including but not limited to height and use restrictions.

**505.09 Essential Services**

Essential services as defined by this Ordinance may have an effect upon County and city land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The proposed location of all such essential services in any zoning district shall be filed with the County prior to commencement of any condemnation action or construction by the owner.

- A. **Procedures for local distribution service.** Any application for a building permit or conditional use permit for essential services, i.e. services such as power, gas or fuel for immediate local distribution to the general public within the County, shall follow the following procedure:
  1. The applicant shall file with the County Engineer an application for such permit accompanied by maps indicating the location, alignment and type of service proposed.
  2. Following review of the application and accompanying data the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
  3. The County Engineer may require in conjunction with the issuance of such permit that:
    - a. The applicant submit as-built drawings of the essential service after construction.
    - b. The applicant construct the essential service to take into consideration contemplated widening, regrading or relocation of a county highway or county state aid highway.
    - c. The cost of moving the utilities for any public roadway expansion shall be borne by the utility company.
  4. Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications at the earliest opportunity.
- B. **Procedures for large facilities.** Transmission services, i.e., utility service such as high voltage (75 KV or greater), electrical power or bulk gas or fuel being transferred from station to station and not intended for en-route consumption shall follow the following procedure:

1. The owner shall file an application for a building permit or conditional use permit for essential services with the Planning Director and County Engineer, including maps indicating the location, alignment and type of service proposed as well as an Environmental Assessment Worksheet indicating areas of conflict and solutions to such environmental conflicts as shall be required.
  2. The Planning Director and County Engineer shall forward the maps and data to the County Planning Commission along with their recommendations relating to the relationship to urban growth, land uses, highways, environment, recreation and park areas.
  3. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board.
  4. The Board of County Commissioners shall consider the maps and accompanying data and recommendations and shall approve, deny or request modifications to the proposal.
  5. The County shall act upon all applications within forty-five (45) days of receipt by the Planning Director and Engineer.
- C. **Fees.** A filing fee shall be charged for each application for essential services with the amount of such application fee to be determined by the County Board.

**505.10 Lot and Yard Controls**

All lots, structures and uses shall conform to the lot and yard controls specified below.

- A. **Area regulations.** No lot shall be reduced in size below the minimum required for the proposed use in the zoning district where the lot is located.
- B. **Measurement of lot width.** Lot width for the purpose of complying with minimum lot width requirements shall be measured at all building setback lines.
- C. **Minimum front yard setbacks from roads.** As measured from the edge of the right-of-way, or planned right-of-way.
- D. **Encroachments into yards.** The following encroachments into required setbacks are permitted:
  1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
  2. In structures existing as of the date of adoption of this Ordinance, the following encroachments are permitted:
    - a. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
    - b. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such landing or porch.
    - c. A ramp for access to the dwelling by handicapped individuals.
    - d. The abovementioned architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
  3. A wall, fence or hedge may occupy part of the required front, side or rear yard, but shall not be located in the shore impact zone, bluff impact zone or in an area that interferes with road safety or maintenance as determined by the road authority. The wall, fence or hedge must be able to be maintained from within the property boundaries.
- E. **Accessory Buildings and Structures**

1. **Attached accessory buildings.** If an accessory building is attached to the main building, or within ten feet (10') of 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 Ordinance applicable to the main building.
  2. **Detached accessory buildings.** A detached accessory building shall not be located in any required setbacks, and shall be located at least ten (10) feet from the main building.
  3. **Storage use.** Mobile/Manufactured homes and semi trailers are not to be used as storage structures.
- F. **Double frontage lots.** On a double frontage lot, including corner lots, the required front yard shall be provided on both streets. Any remaining yards shall be considered side yards.
- G. **Protection of clear-view sight triangle.** The required front yard of a corner lot shall be unobstructed above a height of thirty (30) inches above the road edge running for a distance of twenty-five (25) feet from the intersection of the road right-of-ways.
- H. **Height exceptions.** In all districts except in the Wild and Scenic River District, height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following structures:
- a. Public monuments
  - b. Flag poles
  - c. Cooling towers
  - d. Grain elevators
  - e. Church spires, belfries or domes which do not contain usable space
  - f. Water towers
  - g. Chimneys or smokestacks
  - h. Forest fire watch towers
- I. **Height of fences.** Fence allowed under this Ordinance shall not exceed six feet (6') in height except as a requirement of a conditional use permit.

#### **505. 11 Rural Business Registration**

All existing and new businesses operating in any zoning district shall be registered for the purpose of maintaining health, safety and general welfare in Rice County. The following provisions apply to rural business registration:

- A. **Permitted home occupations.** Registration provisions do not apply to activities that meet the definition of permitted home occupations.
- B. **Filing requirement.** All business operations shall be required to file. Business operations are broadly defined and include any commercial, industrial, manufacturing, processing, mining, agriculturally-oriented businesses, educational, charitable, service, or hospitality activities regardless of business organizational type. Agricultural uses as defined in Chapter 502 are not subject to rural business licensing.
- C. **When required.** The owner of the land on which an existing business operates shall be required to file a Rural Business Registration form with the Rice County Zoning Administrator by no later than July 14, 2005.
- D. **New businesses.** Business operations that begin after the adoption of this Ordinance shall be required to file a Rural Business Registration form and obtain all other permits required under this Ordinance.
- E. **Business of Record status.** Businesses that file a complete Rural Business Licensing Form shall qualify as a Business of Record and receive the exemptions specified in §504.03 B.

- F. **Information required.** The Rural Business Licensing Form shall be provided by Rice County Zoning Administrator and shall require information on:
1. Name, address, and phone number of landowner
  2. Name, address, and phone number of business operator
  3. Date of application
  4. Type of business use, and date the business began operations on the property
  5. Date business operation initially began
  6. Structure the business occupies, including any outside storage
  7. A site plan of the business uses and parking on the property in relation to roads and other non-business structures
  8. Sewage and wastewater disposal practices
  9. Types, amounts and locations of storage of hazardous materials
  10. Number of employees
  11. Off-street parking
  12. Approximate vehicle trips generated per day, including employees, shipping and deliveries
  13. Signage
- G. **Purpose.** Licensing requirements are for health, safety and general welfare informational purposes. Rice County will work to educate business owners on current zoning, traffic control, materials handling and other health and safety requirements.
- H. **Update.** Information on the Rural Business License Forms shall be updated annually by the business owner.
- I. **Conformance to ordinance.** New proposed businesses, or licensed business that propose a change in use or propose an addition or expansion shall be required to conform to the provisions of this Ordinance.
- J. **Failure to file.** If an owner of land on which a business operates fails to file a Rural Business License Form, the business shall be subject to all requirements of this Ordinance for rural businesses as if it were a newly proposed business.

#### 505.12 Driveway and Road Access and Standards

- A. **Permit required.** A permit shall be required for all new driveways or changes in driveway use.
- B. **Approval of location.** The location of direct access for a driveway to any County road shall be approved by the Rice County Engineer and Planning Director prior to any development of the property in question, and shall conform to the following:
1. Access to township roads shall be regulated by Township Boards.
  2. Primary access shall be to the road of lesser classification.
  3. Access points shall be kept to a minimum and shared when possible.
  4. Closure of field accesses and existing driveways may be required with a change to a more intensive use of the property.
- C. **Appeal procedure.** The decision of the Rice County Highway Engineer and Planning Director shall be final subject to appeal to the Board of Adjustment.
- D. **Access to state highways.** No new driveway shall have direct access to any state highway without the prior approval of the State of Minnesota Highway Engineer of the district where the highway is located.

- E. **Appeal procedure for state highway access.** The decision of the district engineer may be appealed to Commissioner of the Minnesota Department of Transportation.
- F. **Residential driveway standards.** All dwellings, in any zoning district, shall provide an access driveway with an all-weather driving surface, constructed as follows.
  - 1. Less than two hundred feet. All access driveways that are less than two hundred (200) feet long shall be constructed to provide the following:
    - a. An unobstructed driving surface at least twelve (12) feet wide; and
    - b. A driving surface of Class 1 material, or approved aggregate substitute, that is at least three (3) to four (4) inches thick.
  - 2. Two hundred feet or more. All access driveways that are two hundred (200) feet long or longer shall be constructed to provide the following:
    - a. An unobstructed driving surface at least twelve (12) feet wide;
    - b. A driving surface of Class 1 material, or approved aggregate substitute, that is at least three (3) to four (4) inches thick;
    - c. An unobstructed minimum forty-five (45) foot turning radius at the end of the driveway near the dwelling, or a turnaround that can accommodate a vehicle with a forty-five (45) foot turning radius, said radius to be constructed with the same driving surface as provided at (2) above.
  - 3. The access driveway shall be improved to the established standard to insure access for emergency vehicles and shall otherwise be continuously maintained. The driveway shall be constructed prior to the issuance of an occupancy permit.
- G. **Nonresidential driveways and frontage roads.** Driveways serving nonresidential properties shall be constructed in compliance with the Access Guidelines in the Rice County Transportation Plan and the following.
  - 1. Development of a frontage road may be required by the Board of Commissioners to provide access to commercial or industrial properties. The frontage road shall be designed and constructed to accommodate future development along the roadway.
- H. **Driveway separation distances.** Separation distances between driveways shall be consistent with the Access Guidelines adopted by Rice County. Driveway accesses shall be combined or shared wherever feasible in order to reduce the number of accesses to State, County or Township roads. No more than three (3) accesses shall be permitted from any residential plat. Additional accesses will require the creation of an internal access street meeting County and Township requirements.
- I. **New roads.** New roads serving residential plats or other development sites shall only be created under the following conditions:
  - 1. Any new road shall be constructed to County or Township standards at the sole cost of the subdivider.
  - 2. Access points for new roads shall meet the Access Guidelines adopted by Rice County.
  - 3. New roads shall require the approval of the County Board and the affected Township.

**505.13 Parking Standards**

All parking, driveway and loading areas hereafter constructed or maintained shall conform to the provisions of this Section and any other ordinances of Rice County.

- A. **Location of parking facilities; shared parking.** Required on-site parking shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities

may be provided for one or more buildings or uses in the VMU, HC, LI or URI districts, meeting the following requirements:

1. The total number of spaces for the uses on the site may be reduced below the requirements for each separate use if the uses are complementary in their hours of use and traffic generation, as determined by the County Planning Director and Engineer.
  2. Parking shall be located a maximum of three hundred (300) feet from the use(s) it serves.
- B. Reduction and use of parking and loading space.** On-site parking facilities existing at the effective date of this Ordinance or created hereafter shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent or for any other purpose that would interfere with parking as intended.
- C. Sale of parking areas.** Property that constitutes required off street parking area may not be separated, through sales or other means, from the property containing the principal use for which the parking area is required, unless a legally binding agreement acceptable to the County is executed.
- D. Computing requirements.** In computing the number of such parking space required, the following rules shall govern:
1. "Square feet" shall refer to the gross floor area of the specific use.
  2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Planning Director.
- E. Minimum size regulations.** Each automobile space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than eighteen (18) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- F. Construction and maintenance.**
1. On site parking areas and driveways shall be improved with a durable surface.
  2. Asphalt or concrete shall be used to surface the parking areas and driveways in the VMU, HC, LI or URI districts unless exempted by the Rice County Board of Commissioners.
  3. Parking areas and driveways shall have curbs where needed to protect required yards, direct traffic or to control surface water runoff.
  4. Water accumulation and runoff from buildings, parking areas and driveways in the VMU, HC, LI or URI districts shall be accommodated on site through the use of rain gardens, natural retention features or similar techniques. The volume and rate of runoff to neighboring properties shall not be increased, or water quality diminished. For all uses except single family residential, drainage plans shall be reviewed by the Rice County Soil and Water Conservation District. These requirements shall also apply to all open sales lots.
  5. Adequate areas for snow removal and storage shall be provided outside of required parking spaces.
  6. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
  7. Directional signs indicating entrances and exits to on-site parking areas are encouraged. Directional signs shall not bear any business name or be used for advertising.
- G. Setbacks.** On-site parking and loading facilities shall be subject to the following setbacks:
1. In the HC, LI and URI districts, parking or loading spaces shall be set back at least twenty (20) feet from any road or highway right-of-way, and from the boundary of any residential or agricultural districts.



2. In the VMU district, parking or loading spaces shall be set back at least ten (10) feet from any road or highway right-of-way, and from the boundary of any residential or agricultural use.

H. **Required number of on-site parking spaces.** On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as specified in the following table:

<b>Land Use</b>	<b>Required Spaces</b>
Residential dwelling unit	2 per dwelling unit
Religious institution, place of assembly	1 per 3 seats in main seating area
School, grades K-12	2 per classroom plus 1 per 3 students of legal driving age, based on capacity
Automobile service station	4 plus 2 per service bay
Commercial outdoor recreational use	As determined by conditional use permit
Commercial indoor recreational use	1 per 250 square feet public area
Limited production and processing	1 per employee on largest shift, or 1 per 800 square feet *
Lodging	1 per guest room plus 1 per employee on largest shift
Office or service business	1 per 400 square feet*
Outdoor sales lot	1 per 2,000 square feet outdoor sales area*
Retail business	1 per 250 square feet*
Restaurant, café,	1 per 100 square feet customer seating area*
Storage, wholesale or warehouse use	1 per employee on largest shift, or 1 per 2,000 square feet *

\*The parking area shall be increased by 20 percent if parking stalls are not paved and striped.

I. **Loading areas.** Off-street loading space shall be provided for any nonresidential use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and which will have a gross floor area of five thousand (5,000) square feet or more.

1. Loading areas shall be provided according to the following minimum standards:
  - a. The off-street loading requirement for buildings with less than 20,000 square feet gross floor area may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area, and access to it shall not conflict with automobile or pedestrian circulation within the site.
  - b. Buildings with 20,001 to 50,000 square feet gross floor area shall provide a minimum of one (1) loading space.
  - c. Buildings with 50,001 to 100,000 square feet gross floor area shall provide a minimum of two (2) loading spaces.
  - d. Buildings with 101,000 or more square feet gross floor area shall provide one (1) additional loading space per each additional 50,000 square feet gross floor area.
2. All loading spaces and driveways shall be surfaced with asphalt or concrete.

J. **Screening of parking and loading areas.**

1. All parking and loading areas in commercial or industrial districts shall be effectively screened from adjoining residential or agricultural districts by a wall, solid fence, earthen berm or densely planted compact vegetation at least six (6) feet in height within two (2) years of planting.

**505.14 Sign Regulations**

All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs, shall conform to the following provisions:

- A. **Permit required.** No sign shall be erected unless the owner of the land on which the sign will be placed obtains a land use permit.
- B. **Billboards prohibited.** Off-premise signs, more commonly known as billboards, shall be prohibited.
- C. **Sign types – where allowed.** Wall signs and monument signs are allowed in any zoning district. Pylon signs are allowed only in the HC and LI districts.
- D. **Number per lot.** A maximum of one (1) large sign, or two (2) small signs that combined do not exceed the maximum size as specified in E. below, per lot shall be permitted in all districts except HC, LI and URI Districts. In HC, LI and URI Districts a maximum of one (1) sign, not exceeding the maximum size as specified in §505.14E, below, per frontage is allowed.
- E. **Maximum size.** The maximum size of a permitted sign is as follows:
  - 1. In the HC, LI and URI districts, maximum size is one hundred and twenty-eight (128) square feet for each of two allowed sign faces, or for wall signs, ten percent (10%) of the area of the building wall on which the sign is located.
  - 2. In all other districts, maximum size is as follows:
    - a. For residential uses and permitted home occupations, four (4) square feet for each of two allowed sign faces.
    - b. For conditional home occupations, sixteen (16) square feet for each of two allowed sign faces.
    - c. For all other uses, thirty-two (32) square feet for each of two allowed sign faces.
  - 3. If two sign faces are proposed, they shall be immediately behind the other appearing to be two sides of a single sign and the faces shall not be at an angle to each other.
- F. **Maximum height.** Monument signs shall not exceed twelve (12) feet in height above the average grade at the base of the sign. No part of a pylon sign shall exceed thirty (30) feet in height above the average grade at the base of the sign. No building-mounted sign shall extend above the roof of the building. Ground mounted signs are encouraged instead of building-mounted or pylon signs.
- G. **Illumination.** If a sign is externally illuminated, the illumination shall be directed only on to the sign and the light source shall not be visible from neighboring properties.
- H. **Safe condition.** No sign shall be permitted that shall in any way endanger the health or safety of the general public.
- I. **Clean area.** All areas surrounding a permitted sign shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Planning Director, shall be cause for revocation of the existing sign permit and removal of the sign.
- J. **Temporary signs.** Signs of a temporary nature that do not exceed twelve (12) square feet in area shall be exempt from the permitting requirement. Temporary signs may be displayed for a period not to exceed thirty (30) days, on a maximum of four (4) occasions per year.
- K. **Removal for roadway construction.** Signs shall be removed by the sign owner at no expense or claim of damage to any governmental unit, if necessary for the construction, reconstruction or relocation of any public roadway.
- L. **Limits on location.** The following limits on location apply to all signs, permitted and temporary:

1. No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall be permitted within the right-of-way of any public road.
2. All permitted signs shall be located outside of the required sight triangle, as specified in §505.10 G, and shall maintain a twenty (20) foot setback from all property lines.

**505.15 Extraction of Materials and Minerals, Open Pits and Impounding of Waters**

All excavation or extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall require an interim use permit meeting the standards in §507.07 I, with the following exceptions:

- A. Excavations or extractions ancillary to the construction of any permitted use or structure
- B. Excavations not exceeding four hundred (400) cubic yards.
- C. Excavations for the sole purpose of impounding water for agricultural, approved stormwater management ponds, or public utility purposes

**505.16 Site Plan Review**

- A. **Applicability.** A site plan shall be submitted for the following uses, and as specified elsewhere in this Ordinance:
  1. All building permits
  2. All conditional uses and Variances
  3. As part of any application for a plat or Planned Unit Development
  4. Any development in Shoreland, or Wild and Scenic River districts
  5. Grading and filling permits within a Shoreland District, or Wild and Scenic River District
- B. **Requirements.** Site plans shall include the following information, in a format specified by the Planning and Zoning Department:
  1. A Certificate of Survey shall be required before a building permit is issued unless this requirement is waived by the Zoning Administrator.
  2. Topography shown with a minimum two (2) foot contour intervals, except for residential building permits in districts other than Shoreland, or Wild and Scenic River districts
  3. Soils information
  4. Location of any lakes, streams or wetlands
  5. Existing land uses on site and neighboring properties
  6. Existing and proposed structures, including building footprints and setbacks
  7. Traffic generation and circulation
  8. Driveway and parking locations
  9. Access to public roads
  10. Information on sewage treatment and water supply systems
  11. Stormwater and erosion control plan with proposed methods for controlling stormwater runoff and erosion, both during and after construction activities
  12. Landscape plan including existing vegetation
  13. Proposed signage
  14. Additional information as required by the Planning Director or other County departmental staff

- C. **Shoreland Districts.** The following additional information is required for site plans in Shoreland Districts, and Wild and Scenic River Districts:
  1. Topography shown with a minimum two (2) foot contour intervals
  2. Plans to alter any shoreland vegetation
  3. Description of near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation
  4. Plans to mitigate impacts on shoreline and water quality
  5. Location of the ordinary high water level (OHWL)
  6. Blufflines indicating the toe and top of the bluff
  7. Ground surface elevation
  8. Basement and first floor elevations
  9. Utility elevations
  10. Location of 100-year flood plain area and floodway districts from existing adopted maps or data
  11. Areas subject to inundations by floodwaters and depths of inundation
  12. Flood proofing measures
  13. Plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows
- D. **General standards.** Site plans shall demonstrate compliance with the standards of this Ordinance, including Parking and Environmental standards and any standards specific to the proposed use or zoning district where it is located.
- E. **Review procedure.** Site plan review shall be completed prior to issuance of any building or structure permit.

**505.17 Performance Standards for Shoreland Areas of Agricultural Rivers and Tributary Streams, and for Public Drainage Ditches**

Consistent with the Minnesota Statutes, Chapter 103F, this section establishes performance standards regulating the use and location of structures that shall be met in all Districts where Agricultural River and tributary stream shoreland areas are present, as defined in §505.18 B, below. This section also establishes performance standards for areas along public drainage ditches.

- A. **Classification of Agricultural River, tributary streams, and public drainage ditches.** The public waters of Rice County have been classified, as listed below, consistent with the criteria in Minnesota Rules Parts 6120.3200, 6105.1680, Minnesota Statutes 103F.301 et seq., the Protected Waters Inventory Map for Rice County, Minnesota, dated 1984, and Department of Natural Resources Commissioner's Order dated January 15, 1985.

- 1. **Agricultural rivers.** The following river sections are classified as agricultural rivers:

<b>Name of River</b>	<b>Location of river sections in this classification</b>
Unnamed (Lower Sakatah)	Morristown Township Sections 7, 17, & 18
Cannon River	Shieldsville Township Morristown Township Warsaw Township
Straight River	Walcott Township Cannon City Township
Zumbro River, North Fork	Richland Township Sections 11 & 12

2. **Tributary Streams.** All protected watercourses in Rice County shown on the Protected Waters Inventory Map for Rice County, a copy of which is hereby adopted by reference, not given a classification above shall be classified as tributary streams and treated the same as agricultural rivers.
  3. **Public drainage ditches.** All ditches shown as public drainage ditches on the public drainage maps kept by the Rice County Auditor shall be classified as public drainage ditches.
- B. Agricultural River, tributary stream, and public drainage ditch shoreland area boundaries.** The boundaries of Agricultural River, tributary stream, and public drainage ditch shoreland areas are all land along classified Agricultural Rivers, tributary streams and public drainage ditches bounded generally by the greater distance of the following:
1. 300 feet from the ordinary high water level of a Agricultural River or tributary stream; or
  2. 100 feet from the top of ditch bank of a Public drainage ditch; or
  3. The landward extent of a floodplain designated by the Floodplain Ordinance
- C. Zoning District regulations apply.** The regulations established in this Ordinance for the underlying zoning District shall apply to structures and uses within Agricultural River, tributary stream, and public drainage ditch shoreland areas, except that:
1. Permitted uses shall only be those uses listed as permitted in the underlying Zoning District as designated with a “P” in Table 508-1. All other uses, except for conditional uses for solar energy production facilities placed in inactive gravel pits or quarries, shall be prohibited.
  2. Structures shall be setback a minimum of one-hundred feet (100’) from the ordinary high water level (OHWL) and from the top of the bank of a public drainage ditch.
    - a. Setbacks shall be measured at right angles from the ordinary high water level or the top of the bank to the building line.
    - b. Structures include roads, driveways and parking areas.
  3. The maximum height of an accessory structure shall be sixteen feet (16’).
  4. The regulations in §§516.18, 20 and 22 (Agriculture Use Standards, Shore Impact Zone/Bluff Impact Zone, and Placement and Design of Roads, Driveways, and Parking Areas) shall apply to Agricultural River, tributary stream and public drainage ditch shoreland areas.
  5. On-site sewage treatment systems must meet the setbacks for structures from the ordinary high water level in C2, above.
  6. Where available, publicly-owned sewer systems must be used within one (1) year of the date of issuance of a permit under this Ordinance.
- D. High Water Elevations.** Structures must be placed in accordance with Floodplain Ordinance regulations. For River and Stream Shoreland structures, located outside of a mapped Floodplain, the elevation to which the lowest floor, including basement, is placed, or flood-proofed, must be at least one (1) foot above the nearby River or Stream 1-percent annual chance flood elevation (100-year flood elevation) or if no nearby flood elevation exists three (3) feet above the top of the River or Stream channel bank.
- E. Additional requirements for designated trout streams.** Any development or activity within the shoreland area of an Agricultural River or tributary stream that is a designated trout stream as designated by the Department of Natural Resources shall include efforts to mitigate the impact of the development on the trout stream. The mitigation shall offset the effects of the development on water quality, water quantity and water temperature. Mitigation may include, but is not limited to, planting of streambank vegetation, additional structure setbacks, or additional stormwater management controls.

## Chapter 506 Environmental Performance Standards

### 506.01 Purpose

The purpose of this chapter is to provide regulations of general applicability for property throughout the County, to protect the natural environment, to minimize conflicts among land uses, and to implement the following Rice County Comprehensive Land Use Plan goals.

- A. **Goal 18:** Promote environmentally sensitive erosion control practices.
- B. **Goal 20:** Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas.
- C. **Goal 22:** Protect forest lands by regulating the density of development and by using effective forest management practices, including reforestation.
- D. **Goal 48:** Minimize the potential for air, waters and land contamination and pollution that could result from the development process.

### 506.02 Applicability

The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this Ordinance. No permit shall be issued unless provisions are made for meeting applicable environmental performance standards in this chapter.

### 506.03 Impervious Surface Limitation

Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area including structures, roads, driveways and parking areas, except as provided for in the HC, LI, URI and VMU Districts.

### 506.04 Water Supply and Sewage Treatment

- A. **Water supply standards.** Any public or private water supply for domestic purposes must meet or exceed the water quality standards of the Minnesota Department of Health, Rice County and the Minnesota Pollution Control Agency.
- B. **Sewage treatment standards.** Private or community sewer systems in all districts shall meet or exceed the standards for individual sewage treatment systems in the Rice County Sewage and Waste Water Treatment Ordinance.
- C. **Alternative septic site required.** Each proposed use shall identify two sites approved for septic systems, and these sites shall be protected during construction and preserved in their natural state until their use as a septic system location.
- D. **Compliance inspection required.** A sewage treatment compliance inspection shall be required prior to the issuance of any permit or certificate relating to water usage. The compliance inspection shall determine if the sewage treatment system is in conformance with the Rice County Sewage and Wastewater Treatment Ordinance. Sewage treatment systems shall meet the requirement of §503.02. A.2, before any permit is issued.
- E. **Use of public systems required.** Where available, publicly-owned sewer systems must be used within one (1) year of the date of issuance of a permit under this Ordinance. Existing conforming individual septic systems may be exempted at the discretion of the publicly owned system governing body if the governing body agrees to manage and regularly inspect the individual system. A new individual system shall not be allowed.

### 506.05 Drainage and Stormwater Management

No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion on adjacent property. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility designed to intercept and store run-off in an amount caused by a 100-year, 24 hour storm event (six inches of rain in 24 hours).

- A. **Drainage plan required.** A drainage plan shall be submitted and approved for all new commercial developments, industrial developments, institutional developments, planned unit developments (PUD), and residential subdivisions.
- B. **Effect on adjacent land.** A proposed development shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.
- C. **Use of natural vegetation and natural features.** Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control facilities. When possible, existing natural drainageways, natural or created wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff.
- D. **Disturbed area standards.** Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities and erosion potential, and that will reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- E. **Constructed features standards.** When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds shall be required. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities. Settling basins to intercept urban runoff shall be sized to a minimum of a 100-year, 24 hour (six inches of rain in 24 hours) storm design.
- F. **Certification by professional.** When constructed facilities are used for stormwater management, documentation must be provided by Rice County Soil and Water Conservation District staff or a professional engineer licensed with the State of Minnesota that they are designed and installed consistent with Federal State and local standards.
- G. **Filtering and settling required.** New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- H. **Easement dedications required.** When a land or easement dedication is a condition of approval for a permit or subdivision, the applicant must provide easements over natural drainage or ponding areas for management of ponding areas, stormwater and significant wetlands.
- I. **Management and maintenance plan required.** A management and maintenance plan shall be submitted and approved for all new commercial developments, industrial developments, institutional developments, planned unit developments (PUD), and residential subdivisions. The management and maintenance plan shall include plans for ownership, management and maintenance of drainage and stormwater control features.

**506.06 Environmental Standards**

The following environmental standards apply to all uses in any district:

- A. **Hazard.** Every use established, enlarged, or remodeled shall be operated with reasonable precautions against fire and explosion hazards.
- B. **Waste material.** No waste material shall be washed into the public storm system nor the sanitary sewer system without first having received a permit to do so. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be located and fenced so as not to cause a public nuisance.
- C. **Water pollution.** All uses and activities shall conform to water pollution standards and/or controls in effect at the time of the adoption of this Ordinance and those adopted at a later date by

the Minnesota Pollution Control Agency and other agencies and governing bodies which have such powers and controls over the territory of this Ordinance.

- D. **Emissions.** Emission or creation of noise, odors, heat, glare, vibration, smoke and toxic or noxious fumes shall meet local, state and federal standards.
- E. **Lighting.** Lighting shall be shielded and directed away from the public right-of-way and adjacent properties, and shall not exceed one foot candle of illumination at the property line unless specifically approved.
- F. **Noise.** Noise standards shall comply with Minnesota Rules Chapter 7030.
- G. **Compliance.** In order to insure compliance with the performance standards set forth above, the County may require the owner or operator of any permitted or conditional use to conduct investigations and tests needed to demonstrate compliance with the performance standards. Such investigations and tests shall be performed by an independent testing organization selected by the County. All costs shall be borne by the applicant.
- H. **Use of fertilizer, pesticides, or animal wastes.** Use must be done in such a way as to minimize impact on the shore impact zone or a public water by proper application or use of earth or vegetation.

**506.07 Erosion and Sedimentation Control Standards**

- A. **Wetlands and water bodies.** Wetlands and other water bodies shall not be used as primary sediment traps during or after construction.
- B. **Placement of structures.** All new structures shall be located in such a manner as to minimize the removal of vegetation and alteration of the natural topography.
- C. **Maintenance.** Any and all erosion control, storm water runoff, utility access and similar structures shall be designed to be maintained, cleaned out and otherwise operated without requiring the crossing of private lands with or by the operation of motorized heavy maintenance vehicles and equipment, such as bulldozers, trucks and backhoes on slopes in excess of 8%. As used in this Section, private lands includes any outlots.
- D. **Site suitability.** The applicant shall demonstrate that the types and densities of land use proposed shall be suited to the site and soil conditions and shall not present a threat to the maintenance of water quality, a potential increase in maintenance cost of utilities, parking areas or roads and shall not be subject to problems due to soil limitations including but not limited to soil bearing strength, shrink/swell potential and excessive frost movement.
- E. **Construction fencing.** The applicant shall be required to furnish and install fences wherever the Planning Director determines a hazardous condition may exist or an environmentally sensitive area needs to be protected during construction. The applicant, of his own volition, shall provide fencing wherever a hazardous condition may exist during construction prior to any determination made by the County.
- F. **Construction waste handling.** No cut trees, timber, debris, earth, rock, stones, rubbish or waste materials of any kind shall be buried in any land or left or deposited on any lot or future street without the approval of the County Planning Director.
- G. **Topsoil preservation.** If topsoil is removed from sites or lots during construction it shall be stored and stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision area unless the removal of excess topsoil is approved by the County.
- H. **Topsoil replacement.** Topsoil shall be re-spread so as to provide at least six (6) inches of cover originally existing on the site or a minimum of four (4) inches of cover if the original cover was less. The site shall also be stabilized by seeding and/or sodding.

**506.08 Landscaping Requirements**

All required yards for any structure shall either be landscaped or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with natural vegetation, lawn, trees, and shrubs. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any residential district shall be landscaped with buffer planting screens. Plans of such screens



shall be submitted for approval as part of the site plan and installed prior to issuance of a Certificate of Occupancy.

**506.09 Steep Slopes**

Slopes in excess of eighteen (18) percent natural grade and over fifty feet (50') in length shall not be graded, excavated, or developed. Slopes from twelve to eighteen (12 - 18) percent natural grade shall only be graded, excavated, or developed according to an approved grading plan providing for stabilization and vegetation after grading as approved by County. Additional steep slope provisions for Shoreland Districts are included in Chapter 516.

**506.10 Tree, Forest Land and Natural Vegetation Preservation.**

- A. **General standards.** Natural vegetation, including ground cover and trees, shall be preserved and maintained to the greatest extent possible in order to control erosion and runoff, preserve habitat, and maintain a buffer between land uses. The following restrictions shall apply to all development:
  - 1. Structures should be located in such a manner that the maximum number of trees shall be preserved.
  - 2. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site.
  - 3. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
  - 4. The root zone of existing trees shall be preserved and protected during development including grading and contouring, so that the trees are not be adversely affected by the work.
  - 5. Notwithstanding the above, the removal of trees seriously damaged by storms or other natural causes, or diseased trees shall not be prohibited.
  - 6. Residential development shall not disturb or remove more than one-half (1/2) acre, commercial or industrial development no more than one (1) acre of healthy trees for the building pad, out buildings, driveway, septic system, firebreak, well or for any other purpose without first providing a tree replanting plan for the site.
  - 7. A tree inventory shall be carried out by the developer and no more than forty (40) percent of trees with a caliper of six (6) inches or greater at dbh shall be cleared or in any way removed from the site unless replaced with an equal number and variety of trees of at least six (6) inches at dbh (measured four and one-half 4.5 feet above ground level), or an equivalent as determined by the Planning Director.
  - 8. As a mitigating measure, where trees are to be removed, the developer shall prepare a tree planting plan to be approved by the Planning Director. The plan shall be implemented as practical for the season prior to a final occupancy permit is issued.
  - 9. Timing of tree removal shall be such as to minimize tree loss.
- B. **Forest land Management standards.** The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:
  - 1. Timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
  - 2. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
    - i. Shore and bluff impact zones must not be intensively cleared of vegetation; and

- ii. An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.

**506.11 Shoreland Alterations**

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

- A. **Vegetation alterations.** Alterations of vegetation in Shoreland Districts, Agricultural River and tributary stream shoreland areas, along public drainage ditches, , or the Wild and Scenic River District shall conform to the following standards:
  - 1. **Standards.** Removal or alteration of vegetation is allowed subject to the following standards:
    - a. **Clear-cutting standards.**
      - i. Clear-cutting and intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
      - ii. Intensive vegetation clearing for forest land conversion to another use outside of shore and bluff impact areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district or a Licensed civil engineer.
    - b. **Limited clearing for view.** In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, walkout basement pathways, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
      - i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
      - ii. Along rivers, existing shading of water surfaces is preserved.
  - 2. **Maintenance for safety allowed.** The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or post safety hazards.
  - 3. **Exemptions.** The following activities are exempt from the standards in this Section:
    - a. Vegetation alteration in the minimum amount necessary for the construction of allowed structures and sewage treatment systems
    - b. Vegetation alteration necessary for the construction of permitted roads and parking areas
    - c. Allowed agricultural and forest management uses
- B. **Topographic Alterations/Grading and Filling.** Topographic alterations, including grading and filling in all Districts shall conform to the following standards:
  - 1. **Incorporated in building permits.** Grading and filling and excavations necessary for the construction of structures, sewage treatments systems and driveways under validly issued building permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into an erosion control plan submitted with the application for a permit for construction of structures, sewage treatment systems and driveways.
  - 2. **Exemption.** Public roads are exempt from the standards in this Section.
  - 3. **Grading and filling permits required.** Not withstanding Items 1 and 2 above, a grading and filling permit will be required for:
    - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; or

- b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones except for materials moved due to the excavation of basements.
4. **Permit Process.** Applications for a grading and filling permit shall conform to the following process:
- a. All permit applications must be complete and include:
    - i. An erosion control plan
    - ii. A National Pollution Discharge Elimination System permit if the land disturbance is greater than one (1) acre.
5. **Standards.** The following standards must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
- a. Grading or filling that occurs in any Type 3, 4, or 5 wetland over ten (10) acres in size must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
    - i. sediment and pollutant trapping and retention;
    - ii. storage of surface runoff to prevent or reduce flood damage;
    - iii. fish and wildlife habitat;
    - iv. recreational use;
    - v. shoreline or bank stabilization; and
    - vi. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
  - b. An erosion control plan must be filed with the permit application. Topographic alterations shall adhere to approved erosion control plans.
  - c. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
  - d. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
  - e. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  - f. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Natural Resources Conservation Service (NRCS).
  - g. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  - h. Plans to place fill or excavated material on steep slopes must be reviewed by a professional engineer licensed with the State of Minnesota for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
  - i. Fill or excavated material must not be placed in bluff impact zones.
  - j. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of the Department of Natural Resources.
  - k. Alterations of topography will be allowed only if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
  - l. It is preferred that shoreline areas be maintained in a natural vegetative state. If the applicant proves that the shoreline can not be maintained with natural vegetation, the

placement of natural rock riprap six to thirty inches in diameter, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet. Retaining walls are not allowed in the shore impact zone.<sup>i</sup>

- m. Any alteration, removal of topsoil or other construction activity that causes compaction of subsoil shall be remediated prior to replacement of topsoil.
  - n. All land disturbance shall be the minimum time and area needed to complete the project.
  - o. The Director of Planning & Zoning may impose site specific permit requirements that are necessary to protect public health, safety and welfare.
  - p. Grading and filling permits shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
6. **Connection to Public Waters.** Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, requires a conditional use permit. Permission for excavations may be given only after the Department of Natural Resources Commissioner has approved the proposed connection to public waters.

**506.12 Wetlands Preservation**

To the extent possible, all wetlands including marshlands and swamps, shall be retained in their natural state. Alterations to wetlands shall require review from the Rice County Soil and Water Conservation District. The following provisions apply to wetlands in Rice County:

**A. Discharges**

- 1. No part of any sewage treatment system requiring on-land or in-ground disposal of waste shall be located closer than thirty (30) feet from the wetland boundary, as delineated by a certified wetland specialist, or ordinary high water level unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
- 2. Organic waste which would normally be disposed of at a solid waste treatment site or which would normally be discharged into a sewage treatment system or sewer shall not be directly or indirectly discharged to the wetland.
- 3. Untreated stormwater runoff from construction sites may not be directed to a wetland.

**B. Building Constraints**

- 1. The lowest floor elevation of buildings used for living quarters or work area, shall be at least three (3) feet above the ordinary high water level.
- 2. Structures shall be setback twenty (20) feet from the wetland boundary, as delineated by a certified wetland specialist.

---

<sup>i</sup> Amended December 2004

## Chapter 507 Specific Development Standards

### 507.01 Purpose

The standards in this Chapter are established to provide supplemental regulations to address the unique characteristics of certain land uses.

### 507.02 Applicability

The standards in this Chapter apply to the uses listed below within the zoning districts in which they are allowed, whether the uses are permitted, conditional or interim. The standards in this Chapter shall apply in addition to the general criteria for conditional and interim uses in §503.05, and all other applicable regulations.

### 507.03 Standards for Residential and Related Uses

#### A. Single-family detached dwelling –

1. **Commercial and Industrial Districts.** Single-family detached dwellings in the HC, RI, URI and LI Districts shall be limited to those existing at the time of adoption of this Ordinance.

#### B. Accessory dwelling unit. See §507.10, Structures Accessory and Temporary to Permitted Uses

#### C. Single-family attached dwelling. Single-family attached dwellings in the Shoreland and Agricultural Districts shall be limited to those approved as part of a Planned Unit Development (PUD) or Plat.

1. **Maximum 8 units.** A maximum of eight units shall be permitted within a single building.
2. **Minimum frontage.** Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage.
3. **Garages and parking.** If the garage door faces the street, it shall occupy no more than 50 percent of the façade.
4. **Entrance location.** The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
5. **Open space.** Common open space for use by all residents or private open space adjacent to each unit shall be provided.

#### D. Multifamily dwelling. Multifamily dwelling units in the Shoreland and Agricultural Districts shall be limited to those approved as part of a Planned Unit Development (PUD) or Plat.

1. **VMU District.** Within the VMU District, new multifamily dwelling units are permitted above the first floor of any mixed-use building with commercial uses, offices, studios, or other permitted nonresidential uses on the ground floor.
2. **Village Extension PUD.** Within a Village Extension Planned Unit Development (PUD), multifamily buildings may be permitted in conjunction with other housing types, with densities and dimensional standards to be determined through the PUD review and approval process.

#### E. Mixed-use building

1. **Utilities.** Centralized utilities shall be utilized if they are available.
2. **Entrance.** The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
3. **Location of dwelling units.** Dwelling units shall be located above or behind the commercial or office space, and shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public road.

#### F. Facility for supervised residential program

1. **Capacity.** License capacity shall not exceed six (6) persons for a supervised residential program listed as a permitted use in Table 508-1. A conditional use permit is required for supervised residential programs exceeding six (6) persons.
2. **Licensing.** The facility shall meet all state and federal license requirements.
3. **In a dwelling.** The facility must be located within an existing single-family detached dwelling or, if a new facility, in a dwelling meeting the density provisions of this Ordinance.
4. **HC and LI Districts.** Within the HC and LI Districts, the use must be located within an existing single-family detached dwelling.

**507.04 Standards for Agricultural and Related Uses**

- A. **Farm production.** In the RR and VMU Districts, farm production involving livestock is limited to one (1) animal unit per acre, up to a maximum of ten (10) animal units, and shall comply with the provisions of the Rice County Feedlot Ordinance.
- B. **Feedlot.** All feedlots shall comply with the provisions of the Rice County Feedlot Ordinance, and if required, regulations of the Minnesota Pollution Control Agency.
- C. **Agriculturally-oriented business**
  1. **Definition.** Agriculturally-oriented businesses shall be limited to the following:
    - a. Sales, handling and storage of agricultural supplies such as grain, feed, and fertilizer;
    - b. Agricultural equipment sales, storage and repair;
    - c. Processing of agricultural products, including custom meat processing;
    - d. Livestock sales barns and accessory facilities
    - e. Commercial indoor storage within existing farm buildings
    - f. Production of ethanol and bio-diesel
  2. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.
  3. **Outdoor storage.** Outdoor storage areas shall be screened from adjacent residences.
  4. **Custom meat processing.** All custom meat processing activities, including animal slaughter, shall take place within a completely enclosed building with adequate soundproofing and odor control and will meet all federal and state requirements for humane slaughter and meat inspection.
- D. **Animal manure composting site that accepts manure transported from off-site**
  1. **Defined as a feedlot.** This use is defined as a feedlot for the purpose of this Ordinance, and shall meet all the provisions of the Rice County Feedlot Ordinance, and if required, regulations of the Minnesota Pollution Control Agency.
  2. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required.
- E. **Aquaculture, fish farm.** This use is defined as a feedlot for the purpose of this Ordinance, and shall meet all the provisions of the Rice County Feedlot Ordinance, and if required, the Minnesota Pollution Control Agency.
- F. **Agricultural Tourism Business, permitted.** An agricultural tourism business may be permitted in the Agricultural or Urban Reserve Districts on an agricultural use property, meeting the following requirements:

1. The Agricultural Tourism Business is clearly incidental and subordinate to the agricultural use of the property.
2. The onsite Agricultural tourism business occurs no more than 6 times per year.
3. There is adequate provision for parking of vehicles so that there is not parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be a minimum of 40 feet from all property lines and appropriately screened from neighboring properties.
4. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
5. Outside activities must be completed during daylight hours. Inside activities must be completed by 10:00 pm.
6. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State, Local Standards.
7. Non-agricultural celebration events, not exceeding two consecutive days per event, shall be limited to the following: wedding ceremonies, receptions, non-profit benefits and fundraisers, reunions, retirement celebrations, graduations, birthdays, barn dances, harvest festivals and food/product/produce tasting and sales events.
8. The permitted Agricultural Tourism Business shall not host an event having more than 250 visitors onsite.
9. All non-agricultural buildings used for the public must meet building code requirements for the intended use as determined by the Rice County Building Official.

**G. Agricultural Tourism Business, conditional.** An agricultural tourism business may be a conditional use in the Agricultural or Urban Reserve District on an agricultural use property, in the General Development, Recreational Development and Natural Environment Shoreland Districts on agricultural use property that has an agricultural property tax classification, meeting the following requirements:

1. The Agricultural Tourism Business is clearly incidental and subordinate to the agricultural use of the property.
2. There is adequate provision for parking of vehicles so that there is not parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be a minimum of 40 feet from all property lines and appropriately screened from neighboring properties.
3. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
4. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State, Local Standards.
5. Non-agricultural celebration events, not exceeding two consecutive days per event, shall be limited to the following: wedding ceremonies, receptions, non-profit benefits and fundraisers, reunions, retirement celebrations, graduations, birthdays, barn dances, harvest festivals and food/product/produce tasting and sales events, and craft/vintage/secondhand item sales events.
6. All non-agricultural buildings used for the public must meet building code requirements for the intended use as determined by the Rice County Building Official.

**507.05 Standards for Commercial Recreation Uses**

A. **General standards for commercial recreation uses.** All commercial recreational uses listed in Table 508-1 shall meet the following requirements:

1. **Liability insurance required.** Operators of commercial recreation uses shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.
2. **Days and hours of operation.** The conditional use permit application shall specify the days and hours of operation. The County may limit the days and hours of operation as a condition of the permit, and may attach additional reasonable requirements to the use.
3. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required. Site plans shall indicate all proposed recreation areas, sanitary facilities, storage areas, parking, signs, landscaping and other information needed to assess the impacts of the operation.
4. **Vehicles.** No unlicensed or inoperable vehicles or vehicle parts shall be stored on-site.

B. **Campground, private**

1. **Location limited.** The campground shall be located in an area the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 or less.
2. **Caretaker or attendant required.** A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the park, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his appointed representative.
3. **Mobile homes prohibited.** No mobile homes shall be allowed in campgrounds.
4. **Year-round residential use prohibited.** Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.
5. **Recreation area standards.** Recreation areas within campgrounds shall meet the following standards:
  - a. **Picnic areas.** Picnic areas shall include suitable toilets or privies, and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with all applicable state standards.
  - b. **Swimming areas.** Natural swimming areas, where provided, shall be located on lakes and streams suitable for human contact recreation as defined by the Minnesota Department of Natural Resources, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located away from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with all applicable standards.
6. **Setbacks.** The following setbacks shall be met in private campgrounds:
  - a. **Recreational camping vehicles and accessory structures.** Recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Accessory structures shall comply with this setback.
  - b. **Setbacks from property boundaries.** Recreational camping vehicles shall be set back at least twenty-five (25) feet from any road right-of-way and at least ten (10) feet from other park boundary lines.
  - c. **Shoreland District setbacks shall be met.** Recreational camping vehicles, and structures, including accessory structures, shall meet all the setback requirements for structures as specified in Chapter 516, Shoreland District.
7. **Sanitation facilities.** Sanitation facilities shall be provided according to the standards of the Rice County Sewage and Wastewater Treatment Ordinance.



**C. Flying field for radio-controlled flying aircraft**

1. A site plan shall indicate take-off area and area designated for flying, showing that this area meets the minimum setback and buffer requirements.
2. There shall be a 1,000 ft. buffer behind the take-off area for the flying aircraft, extending to the nearest residence.
3. There shall be a one half (1/2) mile buffer extending from either side and in front of the take-off area for the flying aircraft to the nearest residence.
4. The residence of the owner of the land upon which the facility is operating is exempt from the preceding requirements 2 and 3.
5. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.
6. It shall be the responsibility of the operator or club to supervise all flying and club activities.

**D. Go-cart track, miniature golf.** The site shall have access to a paved road.

**E. Golf course, country club, driving range**

1. The facility shall be located in an area the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 or less.
2. The site shall have access to a paved road.

**F. Gun (rifle, shotgun or pistol) or archery range, outdoor.** National standards for such facilities shall be complied with, and shall include the following as a minimum:

1. For outdoor gun ranges:
  - a. No outdoor shooting range shall be allowed within 500 feet of an existing residence, measured from the property line of the range site, without the permission of the existing residents.
  - b. A backstop having a minimum height of twenty (20) feet with a top width of at least four (4) feet and side berms having a minimum height of eight (8) feet shall be required unless significant terrain features exist that would take their place. Berms shall meet all the following criteria:
    - i. The berm shall be provided with a horizontal bullet catcher and ricochet catcher.
    - ii. A minimum depth of one (1) foot of clean fill shall be placed on the front side of the berm.
    - iii. The berm shall have a minimum compaction of 90% laboratory dry density and the base a compaction of 95 % laboratory dry density.
  - c. A horizontal bullet catcher and a ricochet catcher may be required where natural terrain is utilized for a range instead of a backstop berm or side berm.
  - d. For skeet and trap shooting, a 300 yard shot fall zone to the front and sides of the range as measured from the center of the firing stations, shall be provided. This area shall be contained wholly within the property on which the range is located, or on property leased by the facility or covered by signed agreement of adjacent property owners.
  - e. Use of the facility shall be restricted to club members, guests, and participants in club sanctioned events.
  - f. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use by the club.
  - g. Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences.
2. For Archery ranges:

- a. No outdoor shooting range shall be allowed within 200 feet of a downrange existing residence or within 100 feet of an existing residence to the sides of the shooting areas, distances as measured from the property line of the range site, without the permission of the existing residents.
  - b. A backstop shall be provided of sufficient size and density to control projectiles for allowed shooting, or a safety buffer area of at least ½ the distance of the longest target distance shall be provided.
  - c. A 40 foot safety buffer area shall be provided between the shooting lanes and property lines.
  - d. Access to the shooting areas shall be controlled through fencing, posted regulations or other methods. Signage shall be posted at range boundaries.
  - e. Rules of operation shall be posted at the entrance to the range and in other areas applicable to the site.
  - f. Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences.
- G. Gun or archery range, indoor.** All shooting shall be done within an enclosed building, subject to all federal, state and local standards.
- H. Hunting club, private**
1. The perimeter of the property shall be fenced.
  2. Shooting shall not occur within 500 feet of a residence.
  3. Where a residence is located within 500 feet of the perimeter of a hunt club a second fence shall be constructed delineating the 500 foot separation distance.
  4. Entry to the site shall be by controlled access.
  5. Firearms shall be limited to shotguns.
  6. Use of firearms shall be limited and controlled so that no danger or damage shall occur outside the perimeter of the property.
- I. Organized motor sports.** This use category includes ATV trails, motorcycle tracks or trails, truck trails and tractor pulling but not auto or other vehicle racing, tracks or events.
1. The majority of the land occupied by the use shall be land with a Crop Equivalency Rating (CER) of 65 or less.
  2. Erosion control plans for trails may be required.
  3. Tracks or trails shall be located at least 500 feet from existing residences.
  4. Noise standards shall comply with Minnesota Rules Chapter 7030.
- J. Paint ball course**
1. Related equipment and structures shall be in compliance with all applicable local, state and federal regulatory standards.
  2. The shooting areas shall be set back as follows:
    - a. From property line: 100 feet
    - b. From road right-of-way: 100 feet
  3. Setbacks may be increased if the travel distance of the paintballs is greater than 100 feet.
  4. Noise standards shall comply with Minnesota Rules Chapter 7030.
  5. Paint and balls used shall be non-toxic and of a type non-harmful to the environment.
  6. Screening of the facility from neighboring homes shall be required.
  7. No mobile homes or travel trailers shall be allowed on the course
- K. Riding and boarding stable**

1. The facility shall be at least five (5) acres in size.
  2. The majority of the land used for trails shall be forest land, or land with Crop Equivalent Ratings of 65 or less.
- L. **Ski slope, snowboarding, tubing or sledding hills, private.** See General Standards for Commercial Recreation
- M. **Soccer Club Area, Private.** Use may include indoor/outdoor practice, training and game facilities for soccer, meeting the following requirements:
1. The perimeter of the property shall be clearly defined with fencing and/or vegetation.
  2. Screening of the parking area from neighboring homes shall be required.
  3. Entry to the site shall be by controlled access.
  4. All structures and equipment shall be in-compliance with all applicable local, state and federal standards.
  5. Caretaker or attendant required. A responsible attendant or caretaker shall be in charge of the site during all on-site activities, and the duties of said attendant or caretaker shall be to maintain records of the area, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the area, or their appointed representative.
  6. Suitable and adequate restroom facilities shall be provided on-site.
  7. Hours of operation: The hours of operation shall not have an adverse impact on adjacent property owners.
  8. At no time shall there be more than 250 (two-hundred fifty) persons on-site.
- N. **Water-oriented commercial recreation**
1. **Parking areas.** Parking areas and structures must be screened from adjacent lots, roadways and as viewed from the lake or stream.
  2. **Watercraft mooring.** Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
  3. **Signs and lighting.** Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following standards:
    - a. **Signs on public waters.** No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Planning Director.
    - b. **Signs within shore impact zone.** Signs may be placed, when necessary, within the shore impact zone only if they meet the following requirements:
      - i. They shall be designed and sized to be the minimum necessary to convey needed information
      - ii. They shall convey only the location and name of the establishment and the general types of goods or services available
      - iii. They shall not contain other detailed information such as product brands and prices
      - iv. They shall not be located higher than (10) feet above the ground
      - v. They shall not exceed thirty-two (32) square feet in size
      - vi. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters
  4. **Lighting within shore impact zone.** Outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

5. **Boat rides, dinner tours.** Commercial uses such as boat rides, dinner tours and on-board vendors are allowed only as a part of shore-based surface water-oriented commercial use.
6. **Commercial uses without water-oriented needs limited.** Commercial uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

**507.06 Civic, Educational and Institutional Uses**

**A. Day care center**

1. All necessary permits and/or licenses shall be obtained from all applicable government agencies.
2. When a day care facility is proposed in a church or school building originally constructed for use as a church or school, the use shall be treated as a permitted accessory use.

**B. Religious institution.** This class of uses includes churches, chapels, temples, mosques, etc., including cemeteries and normal accessory buildings. Any living quarters shall meet the residential requirements of this ordinance.

1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.

**C. Campground, public.** Standards for public campgrounds shall be the same as those established for private campgrounds in §507.05 B.

**D. Public and private schools and related facilities**

1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.

**507.07 Commercial and Industrial Uses**

**A. Adult entertainment.** In addition to the general requirements for uses in the LI District as set forth in Chapter 515, the following specific development standards shall apply to adult entertainment uses:

1. **Separation requirements.** Adult entertainment uses shall be located the following minimum distances from the listed uses that are present at the point in time at which the adult entertainment use is permitted:
  - a. Five-hundred (500) feet from residential, day care, public parks or playgrounds, religious institutions or educational institutions as measured in a straight line from the entrance to the structure where the adult entertainment use occurs to the nearest property boundary of the listed use
  - b. Five-hundred (500) feet from another adult entertainment use as measured in a straight line between the closest property boundary points
2. **Maximum building size.** The maximum size of a structure where an adult entertainment use occurs shall be no larger than ten-thousand (10,000) square feet.

3. **Signs and window displays**

- a. Sexually explicit matter shall not be displayed on signs, window displays, or the exterior of any structure.
  - b. Signs shall conform to the sign regulations in §505.14.
4. **Hours of operation.** The hours of operation shall not have an adverse impact on adjacent property owners.
5. **No alcohol.** Alcoholic beverages shall not be consumed or sold anywhere within the structure housing a permitted adult entertainment use.
6. **Exterior colors.** The colors of the exterior of structures where adult entertainment uses occur shall be muted and blend with surrounding structures, and shall not be neon, bright or multi-colored.
7. **Annual license inspection.** Adult entertainment uses shall comply with the Rural Business Licensing requirements in §505.11, and shall have an annual on-site inspection by the Zoning Administrator. A fee covering the cost of the annual inspection shall be paid by the owner of the land on which the adult entertainment use occurs.

B. **Agricultural based therapeutic service uses**

- 1. The use must be on a parcel of at least 40 acres.
- 2. Majority of the land must have a Crop Equivalency Rating of 65 or less
- 3. Permanent residence shall not exceed the density allowed in the quarter-quarter section.
- 4. Use shall be limited to therapeutic use for health challenged children and their family.
- 5. Transit services must be provided.
- 6. Centralized dining facilities shall be required.
- 7. Site must remain in a least 50% agricultural crops or livestock.
- 8. Screening to neighboring residences shall be provided.

C. **Auto and recreational equipment and vehicles; sales and repair**

- 1. The sale or rent of motor vehicles, trailers, campers, boats and other items that are not kept entirely within the building shall require an approved open sales lot.
- 2. Any outside sales or storage areas adjacent to a residential district or residential use, shall be screened by a solid fence at least six (6) feet in height and additional landscaping, or by equivalent evergreen vegetation.
- 3. All repairs shall be performed within a completely enclosed building.
- 4. Outdoor speakers shall not be audible beyond the property boundary.

D. **Auto - Service station, Auto repair, and Auto body repair**

- 1. Any canopy, weather protection, pump island or building shall meet the minimum required building setback specified for the district.
- 2. A minimum twenty-five (25) feet landscaped yard shall be provided along all abutting public rights-of-way lines, except where approved driveways occur.
- 3. Wherever a service station abuts a residential lot, a solid screen not less than six (6) feet in height shall be erected and maintained along the side and rear property line that abuts the residential lot.
- 4. All goods offered for sale, other than those generally required for the operation and maintenance of motor vehicles, shall be stored, sold and displayed within a building, with the exception of beverage and snack food vending machines.

5. All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces, in compliance with §505.13, Parking Standards.
6. All vehicles parked or stored on the site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or junk vehicles is prohibited.
7. A car wash facility, either attached or detached from the principal structure, may be permitted as an accessory use, meeting the standards for car wash in this Chapter.
8. All repairs shall be performed within a completely enclosed building.
9. Venting of odors, gas and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors.
10. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

**E. Bed and breakfast facility**

1. The facility shall be located in a single-family detached dwelling.
2. An interim use permit application shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) family members. Bedrooms in excess of those needed by the resident family may be rented on a daily basis to guests.
3. No more than two (2) adult guests shall be allowed per bedroom.
4. All dwellings shall comply with the Rice County Sewage and Wastewater Treatment Ordinance.
5. The facility shall maintain a guest register open to inspection by the County.
6. Guest stay shall be limited to seven (7) days.
7. The applicant shall meet all applicable County, State and Federal regulations.
8. The operator shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.

**F. Car wash, free-standing or accessory**

1. Adequate stacking space for vehicles shall be provided.
2. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
3. Vacuum and drying facilities shall be located in an enclosed structure or at a sufficient distance from any residential use to minimize the impact of noise.

**G. Contractor's yard with outdoor storage.** In the VMU District, outdoor storage areas shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet (6') in height.

**H. Convenience fuel and goods**

1. No vehicular sales or service other than dispensing of motor fuel is permitted
2. A car wash facility, either attached or detached from the principal structure, may be permitted as an accessory use. If permitted, the car wash facility shall meet the standards for car wash in §507.07 E.
3. In the HC District, no more than four (4) tractor-trailer parking spaces shall be provided.

**I. Extraction or excavation of materials and minerals.** This use as defined in this Ordinance includes all excavation, extraction of materials and minerals, open pits and impounding of waters. The establishment or enlargement of such a use shall require an interim use permit (see §505.15 for exceptions.)

1. **Interim Use Permit Required.** Excavation or extraction shall not occur unless the owner of the land where excavation or extraction is proposed, or the operator and landowner together, obtains an interim use permit meeting the general requirements in Chapter 503 and the following specific provisions:
  - a. **Application requirements.** A map of the proposed pit or excavation shall be prepared by a professional engineer or land surveyor and filed with the application showing the confines or limits thereof, together with a plan indicating the topography and overall condition of the site after extraction is completed. A similar map may be required in regard to the proposed container for impounded waters.
  - b. **Topsoil removal.** The mining of topsoil for permanent removal from the property is prohibited.
  - c. **Required conditions.** No interim use permit shall be issued unless, at a minimum, the following conditions are included:
    - i. An annual review of the site by the Zoning Administrator
    - ii. A fee shall be paid by the applicant at the time the application is submitted in an amount to cover the costs of the number of annual reviews required by the permit; the number to be determined by the length of the permit.
    - iii. Provide a plan for phasing excavation so that no greater area than a ten (10) acre cell is open at any time
    - iv. Provide a plan for reclaiming areas as new phased cells are opened
    - v. Provide a plan specifying the amount and location of excavated materials to be stockpiled on site for any length of time
    - vi. Fencing of any pit or excavation
    - vii. During operation, fence, properly guard, and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks
    - viii. Properly drain, fill or level any excavation, after created, so as to make the same safe and healthful as the Board shall determine
    - ix. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted
    - x. Restrict runoff from the site to lake, rivers, streams or adjacent properties
    - xi. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct
    - xii. Provide a plan for dust and noise control during operations
    - xiii. Provide adequate signage for public safety, such as "Trucks Hauling" signs
    - xiv. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition
    - xv. Stockpile topsoil for use in reclamation
    - xvi. Grade site after extraction is completed so as to render it usable, replace topsoil, seed where required to avoid erosion and an unsightly mar on the landscape
    - xvii. Structures, storage of excavated materials or topsoil, and the excavation edge shall be setback at least 300 feet to any protected water
    - xviii. At the time of site closure banks shall be sloped at a minimum of 4:1
  - d. **Bonding required.** As a condition of granting the permit, the County Board shall require the owner, user or applicant to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the County, conditioned to pay the County the cost and expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the County Engineer; and conditioned further to comply with all the requirements of this Ordinance

and the particular permit, and to pay any expense the County may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

- e. **Duration of permit.** The duration of the interim use permit shall not exceed five (5) years.
  - f. **Renewal.** As a condition of renewal of an interim use permit for excavation or extraction, the applicant must provide evidence of an active operation during the prior permit period.
- J. Flea market or auction site, permanent**
- 1. The use shall not include auctions of livestock.
  - 2. The site shall be served by a paved road of sufficient capacity to serve the traffic that the use will generate.
- K. Kennel, commercial, where dogs or other domestic pets are raised for sale, boarded or trained**
- 1. All animal kennels shall provide indoor facilities having adequate heating, ventilation, and lighting.
  - 2. All animal kennels shall provide outdoor facilities having shelter from the elements, sunlight, rain, snow, and cold weather.
  - 3. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
  - 4. Each large adult animal shall be provided with a separate fenced run of at least thirty-six (36) square feet that shall be located at least one hundred (100) feet from any property line.
  - 5. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the County describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
  - 6. Facilities must obtain all required State and Federal licenses or operational permits.
- L. Limited Industrial Uses, permitted.** A limited industrial use may be permitted meeting the following requirements:
- 1. **Definition.** Limited industrial uses are low impact uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which, given proper controls, have little or no adverse effect on surrounding properties. Limited industrial uses generally do not involve processing of raw materials or production of primary materials. Limited industrial uses include the production, processing or storage of the following:
    - a. Apparel, textiles, and fabrics;
    - b. Electronic and electrical equipment, components and accessories;
    - c. Foods and food products, not including distilling or live slaughter;
    - d. Household goods and appliances;
    - e. Measuring, analyzing and controlling instruments;
    - f. Medical and optical goods and technology;
    - g. Novelty items, musical instruments, sporting and athletic equipment and other personal goods;
    - h. Office and commercial equipment, furniture, and fixtures;
    - i. Pharmaceuticals, health and beauty products;
    - j. Printing and publishing operations, including distribution;



- k. Signs, including electric and neon signs and other advertising devices;
  - l. Fabricated metal products, such as, cans, shipping containers, cutlery, handtools and general hardware;
  - m. Fabricated plastic and rubber products, except tires and inner tubes;
  - n. Household, industrial and commercial machinery and equipment such as engines and turbines, farm , lawn and yard equipment, heating, cooling and refrigeration equipment and machine tools;
  - o. Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating;
  - p. Paper and paperboard products, except no pulp, paper or paperboard mills;
  - q. Woodworking, lumber and wood products, not including saw mills.
2. **Square footage.** Square footage of primary and accessory structures related to the use do not exceed 100,000 square feet.
  3. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 5,000 gallons per day.
  4. **EAW/EIS.** The limited industrial use and/or property does not require an environmental assessment worksheet or an environmental impact statement (mandatory or discretionary).
  5. **Site plan and licensing required.** Rural business licensing and site plan approval shall be required; site plans shall indicate all structures proposed, designated parking areas, new and existing wells; wastewater treatment and stormwater controls.
  6. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
    - a. Accessory structures and outdoor storage may be permitted as long as cumulatively do not exceed 50% of the gross floor space of the principal building(s).
    - b. The accessory structures do not exceed the height of the principal building(s) and meet the building materials standards as set forth in the urban reserve industrial district.
    - c. Outdoor storage is screened from Interstate 35, County Highways and offsite residences. Screening shall be approved materials or natural plantings that achieve 90% opacity within 2 years.
- M. **Limited Industrial Uses, conditional.** A limited industrial use may be conditional use meeting the following requirements:
1. **Definition.** Limited Industrial uses, conditional, shall be as defined above in 507.07 L.1.
  2. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 10,000 gallons per day.
  3. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
    - a. Accessory structures and outdoor storage may be conditionally permitted if cumulatively exceed 50% of the principal building(s) but no more than 70% of the gross floor space of the principal building(s).
- N. **Limited manufacturing, including light assembly and packing**
1. Vehicular access points shall create a minimum of conflict with through traffic movement.
  2. Equipment or materials shall be completely enclosed in a permanent structure, with no outdoor storage.

3. The hours of operation will not have an adverse impact on adjacent property owners.

**O. Liquefied Petroleum (Propane) Gas Distribution Services.**

1. Liquefied Petroleum Gas means any material having vapor pressure not exceeding that allowed for commercial propane that is composed predominately of propane hydrocarbons, either by itself or as a mixture, but for purposes of this ordinance does not include: propylene; butane (normal butane or isobutene); and butylenes. Propane is that gas as defined by the United States Energy Information Administration or its successor agency.
2. Liquefied petroleum gas distribution service includes any person or business engaged in:
  - a. the storage of liquefied petroleum gas tanks or cylinders awaiting use, resale, exchange, minor repair, or any other services;
  - b. the filling of liquefied petroleum gas tanks or cylinders; or
  - c. the minor repair and distribution of liquefied petroleum gas tanks or cylinders manufactured under specifications of the United States Department of Transportation;
3. Onsite retail sales of propane shall be prohibited.
4. An operator of a liquefied petroleum gas distribution service shall comply with the following Statutes, Rules, Regulations, and Standards, and any subsequent amendments:
  - a. Minnesota Statute Chapter 299F;
  - b. Minnesota Rules, part 7511.3800;
  - c. To the extent not amended by this Ordinance or by Minnesota Rules, part 7511.3800, the standards found within National Fire Protection Association (NFPA) 58;
  - d. 29 CFR 1910.110 – Storage and handling of liquefied petroleum gases; and
  - e. All other applicable air emission and hazardous waste Statutes, Rules, Regulations, and Standards.
5. A person, other than the owner as defined in Minn. Stat. §299F.40, subd. 2(c), and those authorized by the owner, may not sell, fill, refill, remove gas from, deliver, permit to be delivered, or use in any manner any liquefied petroleum (propane) gas container or receptacle for any gas or compound, or for any other purpose.
6. Storage of liquefied petroleum gas tanks shall be setback at least 200 feet from any public right-of-way and any non-owner/operator residence.
7. Prior to operation, the operator of the liquefied petroleum gas distribution service shall show compliance with this Ordinance and the incorporated Statutes, Rules, Regulations, and Standards.

**P. Motels and hotels**

1. Vehicular access points shall create a minimum of conflict with through traffic movement.
2. The facility shall maintain a guest register open to inspection by the County.
3. Guest stay shall be limited to fourteen (14) days.
4. The applicant shall meet all applicable County, State and Federal regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.

**Q. Printing and publishing**

1. Vehicular access points shall create a minimum of conflict with through traffic movement.

2. In the VMU and HC Districts, equipment or materials shall be completely enclosed in a permanent structure, with no outdoor storage.
  3. The hours of operation will not have an adverse impact on adjacent property owners.
- R. **Recycling or composting facilities, landfills, soil reclamation, County, municipal or institutional**
1. Composting operations shall employ a tested waste processing system and all composting operations shall occur within a completely enclosed building.
- S. **Restaurant, café.** Drive-through facilities shall be permitted only in the HC District, and shall meet the following standards:
1. The use shall have direct access to a paved road.
  2. The public address system, if provided, shall not be audible from any residential parcel.
  3. Adequate stacking space shall be provided.
- T. **Retail sales, general.** Within the VMU and HC Districts, no outdoor storage or sales shall be permitted, except for temporary “sidewalk sales” events.
- U. **Salvage yard.** Salvage yards are limited to legal existing operations. A new conditional use permit shall be required for the continuance of such operations. The storage area shall be completely screened with an opaque fence of acceptable design a minimum of six (6) feet high, and additional landscape materials.
- V. **Septage Storage, up to 50,000 gallons**
1. Septage storage shall be limited to no more than 50,000 gallons.
  2. Septage storage shall be located on an approved registered land application site or a contractor’s yard.
  3. Only domestic septage from residences may be stored at the location.
  4. Storage shall not be located in an area mapped as a 1% or 0.2% flood hazard area.
  5. Storage shall be setback 100-ft from property lines and Road Right of Ways.
  6. Storage shall be setback 500-ft from any residence.
  7. Storage shall be setback 200-ft from all wells and wetlands.
  8. A reclamation plan and bond shall be required.
  9. A septic permit must be obtained for installation and an operating permit issued to a MPCA licensed SSTS maintainer must be valid at all times.
  10. Failure to maintain a valid operating permit will require the tank to be removed and the conditional use permit terminated.
  11. Only the licensed maintainer business issued the operating permit may store septage on the site.
- W. **Temporary asphalt plant, highway construction yard and equipment placement.** This use includes temporary operations such as a bituminous plant, sand and gravel washing plant, ready mix plant, gravel crusher or contractor’s yard for highway construction.
1. Equipment placement shall be for a period not to exceed eight (8) months, unless approved as part of an extraction or excavation of materials and minerals interim use permit.
  2. Erosion control and stormwater management plans may be required.
  3. A performance bond shall be required for site restoration and road repair.
- X. **Truck stop.** Within the HC District, truck stops shall be limited to those in existence at the time of adoption of this Ordinance. Any expansion of existing facilities shall require a new conditional use permit and compliance with the following standards:
1. Vehicular access points shall create a minimum of conflict with through traffic movement.

2. All parking and vehicle storage areas shall be paved.

Y. **Veterinary clinic.** All activities shall take place within a completely enclosed building with soundproofing and odor control. Outdoor operations of kennels are prohibited in the VMU.

Z. **Warehousing, shipping and inside storage facilities, permitted.**

1. **Square footage.** Square footage of primary and accessory structures related to the use do not exceed 100,000 square feet.
2. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 5,000 gallons per day.
3. **EAW/EIS.** The limited industrial use and/or property does not require an environmental assessment worksheet or an environmental impact statement (mandatory or discretionary).
4. **Site plan and licensing required.** Rural business licensing and site plan approval shall be required; site plans shall indicate all structures proposed, designated parking areas, new and existing wells; wastewater treatment and stormwater controls.
5. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
  - a. Accessory structures and outdoor storage may be permitted as long as cumulatively do not exceed 50% of the gross floor space of the principal building(s).
  - b. The accessory structures do not exceed the height of the principal building(s) and meet the building materials standards as set forth in the urban reserve industrial district.
  - c. Outdoor storage is screened from Interstate 35, County Highways and offsite residences. Screening shall be approved materials or natural plantings that achieve 90% opacity within 2 years.

AA. **Warehousing, shipping and inside storage facilities, conditional.**

1. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 10,000 gallons per day.
2. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
  - a. Accessory structures and outdoor storage may be conditionally permitted if cumulatively exceed 50% but no more than 70% of the gross floor space of the principal building(s).

**507.08 Public Service and Utility Uses**

A. **Communication tower, primary or accessory**

1. The tower shall be a monopole structure.
2. The maximum height allowed, including all antennas and other attachments, shall not exceed two-hundred (200) feet, except publicly-owned towers may exceed the maximum height.
3. Towers shall be set back no less than twenty-five percent (25%) of the tower height or the tower fall zone, whichever is greater, with a minimum setback of twenty feet (20'). No guyed wires shall be allowed.
4. Lights and/or flashing equipment shall not be permitted unless required by State or Federal agencies.
5. Signage shall not be allowed on the tower other than what is required for safety.
6. The applicant must provide proof from a professional licensed engineer that the equipment will not interfere with existing communications for public safety services.

7. Rice County shall hire, and be reimbursed for actual costs by the applicant, a professional licensed engineer to verify that the equipment is not able to be located on any existing towers or building/utility structures within a one (1) mile radius of the proposed location for any of the following reasons:
  - a. The necessary equipment would exceed the structural capacity of the existing tower or building.
  - b. The necessary equipment would cause interference as to significantly impact the usability of the existing tower or building.
  - c. The existing towers or building/utility structures within one (1) mile search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably.
  - d. The applicant, after a good faith effort, is unable to lease space on an existing or approved tower or building.
8. The tower must be constructed to accommodate co-location antennas being placed at varying heights on the tower.
9. The tower shall have an exterior finish that minimizes off site visibility and is corrosive resistant.
10. The site shall be surrounded by a security fence six feet (6') in height with a lockable gate.
11. Equipment and structure shall be designed or screened from view by suitable landscaping as to reflect and complement the architectural character of the surrounding neighborhood.
12. All obsolete or unused tower and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted by the County Board of Commissioners. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities and the landowner shall be responsible for the removal of facilities and restoration of the site.
13. The applicant shall submit a plan illustrating all anticipated future location sites for communication towers and/or communication devices/apparatus.
14. The applicant must verify through testing by a professional licensed engineer that the emissions from the tower meet FCC regulations. This will be certified to the County within one (1) year of commencement of the operation of the tower.

**B. Wind energy generation facilities and towers**

1. Towers and all related equipment shall be in compliance with all applicable local, state and federal regulatory standards.
2. Wind generation facilities and towers with a rated capacity 40-Kilowatts or less shall have a total height of no greater than two-hundred feet (200-ft).
3. All towers supporting generation units with a rated capacity of more than 40 Kilowatts shall be of a monopole type (self-supporting, tubular) and shall be no more than 300 feet in height.
4. Rotor blades shall not exceed a height of 500 feet from the ground.
5. The tower shall be set back as follows:

From:	Setback
Non-owned residence	1.25 times the total height of the unit

Property line	The lesser of the total unit height or the engineered fall zone
Road Right of Way	1.25 times the total height of the unit

6. No lighting shall be permitted other than that required by Federal requirements.
7. All connecting power lines shall be buried underground.
8. Tower and facilities shall be designed to minimize their visual impact.

**507.09 Uses Accessory and Temporary to Permitted Uses**

- A. **Home day care.** Home day care may serve up to a maximum of fourteen (14) persons in a single-family residence, as licensed by the State of Minnesota.
- B. **Home occupation, permitted.** A home occupation may be permitted in any district where residential uses are permitted, meeting the following requirements:
  1. The occupation shall be conducted only by person(s) residing in the dwelling.
  2. The home occupation shall be incidental and subordinate to the use of the property for residential purposes.
  3. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
  4. One non-illuminated sign no more than four (4) square feet in size and attached to the principal building may be provided.
  5. Entrance to the home occupation is from within the structure, and no exterior evidence of the business is evident.
  6. The home occupation shall not result in increased usage of the septic system.
  7. One (1) additional parking space shall be provided for the use of clients, deliveries, etc.
  8. One commercial vehicle and/or one trailer up to fourteen feet in length, associated with the business is allowed on-site with the permitted home occupation.
- C. **Home occupation, interim.** A home occupation that exceeds any of the standards for permitted home occupations may be allowed as an interim use in any district where residential uses are permitted, meeting the following requirements:
  1. No more than one (1) person other than person(s) residing in the dwelling shall be employed in conjunction with the home occupation.
  2. The home occupation may be conducted in an accessory building or attached garage [not exceeding 2,000 square feet of gross floor area.
  3. An outside entrance may be provided.
  4. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
  5. One non-illuminated sign no more than sixteen (16) square feet in size may be provided.
  6. No equipment or processes used in the home occupation shall create noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.
  7. Rural business licensing shall be required as provided for in §505.11.

- D. **Outdoor storage.** In all commercial and industrial districts, open storage of materials within any structure setback area shall be prohibited. Where allowed, outside storage shall be located or screened so as not to be visible from any residential district or public road. Underground gasoline storage may be allowed as accessory to a permitted commercial or industrial use.
- E. **Room and board facilities.** Facilities shall be located within a principal residence and shall serve a maximum of two individuals; a separate kitchen for this purpose is prohibited.

**507.10 Structures Accessory and Temporary to Permitted Uses**

- A. **Antennas.** Satellite dish antennas and other antenna devices are permitted subject to the following requirements:
  - 1. Antennas shall be in compliance with all state and local building and electrical code requirements.
  - 2. Verification that the structural design and installation has been approved by a professional engineer shall be provided to the County.
  - 3. Antennas shall be limited to one per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location.
  - 4. No advertising message shall be on the antenna structure.
  - 5. Antennas shall comply with setback requirements for principal structures and shall not be located between the principal structure and a public street.
  - 6. No antenna shall be located within a shore impact zone or a bluff impact zone.
  - 7. Antennas shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground-mounted antennas and materials compatible with those utilized on the exterior of the building for roof-mounted antennas.
  - 8. Antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line.
  - 9. Antenna height shall be no more than sixty (60) feet as measured from the ground at the base of the structure.
- B. **Detached garages.** Detached garages shall conform to the requirements for the district in which they are located.
- C. **Seasonal roadside stands for sale of farm products**
  - 1. No more than one stand per farm shall be permitted.
  - 2. Adequate off-street parking shall be provided.
  - 3. Merchandise shall be limited to agricultural products or manufactured goods produced by individuals having a residence or farm within Rice County.
- D. **Accessory Dwelling Units (ADU)** An ADU is an accessory residential dwelling unit on the same parcel on which a detached single-family dwelling is present or will be constructed. It provides separate housekeeping and cooking facilities from the Principal Dwelling. It may take various forms including but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or an attached unit that is part of an expanded or remodeled dwelling unit. All Accessory Dwelling Units shall comply with the following standards:
  - 1. There shall be no more than one (1) Accessory Dwelling Unit per lot.

2. The Accessory Dwelling Unit shall comply with all dimensional and development standards in the applicable zoning district. The Accessory Dwelling Unit shall not be counted for or against transferable development rights or density requirements in the applicable zoning district.
  3. Any detached Accessory Dwelling Unit shall be located at least 10 feet and no more than 350 feet from the Principal Dwelling.
  4. The Accessory Dwelling Unit shall not be sold independently of the Principal Dwelling and shall not be on a separate parcel.
  5. The owner of the parcel shall maintain their primary homestead residence in either the Principal Dwelling or the Accessory Dwelling Unit.
  6. The Accessory Dwelling Unit shall use the same approved road access as the Principal Dwelling.
  7. The Accessory Dwelling Unit shall comply with the Minnesota State Building Code. All required permits and a certificate of occupancy shall be obtained prior to occupancy.
  8. Sewage treatment for the Principal Dwelling and Accessory Dwelling Unit shall comply with the Rice County Sewage and Wastewater Treatment Ordinance or the Rice County Roberds Lake Subordinate Service District Ordinance No. 725 for those properties that are part of the Subordinate Service District.
  9. An Accessory Dwelling Unit shall not be permitted on any parcel with a non-conforming structure or use, nor any non-conforming parcel, as described in Chapter 504, unless the non-conformity is eliminated or brought into conformance prior to permitting of the Accessory Dwelling Unit.
- E. **Water-oriented accessory structures in GDS and RDS Districts.** Each riparian lot in a GDS or RDS District may have one water-oriented accessory structure not meeting the structure setback in Chapter 516, Table 516-1 if the water-oriented accessory structure complies with all of the following provisions:
1. **Height.** The structure must not exceed ten (10) feet in height, exclusive of safety rails. Detached decks must not exceed eight (8) feet above grade at any point.
  2. **Size.** The structure cannot occupy an area greater than one hundred forty-four (144) square feet
  3. **OHWL setback exceptions.** The structure shall be setback at least fifty feet (50') from the ordinary high water level (OHWL) unless:
    - a. A permanent physical feature (e.g., roadways, bluffs) prohibits such 50-foot minimum placement, in which case the structure may be located less than fifty (50) feet from the OHWL, but no less than ten (10) feet from the OHWL and placed at a structurally feasible location furthest from the OHWL; OR
    - b. The minimum side yard setback is increased to be at least 40% of the lot width, in which case the water- oriented structure may be located at a minimum setback of ten (10) feet from the OHWL; OR
    - c. The water-oriented accessory structure may be located at a minimum ten (10) foot side yard setback, and a minimum ten (10) foot OHWL setback if both adjacent property owners, at the time of building permit application, agree in writing to the location of the structure.
  4. **Screening.** The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;



- 5. **Not for habitation.** The structure or facility must not be designed or used for human habitation.
- F. **Temporary Meteorological Test Towers.** Temporary Meteorological test towers and equipment are allowed for up to one-year and up to a height of 200-feet.
- G. **Other structures – Storage shed.** Storage sheds shall conform to the requirements set forth in the district in which they are located.

## **Chapter 508      Zoning Districts, Zoning Map and Uses**

### **508.01      Division into Districts**

The unincorporated areas of Rice County are hereby divided into the following zoning districts:

A	Agricultural District
UR	Urban Reserve District
RR	Rural Residential District
VMU	Village Mixed-Use District
HC	Highway Commercial District
LI	Limited Industrial District
RI	Rural Industrial District
URI	Urban Reserve Industrial District
GDS	General Development Shoreland Districts
RDS	Recreational Development Shoreland Districts
NES	Natural Environment Shoreland Districts
WS	Wild and Scenic River District

### **508.02      Consistency with Comprehensive Plan**

The zoning districts and uses in this Chapter and the delineation of zoning district boundaries on the zoning map are consistent with the goals, policies and objectives of the Rice County Comprehensive Plan.

### **508.03      Zoning Map**

The location and boundaries of the districts established by this Ordinance are set forth on the Zoning Map, which is hereby incorporated as part of this Ordinance.

- A. Corrections and updates shall be recorded on such maps by the Planning Director within thirty (30) days after the official adoption of the zoning amendment by the Rice County Board.
- B. Deleted
- C. The Wild and Scenic River Districts are taken from the Cannon River Management Maps dated January 11, 1980 and produced as part of the Cannon River Management Study and final rule (Minn. Rules, Part 6105.1680) and these maps are hereby incorporated by reference.
- D. The official Zoning Map shall be signed by the Chair of the Board and a certified copy filed by the Auditor with the County Recorder.
- E. Any unauthorized change of a zoning boundary or designation by any person or persons shall be considered a violation of this Ordinance.

### **508.04      District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, rivers, highways or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following established municipal limits and County borders shall be construed as following such lines.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines.
- F. Where physical features, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subdivisions A through E above, the Zoning Administrator shall interpret the district boundary.

**508.05 Permitted, Conditional and Interim Uses**

The following table establishes the uses in the zoning districts within Rice County. For the purposes of the table:

- A. **Permitted uses.** Uses specified with a “P” are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this Ordinance.
- B. **Conditional and Interim uses.** Uses specified with a “C” are allowed as a conditional use in the district or districts where designated. Uses specified with an “I” are allowed as an interim use in the district or districts where designated.
- C. **Prohibited uses.** Any use not listed as either “P” (permitted), “C” (conditional), or “I” (interim) in a particular district shall be prohibited in that district.
- D. **Specific development standards.** Any use where an “X” is indicated in the column headed by “Stds” must conform to specific development standards that are contained in Chapter 507. Specific development standards apply in addition to the general criteria for conditional and interim uses in §503.05, and all other applicable regulations.

**Table 508-1 Permitted, Conditional and Interim Uses**

<b>A. Residential and Related Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Single-family detached dwelling	P	P	P	P	P	P	P	P	P*	P*	P*	P*	X
Single-family attached dwelling	P	P	P		P			P				P*	X
Shoreland Residential Cooperative	P*	P*	P*										
Multifamily dwelling	P	P	P		P			C					X
Mixed-use building (commercial, residential, office)								C					X
Facility for supervised residential program (up to 6 residents; 6 or more is a conditional use)	P	P	P	P	P	P	P	P		P*			X
<b>B. Agricultural and Related Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Farm buildings	P	P	P	P	P	P			P*	P	P*	P*	
Agricultural Tourism Business, Conditional	C	C	C		C	C				C			X
Agricultural Tourism Business, Permitted					P	P				P			X
Agricultural Use –excluding feedlots	P	P	P	P	P	P	P	P	P	P	P	P	X
Agriculturally-oriented business							C	C	C	C	C	C	X
Feedlot, animal manure composing site, aquaculture													If compliant with the Rice County Feedlot Ordinance
Food Sales/Service located on a CSA Farm					C	C							

Notes:

P = Permitted use

C = Conditional use

I=Interim use

X = Standards apply, see specific use in Chapter 507 Specific Development Standards

Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 PUD Standards

\* = Use only allowed for those sites where the use legally existed on the date of adoption of this Ordinance

\*\* = only with existing permitted commercial use

\*\*\*= only locations that have had an existing permitted commercial use

<b>C. Commercial Recreation</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Campground, private	C	C			C	C							X
Flying field for radio-controlled aircraft					C								X
Go-cart track, miniature golf						C		C					X
Golf course, country club, driving range					C	C							X
Archery range, outdoor					C	C				C			X
Gun range, outdoor					C								X
Gun or archery range, indoor					C					C	C		X
Hunting club, private					C								X
Organized motor sports: ATVs, trucks, tractors or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events)					C	C							X
Paint ball course					C	C							X
Riding and boarding stable					C	C				C			X
Ski slope, snowboarding, tubing or sledding hills; private					C	C							X
Soccer Club Area, Private					C								X
Water-oriented commercial recreation	C	C											X
<b>D. Civic, Educational, &amp; Institutional</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Day care center								P	C				X
Religious institution					C	C	C	C					X
Campground, public	C	C			C	C							X
Cemetery					C	C	C	C					X
School, public or private						C		C					X
Public Recreational Areas	P	P	P	P	P	P	P	P	P	P	P	P	X
<b>E. Commercial &amp; Industrial</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Adult entertainment											P		X
Agricultural based therapeutic service uses					C								X
Art, photography, crafts galleries, studios								P					
Auto & recreational equipment & vehicles; sales & repair								C		C	C		X
Auto service station								C	C	C	C		X
Auto parts sales, indoor only								C		C	C		
Auto repair, auto body repair						C*		C		C	C		X
Bakery								P					
Barber or beauty shop								P					
Bed and breakfast facility	I	I	I		I	I		P					X
Cabinet, carpentry shops					C	C	C**	C		C	C	C	
Car wash, freestanding or accessory								C			C		X
Construction material sales primarily within a building								C	C	C	C	C	
Contractor's office					C	C		P	C	C	C	C	

Notes:

P = Permitted use

C = Conditional use

I=Interim use

X = Standards apply, see specific use in Chapter 507 Specific Development Standards

Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 PUD Standards

\* = Use only allowed for those sites where the use legally existed on the date of adoption of this Ordinance

\*\* = only with existing permitted commercial use

\*\*\*= only locations that have had an existing permitted commercial use

<b>E. Commercial &amp; Industrial, cont.</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>
Contractor's yard with outdoor storage					C	C		C		C	C	C	X
Convenience fuel and goods						C**		C	C		C		X
Corporate office headquarters									P			P	
Demolition Landfill					I	I							
Extraction or excavation of materials & minerals	I	I	I	I	I	I			I				X
Flea market or auction site, permanent					C	C		C					X
Indoor school bus storage					C					C			
Kennel, commercial		C			C	C							X
Laundries, laundromat, dry cleaning								C			C		
Limited Industrial, permitted										P		P	X
Limited Industrial, conditional										C		C	X
Limited manufacturing, including light assembly and packing								C	C	C	C		X
Liquefied Petroleum (Propane) Gas Distribution Services					C								
Lumber yards								C	P			P	
Medical, dental or other health care offices, clinics								P	C				
Motels, hotels								C	C				X
Offices, professional								P	P	P	P		
Printing & publishing								C	C	P	P		X
Railroad switching yards and repair spurs					P	P				P	P	P	
Recycling or composting facilities, landfills, soil reclamation, County, municipal or institutional				I*	I	I					I		X
Restaurants, cafes						C**		P	C		C		X
Retail sales, general								P	C		C		X
Salvage yard					C*								X
Septage Storage up to 50,000 gallons					C								X
Small appliance repair					C	C		P			C		
Temporary asphalt plant or highway construction yard and equipment placement					I	I	I	I	I	I	I		X
Truck (1-ton and heavier) and Heavy Equipment Sales and Repair						C***							
Truck Repair									C				
Truck stop									C*				X
Truck terminal & cartage facility									C	C	C	C	
Upholstering, furniture repair or restoration					C	C		P					
Veterinary clinic					C	C		C		C	C		X

Notes:

P = Permitted use

C = Conditional use

I=Interim use

X = Standards apply, see specific use in Chapter 507 Specific Development Standards

Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 PUD Standards

\* = Use only allowed for those sites where the use legally existed on the date of adoption of this Ordinance

\*\* = only with existing permitted commercial use

\*\*\*= only locations that have had an existing permitted commercial use

Warehousing & Distribution, permitted										P	P	P	P	X
Warehousing, conditional										C	C	C	C	X
<b>F. Public Service &amp; Utility Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>	
Essential public services without towers and transmission lines	P	P	P	C	P	P	P	P	P	P	P	P		
Essential public service towers and transmission lines	C	C	C	C	C	C	C	C	C	C	C	C	X	
Government buildings	C	C	C		P	P	P	P	P	P	P	P		
Communications tower					C	C			C	C	C	C	X	
Solar Energy Production					I	I				I				
Wind energy generation facilities and towers, rated for over 40 KW					C	C			C	C	C		X	
Wind energy generation facilities and towers, rated for 40 KW or less	C	C	C		P	P	C	C	P	P	P		X	
Temporary Meteorological test towers and equipment.	P	P	P		P	P	P	P	P	P	P		X	
<b>G. Uses Accessory &amp; Temporary to Permitted Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>	
Domestic pets up to 6 animals	P	P	P	P	P	P	P	P		P				
Home day care for up to 14 persons	P	P	P	P	P	P	P	P	C	P			X	
Home occupation, permitted	P	P	P	P	P	P	P	P		P			X	
Home occupation, interim	I	I	I		I	I	I	I		I			X	
Outdoor storage					C			C		P	P	P/C	X	
Room & board facility, max. 2 persons					I	I	I	I					X	
Other temporary uses – yard sales, sale of one personal vehicle	P	P	P	P	P	P	P	P	P	P	P	P		
Grant in-aid parking area and/or trailhead	C	C	C	C	C	C	C	C	C	C	C	C		
<b>H Structures Accessory to Permitted Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Stds</b>	
Antennas, including satellite dishes	P	P	P	P	P	P	P	P	P	P	P	P	X	
Detached garages, storage sheds, outbuildings	P	P	P	P	P	P	P	P	P	P	P	P	X	
Farm drainage systems, flood control and watershed structures, erosion control structures	P	P	P	P	P	P	P	P	P	P	P	P		
Fuel storage, containerized or bulk for use on site and under 1000 gal.	P	P	P	P	P	P	P	P	P	P	P	P		
Outdoor recreation accessory to lodging (including water park, golf)								C	C					
Private airstrip					C		C							

Notes:

P = Permitted use

C = Conditional use

I=Interim use

X = Standards apply, see specific use in Chapter 507 Specific Development Standards

Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 PUD Standards

\* = Use only allowed for those sites where the use legally existed on the date of adoption of this Ordinance

\*\* = only with existing permitted commercial use

\*\*\*= only locations that have had an existing permitted commercial use

Private swimming pool, tennis court, recreational facilities accessory to a dwelling	P	P	P	P	P	P	P	P	P	P				
Signs meeting standards in Chapter 505.	P	P	P	P	P	P	P	P	P	P	P	P	P	P

<b>H Structures Accessory to Permitted Uses cont.</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Std</b>
Seasonal roadside stands for sales of farm products primarily produced upon the premises					P	C				P			X
Solar equipment	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Dwelling Unit (ADU)	P	P	P		P	P	P	P					X
Water-oriented accessory structure	P	P											X
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	P	P	P	P	P	P	P	P	X
<b>I Mixed Uses</b>	<b>GDS</b>	<b>RDS</b>	<b>NES</b>	<b>WS</b>	<b>A</b>	<b>UR</b>	<b>RR</b>	<b>VMU</b>	<b>HC</b>	<b>RI</b>	<b>LI</b>	<b>URI</b>	<b>Std</b>
Mixed Use Planned Unit Development(PUD) Overlay									C				Y

Notes:

P = Permitted use

C = Conditional use

I=Interim use

X = Standards apply, see specific use in Chapter 507 Specific Development Standards

Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 PUD Standards

\* = Use only allowed for those sites where the use legally existed on the date of adoption of this Ordinance

\*\* = only with existing permitted commercial use

\*\*\*= only locations that have had an existing permitted commercial use

## Chapter 509 “A” Agricultural District

### 509.01 Purposes

The purpose of the Agricultural District is preservation of agricultural and natural land to minimize conflicts between agricultural, residential and other non-agricultural uses. This district provides and maintains a diverse economic mix for Rice County by promoting agriculture, agricultural-associated businesses and complementary uses as guided by the Rice County Comprehensive Plan.

### 509.02 Permitted, Conditional, Interim and Accessory Uses, Agricultural District

- A. Permitted, conditional, interim and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted, conditional and interim uses may be combined on a single parcel, provided that each use meets the density standards in §509.03 and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### 509.03 Density Standards

- A. The base density permitted in the Agriculture District is one (1) dwelling unit per quarter-quarter section of land. All existing dwellings, including those on parcels of record, are counted towards calculation of the overall base density per quarter-quarter section. Rights that have been transferred from a quarter-quarter section shall be counted against the base density in the quarter-quarter section they have been transferred from.
- B. A second dwelling unit per quarter-quarter section may be permitted on lands that meet one of the requirement of Subsections 1 through 3 below:
  1. The quarter-quarter section must have a weighted average Crop Equivalent Rating (CER) of sixty-five (65) or less as established by Revised 2002 Productivity Factors and Crop Equivalent Ratings for Soils of Minnesota as published by the Minnesota Extension Service of the University of Minnesota, or
  2. The parcel to be developed must include at least 1.25 acres of forest land, as defined in this Ordinance. The dwelling need not be located in the forest land to qualify for this provision, or
  3. An abandoned farm homestead may be used as a building site for an additional dwelling, provided that there is physical evidence that there was once a dwelling on the site. This provision shall not apply to an existing residence unless it is no longer in habitable condition.
  4. An additional dwelling shall not be permitted in the following areas:
    - a. Areas classified as wetlands and peat areas or other areas of poor drainage.
    - b. Slopes of twelve percent (12%) or greater, unless accompanied by an engineer’s report showing adequate footing, drainage and grading plans.
    - c. Locations that would require a new public dedicated street.
  5. All lots permitted under this subsection shall meet the dimensional standards of §509.05 and the standards of the Rice County Sewage and Wastewater Treatment Ordinance
  6. Dwellings shall be sited to minimize intrusions into agricultural land and potential interference with agricultural operations
- C. Once a given quarter-quarter section has been developed with a single dwelling unit and, where permitted, a second dwelling unit, no further residential development is permitted within that quarter-quarter section, with the exception of undeveloped parcels of record, or utilizing transferable development rights from another quarter-quarter section.



- D. Free-standing rural businesses, defined as non-agriculture-related commercial or production uses on separate parcels, shall be limited to a maximum of one per quarter-quarter section. (These uses are classified in Table 508-1 as "Commercial and Industrial Uses.")

**509.04 Density Transfers**

Within the Agriculture District, density units may be transferred across quarter-quarter section boundaries and between parcels as specified in Chapter 520, Transfer of Development Rights Regulations and Chapter 521, Cluster Development Standards. Density units may be transferred from the Agriculture District as specified in Chapter 520.

**509.05 Dimensional Standards**

- A. **Minimum lot area, residential lot:** 35 acres, or a minimum of 1 acre if the site qualifies under §509.03 B.
- B. **Minimum lot area, dwelling of record:** A parcel containing a dwelling of record may be reduced in size to 1.0 acres. The remainder of the parcel may only be used or developed in accordance with the density standards of §509.03.
- C. **Minimum lot area, all other uses:** 2.5 acres, or as specified by conditional use permit.
- D. **Minimum lot width:** 50 feet
- E. **Minimum front yard setback:**
  - County road, State Highway      100 feet
  - Township, other road              70 feet
  - Front property line                70 feet
- F. **Minimum side yard setback:** 20 feet, with the exception of buildings containing livestock, which shall have a minimum setback of 100 feet.
- G. **Minimum rear yard setback:**
  - 1. Principal buildings:              70 feet
  - 2. Accessory buildings:            20 feet
  - 3. Livestock buildings:            100 feet
- H. **Maximum height:** 35 feet. Agricultural structures are exempt from height limitations.
- I. **Feedlot setback:** The minimum setback for new residences from existing feedlots shall be the same as the requirements established in the Rice County Feedlot Ordinance for setbacks of feedlots from existing residences.

## Chapter 510 “UR” Urban Reserve District

### 510.01 Purposes

The purpose of the Urban Reserve District is to implement urban growth zones where municipal infrastructure is likely to expand by reserving large tracts for future development. This district, based on the urban growth areas identified by the municipalities, supports and encourages orderly growth and development as guided by the Rice County Comprehensive Plan.

### 510.02 Permitted, Conditional, Interim and Accessory Uses, Urban Reserve District

- A. Permitted, conditional, interim and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted, conditional and interim uses may be combined on a single parcel, provided that each use meets the dimensional standards of this Chapter and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### 510.03 Dimensional Standards

- A. **Minimum lot area, residential lot:** 35 acres
  1. A parcel with a dwelling existing as of the date of adoption of this Ordinance may be reduced in size to a lot of no less than 1.0 acres, provided that a conservation easement is recorded on the residual parcel prohibiting further development or subdivision. The terms of the conservation easement shall be those stated in §520.10 D., except that the easement may be terminated by Rice County at such time as the property is annexed by the adjacent municipality.
- B. **Minimum lot area, all other land uses:** 2.5 acres or as specified by conditional use permit
- C. **Minimum lot width:** 100 feet
- D. **Minimum front yard setback:**

County road, State Highway	100 feet
Township or other road	70 feet
Front property line	70 feet
- E. **Minimum side yard setback:** 20 feet, with the exception of buildings containing livestock, which shall have a minimum setback of 100 feet.
- F. **Minimum rear yard setback:**
  1. Principal buildings: 70 feet
  2. Accessory buildings: 20 feet
  3. Livestock buildings: 100 feet
- G. **Maximum height:** 35 feet.

### 510.04 Density Transfers

Density units may be transferred out of the Urban Reserve District as specified in Chapter 520, Transfer of Development Rights Regulations. Development rights may not be transferred to other sites within the Urban Reserve District.

## **Chapter 511 “RR” Rural Residential District**

### **511.01 Purposes**

The purpose of the Rural Residential District is to recognize existing low-density residential development in already-developed areas. Most of these areas are located in agricultural areas or on the outskirts of unincorporated villages. Rezoning to RR will not be permitted except to remedy inconsistencies – i.e., for existing dwellings of record adjacent to already-platted RR districts, or to correct discrepancies in zoning district boundaries.

### **511.02 Permitted, Conditional and Accessory Uses, Rural Residential District**

- A. Permitted, conditional and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505, 506, and 507 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### **511.03 Dimensional Standards**

- A. **Minimum lot area, single-family dwelling:** 20,000 square feet.
  1. An increase in maximum lot area may be required to provide for a sewage treatment system, as required by the Environmental Health Services Division.
- B. **Minimum lot width:** 100 feet
  1. All lots shall front on and have access to a public street
- C. **Minimum front yard setback:** the average setback of the residential buildings fronting the same side of the street on the same block, but no closer than 35 feet.
- D. **Minimum side yard setback:** 10 feet
- E. **Minimum rear yard setback:** 25 feet
- F. **Maximum height:**
  1. Principal buildings: 35 feet
  2. Detached airplane hangars: 24 feet
  3. Other accessory buildings: 16 feet

## **Chapter 512 “VMU” Village Mixed-Use District**

### **512.01 Purpose**

The purposes of the Village Mixed-Use District are to encourage compatible new development and a pedestrian-friendly environment in unincorporated villages and to implement the following Rice County Comprehensive Land Use Plan goals.

- A. **Goal 31:** Create zoning districts for the unincorporated villages to allow for mixed-use development provided they develop municipal type water and sewer services.
- B. **Goal 32:** Create PUD zoning for growth zones abutting unincorporated villages provided they develop municipal type water and sewer services.
- C. **Goal 35:** Encourage municipalities and unincorporated villages to create convenience retail/services and employment opportunities providing they develop municipal type water and sewer services.
- D. **Goal 37.** Promote housing development in cities and unincorporated villages who can provide municipal or municipal-type water and sewer services rather than in the agricultural districts.
- E. **Goal 53.** Discourage scattered site residential development and promote clustering.

### **512.02 Summary of Development Categories**

- A. The VMU District provides for several different types of development, under different conditions:
  - 1. A limited number of infill lots without centralized water and sewer services, at a size and scale compatible with the existing village.
  - 2. A larger number of infill lots, a greater variety of housing types, or intensification of existing land uses, increasing the housing diversity and economic viability of the village and providing increased services to its residents. Central utilities are encouraged for this development pattern.
  - 3. Village extension with centralized utilities, in a pattern that respects and enhances the existing village form, increases housing diversity and economic viability, and creates protected open space in and around the village. This development pattern requires the use of Planned Unit Development procedures and will require a rezoning of lands adjacent to the current VMU District boundary. The standards for a village extension are set forth in Chapter 513.

### **512.03 Permitted, Conditional and Accessory Uses**

- A. Permitted, conditional and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Nonresidential uses, with the exception of home occupations, bed and breakfasts, and professional offices, shall be restricted to lots abutting through roads and adjacent to existing commercial or industrial uses. In villages with no existing commercial or industrial uses, nonresidential uses (with the exceptions noted above) shall be conditional, and are restricted to lots abutting through roads.
- C. Commercial uses listed as “permitted” in Table 508-1 shall not exceed 5,000 square feet of gross floor area on the ground floor, except by conditional use permit. The maximum size of conditional commercial or other nonresidential uses shall be as specified in the conditional use permit.
- D. Residential dwelling units shall be permitted above the first floor of any building with commercial uses on the ground floor. This use pattern shall be served by central utilities, if available. Residential uses may also be combined with professional offices, art studios, or similar permitted uses within a single building, meeting the dimensional standards in §512.04.

- E. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505, 506 and 507 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

**512.04 Dimensional Standards**

<b>Minimum lot area</b>	<b>On-site Utilities</b>	<b>Centralized Utilities</b>
Detached dwelling	adequate for on-site sewage treatment; min. 20,000 sf	10,000 sf
Attached <sup>1</sup>	n/a	7,500 sf per dwelling unit
Multifamily – only within a mixed use building	See below	3,000 sf per dwelling unit
Nonresidential or mixed use	Adequate for on-site sewage treatment, min. 20,000 sf	No minimum; must meet setback and lot coverage requirements
<b>Minimum lot width</b>	<b>On-site Utilities</b>	<b>Centralized Utilities</b>
Detached dwelling	Block average if available, or 75 feet	Block average if available, or 50 feet
Attached	n/a	25 feet
Mixed-use building	40 feet (per building)	40 feet (per building)
Nonresidential	No minimum	No minimum
<b>Maximum building coverage</b>	40%	50% residential, 60% nonresidential or mixed
<b>Minimum front yard setback</b>		
Residential	20 feet	
Nonresidential	Edge of sidewalk where present, or 10 feet	
<b>Minimum side yard setback</b>		
Residential	10 feet	
Nonresidential	6 feet, except for commercial buildings that share a party wall	
<b>Minimum rear yard setback</b>	25 feet	
<b>Maximum height</b>	35 feet <sup>2</sup>	

<sup>1</sup> Attached units may be designed as condominiums rather than individual lots

<sup>2</sup> See §505.10 G. for height exceptions

**512.05 Development Standards**

- A. **Site plan review.** Site Plan Review shall be required for all nonresidential or mixed-use buildings and attached dwellings, according to the standards in Chapter 505.
- B. **Scale of construction.** The scale of new commercial construction shall be in proportion with that of surrounding traditional storefront buildings, where present. This standard shall apply to building height, orientation, height to width ratio, and placement of window and door openings.
- C. **Entrance locations.** All commercial buildings shall have a principal entrance facing the abutting street. Off-street parking shall be located to the side or rear of the principal building to the extent feasible.
- D. **Building materials.** Building materials for all nonresidential or mixed-use projects shall be durable, attractive, and of the same or better quality than that used on surrounding properties. All building facades that face a public right-of-way or residential property shall be designed with similar or compatible materials. The following materials standards apply to nonresidential and mixed-use buildings.
  - 1. Building materials may include any of the following:
    - a. Brick
    - b. Natural stone
    - c. Stucco
    - d. Precast concrete units, provided that surfaces are molded, serrated or textured to give the wall surface a three-dimensional character
    - e. Wood, consisting of horizontal lap siding with an exposure no greater than 5 inches or wood shakes; surfaces must be painted.
    - f. Synthetic wood (fiber cement) siding resembling horizontal lap siding, such as Hardiplank and similar materials.
  - 2. The following building materials shall be limited or prohibited:
    - a. Prefabricated metal panels, corrugated metal surfaces and similar metal siding materials may only be used as accent materials on up to 20 percent of the front or primary façade, but are not restricted on other facades. Standing seam and split seam metal roofs are permitted.
    - b. Jumbo brick may be used on up to 30 percent of any façade, provided that it is used only on the lower third of the building wall.
    - c. Reflective glass shall be prohibited.
- E. **Design standards for dwellings.** New dwellings shall be designed with similar or compatible materials, height, setbacks and scale to existing residential buildings within the block or immediate area. Off street parking shall not be located within the front yard, except for driveways leading to an attached or detached garage. Front-loaded garage doors shall be located no closer to the street than the dwelling’s front façade. Side-loaded garages, or detached garages in rear yards, are encouraged.
- F. **Accessory buildings.** Detached accessory buildings must utilize similar or compatible materials as the primary structure

## Chapter 513 Village Extension Regulations

### 513.01 Purpose

The purposes of the Village Extension Regulations are the same as those of the Village Mixed Use District. The Village Extension achieves the goals of the Comprehensive Plan by providing for growth zones abutting unincorporated villages where development patterns respond to the character of the existing village while introducing needed services and housing.

### 513.02 Village Extension Requirements

A village extension shall be proposed and reviewed as a Planned Unit Development, meeting the standards of Chapter 522. A rezoning to VMU shall be required, and shall be reviewed concurrently with the preliminary plan. Each of the following requirements shall be met in order for a village extension to be approved:

- A. Centralized wastewater collection and treatment facilities and centralized water supply and distribution facilities shall be provided to serve the village extension.
- B. A parcel proposed for a village extension shall be at least ten (10) acres in size and adjacent to developed areas of the existing village.
- C. The Base density allowed shall be calculated using one of the following two methods;
  1. The applicant must provide at least one (1) Transferable Development Right (TDR) for each two (2) acres of land within the proposed village extension. The base density shall not exceed one (1) unit per acre, plus two (2) additional units for each TDR provided. For example, the base density calculation for a ten (10) acre parcel could not exceed twenty units (1 unit per acre for a total of 10 units; plus two units for each 1 TDR required); or
  2. The applicant shall provide centralized wastewater collection and treatment facilities and centralized water supply and distribution facilities or other approved village amenities to serve at least one (1) existing unit in the village for every new unit being proposed. Existing units must be connected to the facilities to be considered served.
- D. The maximum density shall not exceed two (2) units per acre unless density increases are granted based on the standards in §513.03.

### 513.03 Requirements for Density Increases

Increases above base density may be allowed, at the discretion of the Planning Commission and County Board, if the planned unit development has met all of the requirements of this Chapter and in addition incorporates any of the items in the list below. Increases above base density are always discretionary and shall never exceed a cumulative total of ten (10) units per acre, based on gross acreage.

- A. **Wastewater treatment.** A density increase may be given for creation of a wastewater utility district with infrastructure capacity to serve all or a portion of the existing unincorporated village, at a ratio of one (1) additional dwelling unit for each four (4) existing units serviced by the new wastewater system.
- B. **Water supply.** A density increase may be given for creation of a water supply and distribution system with capacity to serve all or a portion of the existing unincorporated village, at a ratio of one (1) additional dwelling unit for each four (4) existing units serviced by the new water system.
- C. **Stormwater management.** Up to a twenty-five percent (25%) density increase may be given for stormwater management that exceeds the design and performance standards of the Rice County Stormwater Management Ordinance, and that will benefit the existing village.
- D. **Road improvements.** Up to a twenty-five percent (25%) density increase may be given for road improvements that exceed the design and performance standards of the Rice County Subdivision Ordinance, and that will benefit the existing village.

- E. **Amenities.** Up to a ten percent (10%) density increase may be given for provision of amenities such as parks or recreation facilities, walking trails, civic uses or services that are considered to benefit the existing village (for example, community meeting hall, day care center, etc.)

**513.04 Mix of Uses**

In order to achieve a balanced mix of housing and commercial uses that will support and enhance that of the existing village, the following standards shall apply:

- A. No more than seventy-five percent (75%) of the residential units within the village extension shall consist of any single housing type. Housing types include single-family detached, single-family attached, multi-family, and units in mixed-use buildings.
- B. A maximum of 10 percent of the total land area of the village extension shall be used for commercial purposes, not including home occupations. Any commercial uses shall be located at intersections of new through streets with existing local streets or through roads, and shall complement the existing mix of commercial uses within the village.

**513.05 Dimensional Standards**

In order to achieve a creative and flexible design that responds to the surrounding natural and built environment, dimensional standards are not specified, but shall be determined through the Planned Unit Development review and approval process. Block dimensions, the ratio of lot width to depth, building height and front yard setbacks shall be generally consistent or compatible with those of the existing village, although lot sizes, lot widths and building types may differ.

**513.06 Development Standards**

In addition to the Development Standards of §512.05, VMU District, the following shall apply to any village extension.

- A. **Open space.** Open space shall be provided within every village extension to meet residents' recreational needs and reinforce the identity, form and character of the existing village.
  - 1. Minimum: 10% of gross acreage of site
  - 2. Open space shall be designed as at least two of the following categories:
    - a. Squares, with a minimum dimension of fifty (50) feet
    - b. Parks, playgrounds
    - c. Pedestrian trails
    - d. Community gardens
    - e. Greenbelt; other natural areas
  - 3. All open space shall be accessible to all community residents. The location of open space within the extension shall be coordinated with and, if appropriate, shall connect with or expand adjacent open space or recreational areas.
  - 4. Squares, parks and playgrounds should be incorporated into the street pattern in central locations to provide a central focus for the village extension and link it to the existing village.
- B. **Street connectivity.** The street system of the village extension shall connect to existing streets in at least two locations. All local streets within the village extension shall connect to other streets at two or more intersections. Cul-de-sac streets and loop streets may be permitted only where topography or natural features make a street connection infeasible.



## Chapter 514 "HC" Highway Commercial District

### 514.01 Purposes

The purpose of the Highway Commercial District is to implement the following Rice County Comprehensive Land Use Plan goals and objectives:

- A. **Goal 11:** Create commercial/industrial zones to promote employment and generate tax base in Rice County.  
**Objective 1:** Establish proper zoning and subdivision regulations to regulate nonresidential development.  
**Objective 3:** Create zoning districts to accommodate a wide variety of nonresidential development.
- B. Take advantage of proximity to the Interstate highway system. Until centralized utilities are available, limit development to low-impact uses that do not require centralized utilities.
- C. Encourage high quality development serving the travelling public around the interchanges with I-35, while ensuring adequate access controls.

### 514.02 Permitted, Conditional and Accessory Uses

- A. Permitted, conditional and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted and conditional uses may be combined on a single parcel, provided that each use meets the dimensional standards in §514.03 and any specific standards in Chapter 507.
- C. Commercial and industrial uses, as listed in table 508-1, shall be allowed only within one-quarter (1/4) mile of a highway interchange with I-35, as measured from the edge of the right-of-way, except for the following uses, which shall be allowed anywhere within the HC district:
  - 1. Limited manufacturing, including light assembly and packing
  - 2. Lumber yard
  - 3. Printing and publishing
  - 4. Temporary asphalt plant or highway construction yard and equipment placement
  - 5. Truck terminal and cartage facility
  - 6. Warehousing, shipping and inside storage facilities
- D. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

**514.03 Dimensional Standards**

- A. **Minimum lot area, retail or service use:** 2.5 acres or as specified by conditional use permit
- B. **Minimum lot area, all other uses:** 5 acres or as specified by conditional use permit
- C. **Minimum lot width:** 200 feet
- D. **Minimum front yard setback:** 100 feet
- E. **Minimum side yard setback:** 20 feet
- F. **Minimum rear yard setback:**
  - 1. Principal buildings: 70 feet
  - 2. Accessory buildings: 20 feet
- G. **Maximum height:** 35 feet [*see other height exceptions in General Regs*]
- H. **Minimum floor area:**
  - Retail and service uses: 5,000 square feet gross floor area
  - All other uses: 10,000 square feet gross floor area

**514.04 Development Standards**

- A. **Building orientation.** All commercial buildings shall have a principal entrance facing the internal abutting street. Additional entrances may be located on the side or rear facades or street frontage.
- B. **Building materials.** Building materials for all projects shall be durable, attractive, and designed for minimal exterior maintenance. All building facades shall be designed with similar or compatible materials and colors.
  - 1. Building materials may include any of the following:
    - a. Brick
    - b. Natural stone
    - c. Stucco
    - d. Precast concrete units, provided that surfaces are molded, serrated or textured to give the wall surface a three-dimensional character
    - e. Tinted or fully transparent glass, on up to 40 percent of any façade.
  - 2. The following building materials shall be limited or prohibited:
    - a. Prefabricated metal panels, corrugated metal surfaces and similar metal siding materials may only be used as accent materials on up to twenty percent (20%) of any façade. Standing seam and split seam metal roofs are permitted.
    - b. Jumbo brick may be used on up to twenty percent (20%) of any façade, provided that it is used only on the lower third of the building wall.
    - c. EIFS (exterior insulating finish system) may be used on rear and side facades only, at a height of at least ten (10) feet above grade.
    - d. Reflective glass shall be prohibited.
    - e. Wood and synthetic wood siding shall be prohibited.
- C. **Access and circulation.** Vehicular access, circulation, and parking shall be shared and integrated wherever feasible.

**514.05 Mixed Use Planned Unit Development (PUD) Overlay**

- A. Purpose.** The purpose of the Mixed Use PUD Overlay is to provide for the integration and coordination of land parcels, as well as the combination or mixture of varying types of residential, commercial and recreational land uses. These provisions encourage the clustering of buildings, designation of common open space and recreation, and incorporation of a variety of building types and corresponding mixed land uses.
- B. Procedure.** Property in the Highway Commercial District that is to be developed as a Mixed Use PUD must request rezoning to the Mixed Use PUD Overlay in conjunction with a preliminary development plan as outlined in Chapter 522.
- C. Uses.** All underlying uses of the Highway District may be included as contained in Table 508-1 and 514.02 above. Additional uses include:
  - 1. Private country club with corresponding residential, recreational and commercial use.
- D. Criteria.** All Mixed Use PUDs shall be by conditional use permit and follow procedures outlined in Chapter 522. The Mixed Use PUD allows for flexible project design as long as protections for public health and safety measures are incorporated, and design quality and conformance to an overall plan are met.
  - 1. Residential Component.
    - a. Residential development may consist of a variety of dwelling types but in no case shall density exceed 1 unit per acre.
    - b. Community well(s) and community onsite wastewater treatment system(s), or publicly owned water and/or sewer connections must be incorporated.
    - c. A mixed use planned unit development shall not consist of only residential housing. It must incorporate other commercial and recreational land uses.

## Chapter 515.A “LI” Limited Industrial District

### 515.A.01 Purpose

The purpose of the Limited Industrial District is to implement the following Rice County Comprehensive Land Use Plan goals and objectives:

- A. **Goal 11:** Create commercial/industrial zones to promote employment and generate tax base in Rice County.  
**Objective 1:** Establish proper zoning and subdivision regulations to regulate nonresidential development.  
**Objective 3:** Create zoning districts to accommodate a wide variety of nonresidential development.

### 515.A.02 Permitted, Conditional and Accessory Uses

- A. Permitted, conditional and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted and conditional uses may be combined on a single parcel, provided that each use meets the dimensional standards in §515.03 and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### 515.A.03 Dimensional Standards

- A. **Minimum lot area:** 2.5 acres or as specified by conditional use permit.
- B. **Minimum lot width:** 200 feet
- C. **Minimum front yard setback:** 100 feet
- D. **Minimum side yard setback:** 20 feet, or 50 feet abutting a residential district
- E. **Minimum rear yard setback:**
  - 1. Principal buildings: 70 feet
  - 2. Accessory buildings: 20 feet, or 50 feet abutting a residential district
- F. **Maximum height:** 35 feet. Agricultural structures are exempt from height limitations.

### 515.A.04 Development Standards

- A. **Building orientation.** All commercial buildings shall have a principal entrance facing the internal abutting street. Additional entrances may be located on the side or rear facades or street frontage.
- B. **Building materials.** Building materials for all projects shall be durable, attractive, and designed for minimal exterior maintenance. All building facades that face a public right-of-way or residential property shall be designed with similar or compatible materials and colors.
  - 1. Building materials may include any of the following:
    - a. Brick
    - b. Natural stone
    - c. Stucco

- d. Precast concrete units, provided that surfaces are molded, serrated or textured to give the wall surface a three-dimensional character
- e. Tinted or fully transparent glass, on up to 40 percent of any façade.
- 2. The following building materials shall be limited or prohibited:
  - a. Prefabricated metal panels, corrugated metal surfaces and similar metal siding materials may only be used as accent materials on up to twenty percent (20%) of any façade. Standing seam and split seam metal roofs are permitted.
  - b. Jumbo brick may be used on up to twenty percent (20%) of any façade, provided that it is used only on the lower third of the building wall.
  - c. EIFS (exterior insulating finish system) may be used on rear and side facades only, at a height of at least ten (10) feet above grade.
  - d. Reflective glass shall be prohibited.
  - e. Wood and synthetic wood siding shall be prohibited
- C. **Access and circulation.** Vehicular access, circulation, and parking shall be shared and integrated wherever feasible.

## Chapter 515.B “RI” Rural Industrial District

### 515.B.01 Purpose

The purpose of the Rural Industrial District is to allow industrial uses that are not water intensive in locations with access to arterial streets, highways or railroad transportation. This district promotes a diverse economic mix and employment opportunities as guided by the Rice County Comprehensive Plan.

### 515.B.02 Permitted, Conditional, Interim and Accessory Uses

- A. Permitted, conditional, interim and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted, conditional, and interim uses may be combined on a single parcel, provided that each use meets the dimensional standards in §515.B.03 and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### 515.B.03 Dimensional Standards

- A. **Minimum lot area:** 2.5 acres or as specified by conditional use permit.
- B. **Minimum lot width:** 200 feet
- C. **Minimum front yard setback:** 100 feet
- D. **Minimum side yard setback:** 20 feet
- E. **Minimum rear yard setback:**
  1. Principal buildings: 70 feet
  2. Accessory buildings: 20 feet
- F. **Maximum height:** 35 feet. Agricultural structures are exempt from height limitations. With issuance of a Conditional Use Permit, buildings for Conditional Uses may be permitted a height of 45 feet.

### 515.B.04 Development Standards

- A. **Building orientation.** All commercial buildings shall have a principal entrance facing the internal abutting street. Additional entrances may be located on the side or rear facades or street frontage.
- B. **Building materials.** Building materials for all projects shall be durable, attractive, and designed for minimal exterior maintenance. All building facades that face a public right-of-way or residential property shall be designed with similar or compatible materials and colors.
  1. The primary exterior building finishes for new or expanding principal commercial, industrial and institutional buildings in commercial/industrial zoning districts shall consist of the following materials: :
    - a. Brick or Stone (natural or manufactured).
    - b. Fiber-cement siding/concrete composite board.
    - c. Cast in place concrete or pre-cast concrete panels.
    - d. Monolithic architectural/decorative with integral color concrete block.
    - e. Curtain wall panels of steel, glass, fiberglass and aluminum (non-structural, non-load bearing) provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
    - f. Glass

- g. Stucco (natural or artificial).
  - h. Pre-manufactured Kynar (or similar) finish coated 26-gauge minimum steel panels, provided there is protection designed for metal in vulnerable places such as high traffic areas, doors (loading, entry, garage), and corners.
  - i. Factory finish texture faced steel panels, provided there is protection designed for metal in vulnerable places such as high traffic areas, doors (loading, entry, garage), and corners.
  - h. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
2. The following are permitted accent materials that may be used for up to 25% of any exterior wall area.
- a. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
  - b. Metal.
  - c. Vinyl, steel, or aluminum siding.
  - d. Field painted materials (i.e. decorative band on precast concrete).
3. No wall length shall exceed 100 feet without visual relief, incorporating design features such as windows, horizontal/vertical patterns, contrasting material colors, or varying wall depths.

All new building façades and refaced façades of existing buildings shall include a minimum of three (3) of the following elements:

- a. Accent materials on all walls visible from public view.
  - b. Visually pleasing front entry that, in addition to doors, shall be accented by a minimum 150 square feet around the door entrance (300 square feet for multi-tenant building).
  - c. 25% window coverage on each front that faces a street.
  - d. Contrasting, yet complimentary material colors.
  - e. A combination of horizontal and vertical design features.
  - f. Irregular building shapes or varying wall depths and shapes.
  - g. Varying roof line, design, or materials.
  - h. Decorative lighting design.
  - i. Arcades, awnings, window bays, balconies or similar ornamental features
  - j. Other unique architectural features in the overall concept.
- C. **Access and circulation.** Vehicular access, circulation, and parking shall be shared and integrated wherever feasible.

## Chapter 516 Shoreland Districts

### 516.01 Statutory Authorization

The State of Minnesota in Minnesota Statutes, Chapter 103F, has defined shoreland areas and described limitations on uses and locations of structures in those areas. This Chapter implements the requirements of Minnesota Statutes, Chapter 103F and Minnesota Regulations, Parts 6120.2500 – 6120.3900, by establishing special land use provisions for lake Shoreland Districts and river shoreland areas within Rice County.

### 516.02 Purpose

The purpose of the Shoreland Districts is to preserve natural resources, and protect surface waters, while also managing sustainable development of shoreland areas for housing and recreational use as guided by the Rice County Comprehensive Plan and Rice County Watershed Plans. This district recognizes the relationship between land use and water quality and encourages shoreland protection and restoration.

#### A. Overall Water Resource Management Goals from the Rice County Water Resources Management Plan

1. Protect, preserve and manage natural surface and groundwater storage systems
2. Effectively and efficiently manage public capital expenditures needed to correct flooding and water quality problems
3. Identify and plan for means to effectively protect and improve surface and groundwater quality
4. Establish more uniform local policies and official controls for surface and groundwater management
5. Prevent erosion of soil into surface water systems
6. Promote groundwater recharge
7. Protect and enhance fish and wildlife habitat and water recreational facilities
8. Secure other benefits associated with the proper management of surface and groundwater

### 516.03 Jurisdiction

The provisions of the Shoreland District Chapter shall apply to all public water bodies as classified in §516.04. Public waters are defined in Minnesota Statutes §103G.005 Subd. 15 and 15a. A body of water created by a private user where no previous shoreland existed may be exempt from this Chapter at the discretion of the County Board as stated in an adopted resolution.

### 516.04 Classification of Public Waters in Rice County/ Shoreland Districts

The public waters of Rice County have been classified, as listed below, consistent with the criteria in Minnesota Rules Parts 6120.3000, 6105.1680, Minnesota Statutes 103F.301 et seq., the Protected Waters Inventory Map for Rice County, Minnesota, dated 1984, and Department of Natural Resources Commissioner's Order dated January 15, 1985.

- A. **General Development Shoreland (GDS) lakes.** General development lakes are large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes are extensively used for recreation and are heavily developed around the shore. The following lakes are classified as general development lakes in General Development Shoreland (GDS) Districts:

8P	Cannon	38P	French
10P	Wells	52P	Cedar
18P	Roberds	55P	Shields

- B. **Recreational Development Shoreland (RDS) lakes.** Recreational development lakes are medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate



levels of recreational use and existing development. The following lakes are classified as recreational development lakes in Recreational Development Shoreland (RDS) Districts:

14P	Dudley	32P	Union
15P	Kelly	47P	Hunt
27P	Circle	29P	Fox
40-1P	Horseshoe	39P	Mazaska
40-2P	Upper Sakatah		

- C. **Natural Environment Shoreland (NES) lakes.** Natural environment lakes are small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and soils unsuitable for septic systems. These lakes usually do not have much existing development or recreational use. The following lakes are classified as natural environmental lakes in Natural Environment Shoreland (NES) Districts:

12W	Unnamed (Wadekamper Slough)	51P	Willing
19P	Unnamed (Jensen Slough)	57P	Logue
28W	Unnamed (Ross Slough)	46P	Pooles
41P	Weinberger	40-27	Dalamer
50P	Caron	61P	Cody
54P	Mud	23P	Mud
62P	Phelps	48P	Rice
1P	Crystal	56P	Le May (Duban)
64P	Metogga	45P	Sprague
63P	Hatch	44P	Lower Sakatah

- D. **Wild and Scenic (WS) rivers.** The following river sections are classified as wild and scenic rivers in a Wild and Scenic River (WS) District, and development within the WS District shall conform to the Wild and Scenic Rivers Act (Minn. Stat. §103F.301-.345), the Wild, Scenic and Recreational Rivers Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250 and 6105.1550 - .1700), and the provisions of Chapter 519:

<b>Name of River</b>	<b>Location of river sections in this classification</b>
Cannon River	Cannon City Township Bridgewater Township Northfield Township

**516.05 Reclassification Procedure**

Requests for reclassification of a public water shall be considered by the Rice County Board, and may occur only upon written approval of the Commissioner of the Department of Natural Resources.

**516.06 Shoreland District Boundaries**

The boundaries of lake Shoreland Districts generally follow the rules below:

- A. Shoreland District boundaries around lakes, ponds, or flowages are defined on the Official Zoning map and are generally the greater distance of the following:
1. 1,000 feet from the ordinary high water level;
  2. The centerline of a roadway that generally parallels the shoreline; or
  3. A physical feature, such as a ridgeline or change in topography, that generally parallels the shoreline; or
  4. A property line or quarter-quarter (1/4, 1/4) section line

**516.07 Compliance with All Applicable Regulations Required**

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; storm water controls; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the

subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.

#### **516.08 Steep Slopes**

On the permit application, the applicant shall locate any slopes over 12%, and shall demonstrate that the proposed development will not have soil erosion impacts nor be visible from public waters because of development on steep slopes. If the Planning Director determines that impacts may occur, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

#### **516.09 Rules for Measurement**

The following rules shall apply to measuring in lake Shoreland Districts:

- A. **Lot width.** Lot width shall be measured and met at both the ordinary high water level (OHWL) and at the building setback line.
- B. **Structure setback.** Structure setback and septic setback for riparian lots shall be measured at right angles from the ordinary high water level to the building line. Roads, driveways and parking areas shall meet the structure setback from the ordinary high water mark.
- C. **Shoreline frontage.** Tributary stream frontage or manmade channel frontage to access a lake shall not be included in any lake shoreline frontage calculation.

#### **516.10 Placement of Structures on Lots/Setback Averaging/String Line**

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks required for a new building or an addition to an existing building may be altered, without a variance, to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone, a bluff impact zone or a right-of-way setback.

#### **516.11 Deleted.**

#### **516.12 Permitted, Conditional, Interim and Accessory Uses**

- A. Permitted, conditional, interim and accessory uses of land for lake Shoreland Districts are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted, conditional and interim uses for lake Shoreland Districts may be combined on a single parcel, provided that each use meets the dimensional standards in Table 516-1 and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

#### **516.13 Shoreland Planned Unit Developments**

Shoreland Planned Unit Development standards must be used in lake shoreland districts for all new development or expansion to existing developments that result in four or more lots, including any residual parcel(s). Shoreland Planned Unit Development standards are found in Chapter 517. Any new or expanding developments that result in less than four lots, including any residual parcels, must follow the dimensional criteria set forth in Table 516-1 and all other sections of this Chapter as well as the Environmental Performance Standards as described in Chapter 506 of this Ordinance.

#### **516.14 Standards for Shoreland Areas of Agricultural Rivers and Tributary Streams**

Standards for shoreland areas of Agricultural Rivers and tributary streams are contained in

§505.17.

**516.15 Dimensional Standards for GDS, RDS and NES Shoreland Districts**

The placement, design and height of structures within GDS, RDS and NES Shoreland Districts shall conform to the provisions in the following table:

**Table 516-1 Dimensional Standards for GDS, RDS and NES Shoreland Districts**

		<b>GDS</b>	<b>RDS</b>	<b>NES</b>
<b>Minimum Lot Area (square feet)</b>				
	Riparian	20,000 sf	40,000 sf	80,000 sf
	Non-Riparian	40,000 sf	40,000 sf	80,000 sf
	Riparian with accessory dwelling unit*	40,000 sf	80,000 sf	120,000 sf
	Non-Riparian with accessory dwelling unit*	80,000 sf	80,000 sf	160,000 sf
<b>Minimum Suitable Area (square feet)</b>				
	Riparian	12,000 sf	16,000 sf	40,000 sf
	Non-Riparian	20,000 sf	20,000 sf	40,000 sf
<b>Minimum Lot Width</b>				
	Riparian	100 feet	150 feet	200 feet
	Non-Riparian	100 feet	150 feet	200 feet
	Riparian with accessory dwelling unit*	180 feet	225 feet	300 feet
	Non-Riparian with accessory dwelling unit*	265 feet	265 feet	400 feet
<b>Minimum Shoreline Frontage - Riparian</b>		100 feet	150 feet	200 feet
<b>Maximum Height of Principal Structure</b>		35 feet	35 feet	35 feet
<b>Maximum Height of Accessory Structures</b>				
	Water-oriented accessory structures	10 feet	10 feet	Not allowed
	Accessory dwelling unit – limit of one per lot	35 feet	35 feet	35 feet
	All other accessory structures – Riparian	14 feet	14 feet	14 feet
	All other accessory structures – Non-Riparian	16 feet	16 feet	16 feet
<b>Maximum Size of Accessory Structures – Riparian</b>				
	Water-oriented accessory structures	144 sf	144 sf	Not allowed
	Detached garage – limit of one per riparian lot	1200 sf	1200 sf	1200 sf
	Storage shed – limit of one per riparian lot	120 sf	120 sf	120 sf
<b>Maximum Impervious Surface Coverage</b>		25% of lot area	25% of lot area	25% of lot area
<b>Minimum Setbacks for all Structures Except Water-Oriented Accessory Structures</b>				
	From OHWL	75 feet	100 feet	150 feet
	From top of bluff	30 feet	30 feet	30 feet
	From unplatted cemetery	50 feet	50 feet	50 feet
	From right-of-way edge of federal, state or County highway	50 feet	50 feet	50 feet
	From right-of-way edge of township road, railroad or private road	20 feet	20 feet	20 feet
	Rear yard setback	20 feet	20 feet	20 feet
	Side yard setback	10 feet	10 feet	20 feet
	Setback for agricultural fencing from OHWL	10 feet	10 feet	10 feet
<b>Minimum requirements for Water-Oriented Accessory Structure</b>		See §507.10	See §507.10	Not allowed

\*An attached accessory dwelling unit that is created by remodeling of an existing dwelling without increasing the footprint will not require the larger minimum lot size and width.

**516.16 Deleted.****516.17 Controlled Access Lots**

Controlled access lots shall conform to the following standards:

- A. **Area, width and frontage requirements.** All controlled access lots shall meet the area, width and frontage requirements for riparian residential lots listed in Table 516-1 of this Chapter for the Shoreland District in which the controlled access lot lies, and be suitable for the intended uses of controlled access lots.
- B. **Number of watercraft limited.** If docking, mooring, land storage, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by twenty-five (25) percent of the minimum lot width for the Shoreland District within which the lot lies for each watercraft beyond six (6).
- C. **Joint ownership required.** The controlled access lot shall be jointly owned by all purchasers of lots who are provided riparian access rights on the access lot.
- D. **Covenants required.** Covenants or other equally effective legal instruments must be developed and recorded with the Rice County Recorder and a copy filed with the Department of Planning and Zoning. The required covenants or other equally effective legal instruments shall:
  1. Identify the lot owners that have rights to use the access lot,
  2. Identify what activities are allowed, including:
    - a. Watercraft launching, loading, storage, beaching, mooring, or docking
    - b. Other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights of adjacent property owners. Examples of activities that do not significantly conflict include swimming, sunbathing, or picnicing.
  3. Limit the total number of vehicles allowed to be parked on the lot, and the total number of watercraft allowed to be continuously moored, docked, or stored over water,
  4. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations, and
  5. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

**516.18 Agricultural Use Standards**

Agricultural uses, where permitted, must meet the following standards in addition to standards specified elsewhere in this Ordinance:

- A. **Steep slopes and shore and bluff impact zone.** Permitted agricultural uses may occur only if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or managed under a Conservation Plan approved by the Rice County Soil and Water Conservation District.
- B. **Grazing.** Grazing of animals that occurs within three hundred feet (300') of the ordinary high water level (OHWL) shall be managed under a Conservation Plan approved by the Rice County Soil and Water Conservation District. The Conservation Plan shall include management of erosion in shoreland areas.
- C. **Feedlots.** Feedlots in Shoreland Districts shall be regulated by the Rice County Feedlot Ordinance.
- D. **Fencing.** Animals must be fenced at least 10-ft from the ordinary high water mark of any DNR classified lake (§516.04)

**516.19 High Water Elevations**

Structures must be placed in accordance with Floodplain Ordinance regulations. For Shoreland structures located outside of a mapped Floodplain, the elevation to which the lowest floor, including basement, is placed, or flood-proofed, must be determined as follows:

- A. Lakes.** For lakes, by placing the lowest floor at a level at least one (1) foot above the nearby lake 1-percent annual chance flood elevation (100-year flood elevation) or if no nearby flood elevation exists three (3) feet above the ordinary high water level.
- B. Water-oriented accessory structures exception.** Water-oriented accessory structures, where allowed, may have the lowest floor placed lower than the elevation determined in A. above, if all of the following standards are met:
  1. The structure is constructed of flood-resistant materials to the required elevation
  2. Electrical and mechanical equipment is placed above the required elevation
  3. If long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris
  4. Rice County Floodplain Ordinance requirements are met.

**516.20 Shore Impact Zone/Bluff Impact Zone**

No structures or recreational vehicles, as defined in Chapter 502 of this Ordinance, shall be permitted within the shore impact zone or the bluff impact zone, as defined in Chapter 502, with the exception of one water-oriented accessory structure in the shore impact zone compliant with §516.19 B., above.

**516.21 Shore Access Stairways, Lifts and Landings**

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas and may be located within bluff impacts zones if they meet the following design requirements:

- A. Stairways and lifts - width.** Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
- B. Landings.** Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
- C. Roofs.** Roofs are not allowed on stairways, lifts, or landings. Canopies on lifts are allowed and are not considered roofs.
- D. Construction.** Stairways, lifts and landings may be constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- E. Location.** Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- F. Handicapped.** Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of §516.21 A.-E., above, are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- G. Docks.** Docks that exceed five (5) feet in width require a building permit.

**516.22 Placement and Design of Roads, Driveways, and Parking Areas**

The placement and design of roads, driveways and parking areas in Shoreland Districts shall comply with County and township roadway standards in addition to the following:

- A. Screening.** Public and private roads and parking areas must be designed to take advantage of

natural vegetation and topography to achieve maximum screening from view from public waters.

- B. **Erosion control.** Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with Federal, State and Local standards of the local soil and water conservation district, or other applicable technical materials.
- C. **Setbacks.** Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- D. **Watercraft-related ramps, roads and parking areas.** Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of §516. 22 A. and B., above are met. For private facilities, the grading and filling provisions of §506.11 must be met.

## Chapter 517 Shoreland Planned Unit Developments

### 517.01 Purpose

The purpose of allowing planned unit developments as an alternative development process in selected shoreland districts is to implement the following goals from the Rice County Comprehensive Land Use Plan and the Rice County Water Resources Management Plan:

- A. **Goals from the Rice County Comprehensive Land Use Plan**
  1. **Goal 20.** Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas
  2. **Goal 23.** Encourage the protection and orderly development of Rice County shoreland areas
  3. **Goal 48.** Minimize the potential for air, water, and land contamination and pollution that could result from the development process
  4. **Goal 18.** Promote environmentally sensitive erosion control practices
  5. **Goal 25.** Encourage cooperative utility systems, including water and sewer districts, in shoreland areas
- B. Overall Water Resource Management Goals from the Rice County Water Resources Management Plan
  1. Protect, preserve and manage natural surface and groundwater storage systems
  2. Effectively and efficiently manage public capital expenditures needed to correct flooding and water quality problems
  3. Identify and plan for means to effectively protect and improve surface and groundwater quality
  4. Establish more uniform local policies and official controls for surface and groundwater management
  5. Prevent erosion of soil into surface water systems
  6. Promote groundwater recharge
  7. Protect and enhance fish and wildlife habitat and water recreational facilities
  8. Secure other benefits associated with the proper management of surface and groundwater

### 517.02 Geographic Scope

The shoreland planned unit development alternative is allowed only in Shoreland Districts for lakes classified as GDS and RDS and NES

### 517.03 Types of Planned Unit Developments Allowed - Residential or Resort Commercial

This Chapter provides for planned unit developments that are exclusively owner-occupied residential or exclusively rental resort commercial uses. Density calculations for planned unit developments are set forth in Chapter 517.07.

### 517.04 Permitted Uses

Uses permitted in residential and resort commercial planned unit developments are listed below. All uses not listed are prohibited.

- A. Residential planned unit development permitted uses
  1. Single-family detached and attached dwellings
  2. Accessory uses
  3. Home occupations

4. Essential service structures, excluding communications towers
- B. Resort commercial planned unit development permitted uses
  1. Multi-unit dwellings of up to eight units in a single structure for rental use or vacation ownership such as time-share
  2. Motel or hotel
  3. Campgrounds, including recreational vehicle parks
  4. Resort recreation buildings serving the planned unit development
  5. The following uses are permitted if they are accessory to the principal uses listed in B. 1-4. above:
    - a. Restaurant
    - b. Bait shop
    - c. Convenience goods store
    - d. Marinas
    - e. Laundromat
    - f. Essential service structures, excluding communications towers

**517.05 Planned Unit Development Required**

All land divisions within a shoreland zoning district that create four (4) or more lots shall meet the requirements of planned unit developments as described in this Chapter.

**517.06 Planned Unit Development Standards**

A shoreland planned unit development shall meet the development review standards for planned unit developments in Chapter 522 and be processed as described in Chapter 522 of this Ordinance.

Planned unit developments within a shoreland zoning district shall meet the Environmental Performance Standards as described in Chapter 506 of this Ordinance.

**517.07 Development Density**

The following rules shall be followed in calculating allowed gross density for planned unit developments:

- A. **Base density - Residential planned unit development.** A base density shall be calculated for each planned unit development. Proposed new or expansions to existing developments must be evaluated using the following procedures and standards:

1. The project parcel must be divided into tiers by locating lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<u>Shoreland Tier</u>	<u>Dimensions (feet)</u>
General development lakes - first tier	200
General development lakes - second tier	267
Recreational development lakes - first tier	267
Recreational development lakes - second tier	267
Natural environment lakes - first tier	400
Natural environment lakes – second tier	400
GD, RD, and NE lakes - third tier	all remaining lot area

2. The suitable area\* within each tier is calculated. This area is then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units/sites. In areas with overlapping tiers due to close proximity of public waters to each other, topographic divides shall be used to determine which shoreland standard would apply, and in those areas where the topographic divide can not be determined, the more restrictive rules for



the area shall be used.

3. The development density within the first and second tiers shall be calculated using one of the following methods:
  - 1) The total tier area divided by the single residential lot minimum area standard for the applicable shoreland zoning district as described in Table 516-1 of this Ordinance.
  - 2) The total tier suitable area divided by single residential lot minimum suitable area as described in Table 516-1 of the this Ordinance.

The method that produces the lowest density shall be the density for the planned unit development

4. Third tier density shall be calculated as one dwelling unit/site per twenty (20) acres provided that at least 10% of the third tier consists of suitable area This is then added to the base density calculated in 3 above.
5. Allowable densities may be transferred from any tier to any other tier further from the shoreland water body or watercourse, but may not be transferred to any other tier closer. Structures that straddle tiers shall be treated as part of the tier closer to the ordinary high water level.

\* "Suitable area" is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25 percent, all easement and rights-of-way, wetlands, land below ordinary high water level, and structure setbacks from OHWL and roads are subtracted.

**B. Base density - Resort Commercial planned unit development.** Resort commercial base density shall be determined by using the base residential density calculated under §517.07 A. above. For each allowed residential structure in the base residential density a resort commercial planned unit development may substitute the following:

1. Each allowed residential structure equals 2,000 square feet of commercial floor area, or
2. Each allowed residential structure equals two rental residential units or campsites.

**C. Density increases.** Increases above base density shall be allowed if the planned unit development has met all of the requirements of this Chapter and in addition incorporates items in the list below. Increases above base density shall never exceed fifty percent (50%) of the base density of each tier except that allowable densities may be transferred from any tier to any tier further from the shoreland.

1. A twenty-five percent (25%) density increase shall be given for providing a conservation easement, to a public entity or a recognized conservation organization, along the entire shoreline. The area covered by the easement must be maintained and/or restored in native vegetation and be a minimum of a 100 feet width from the ordinary high water line. No individual structures or docks shall be allowed within the conservation easement area. One community dock and one community water oriented structure may be allowed in the conservation area.
2. A twenty-five percent (25%) density increase shall be given for providing protected open space of at least twenty-five percent (25%) of the suitable land area. Utility areas shall not be counted as open space.
3. A twenty-five percent (25%) density increase shall be given for providing a trail, through the parcel, that is publicly owned and maintained.
4. A twenty-five percent (25%) density increase shall be given for providing a seventy-five percent (75%) reduction in stormwater runoff from existing site conditions

5. A twenty-five percent (25%) density increase shall be given for having no riparian building lots.
6. A twenty-five percent (25%) density increase shall be given for dedication of an area suitable for on-site sewage disposal to accommodate existing shoreland development. The area must be capable of meeting the wastewater needs of the existing development including sizing, accessibility and soil type.

**517.08 Design Criteria for Shoreland Planned Unit Developments.**

All planned unit developments, residential or resort commercial, shall meet the following design criteria:

- A. **Structure setback from shoreline.** All structures in planned unit developments, except accessory water-oriented structures, shall be set back from the shoreline according to the following:

1. GDS lakes - 120 feet
2. RDS lakes - 160 feet
3. NES lakes - 240 feet

All Planned Unit Developments approved prior to June 1, 2007 shall meet the following shoreline setbacks: GDS – 200 feet, RDS – 300 feet, and NES 400 feet.

- B. **Exterior setback standards.** Except for the structure setback from shoreline in §517.08 A., all exterior lot line setbacks and public road setbacks shall be the same as required for the underlying Shoreland District in which the planned unit development is located.
- C. **Controlled access lots.** If lake access is to be provided for owner-occupied or rental dwelling units or for commercial uses other than marinas, such lake access shall be over a controlled access lot. A controlled access lot shall be an undeveloped, riparian lot that conforms to the minimum lot size requirements for a residential lot in the underlying shoreland district, specifically and permanently designated for access to public waters. Water-oriented accessory structures that meet the requirements for such structures in Chapter 516 may be allowed on controlled access lots, and shore recreation facilities that meet the requirements in §517.08 G. 3., below may be allowed.
- D. **Impervious surface.** Total impervious surface coverage shall not exceed fifteen percent (15%) of the gross area of the planned unit development. All Planned Unit Developments approved prior to June 1, 2007 shall be allowed a maximum of twenty-five percent (25%) impervious surface.
- E. **Open space requirements.** All planned unit developments must meet the following open space requirements:
1. At least fifty percent (50%) of the gross project area must be permanently preserved as open space. The required open space shall be generally contiguous and not in multiple, discontinuous parcels.
  2. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
  3. Open space may include outdoor recreational facilities for use by owners of the dwelling units or resort.
  4. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  5. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  6. Designated open space shall be restricted as permanent open space by the use of

restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

7. Open space and vegetation within the structure setback from shoreline shall be managed at a minimum to the standards in §506.11. It is preferred that the open space within the structure setback from shoreline be maintained with natural vegetation, or if degraded, restored to a natural vegetative state.
- F. **Water supply and sewage requirements.** Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and Rice County. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- G. **Siting of structures and facilities.** Structures and facilities in residential or resort commercial planned unit developments shall conform to the following siting requirements:
1. **Dwelling unit site design.** Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the site. Side-loaded or recessed garages are encouraged.
  2. **Visibility from public waters.** Structures, parking areas, and other facilities must be screened to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Rice County Board, assuming summer, leaf-on conditions. Screening with native vegetation is preferred and encouraged.
  3. **Shore recreation facility siting.** Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed six (6) for each controlled access lot. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by additional watercraft not beached, moored or docked on the shore. Boathouses are prohibited.
  4. **Non-shore recreational facility siting.** Non-shore recreational facilities shall be placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the planned unit development.
- H. **Erosion control and stormwater management.** Erosion control and stormwater management for planned unit developments must:
1. Be designed and constructed to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features.
  2. Incorporate low-impact development design principles when possible for volume reduction and pollutant filtering. Examples of low-impact development design include:
    - i. Bioretention facilities such as rain gardens
    - ii. Grass swales and channels
    - iii. Vegetated filter strips
  3. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff for a 100 year, 24 hour storm event.

4. Stormwater runoff leaving the development shall not be increased over the pre-development conditions.
  5. Erosion control plans developed by a qualified Professional Engineer.
  6. A National Pollution Discharge Elimination System (NPDES) permit may also be required.
- I. **Shore Impact Zone.** All Planned Unit Developments approved after June 1, 2007 shall maintain seventy-five percent (75%) of the shore impact zone in a natural condition. Structures, roads, or water accesses shall not be located within this seventy-five percent (75%) of the shore impact zone. This seventy-five percent (75%) of the shore impact zone shall be maintained in native vegetation and managed to control invasion of noxious weeds and other invasive species.

**517.09 Conversions and Expansion of Existing Licensed Resorts, Trailer Parks, Campgrounds and First tier Leased Property.**

- A. **Conversion allowed.** Parcels of land containing licensed operating resorts, trailer parks, campgrounds or first tier leased property may be converted to a residential or resort commercial planned unit development through the process for a planned unit development described in §517.09 D., below. Parcels of land not part of the existing licensed resort, trailer park or campground shall not be processed as part of a conversion. Units added as an expansion shall be processed as a new Shoreland PUD.
- B. **Minimum size.** To be considered for a conversion under this section, the existing licensed resort, trailer park, campground or first tier leased property must be at least five (5) units and at least three (3) acres in size. Units for a first tier leased property are the number of legal nonconforming existing cabin, recreational vehicle and camping sites.
- C. **Maximum gross density after conversion.** A conversion under this section shall have a gross density of no more than four units, including related commercial activities, per acre; except that a conversion to exclusive campground use shall have a gross density of no more than eight sites per acre.
- D. **Additional review process.** Conversions allowed under this section shall meet the following process requirements in addition to the process requirements for new shoreland planned unit developments specified in Chapter 522:
  - a. **Evaluation of inconsistencies with PUD requirements.** The Zoning Administrator shall evaluate the proposed conversion against the requirements for a new shoreland planned unit development and any inconsistencies from the requirements shall be presented to the Planning Commission as part of the preliminary development plan.
  - b. **Improvement plan required.** Applications for conversions shall meet the design criteria in §517.09 E., below, and shall include long-term improvement plans. Those plans shall include timetables for required improvements and shall be incorporated into the approved development plan for the conversion to a planned unit development. At a minimum improvement plans shall address:
    - i. Deficiencies involving water supply and sewage treatment
    - ii. Deficiencies related to open space requirements
    - iii. Deficiencies related to impervious coverage, shore recreational facilities, and structures in the shore and bluff impact zones
    - iv. Deficiencies related to erosion and vegetative cover
    - v. Deficiencies related to road location and design
- E. **Design criteria.** Because of existing conditions, conversions of existing resorts, campgrounds and first tier leased property may be unable to meet all the design criteria for new shoreland planned unit developments. Conversions of existing resorts, campgrounds and first tier leased property shall to the maximum extent possible meet the design criteria in §517.08, and shall at a minimum meet the following design criteria:

1. Conversions shall meet the design criteria in §517.08 D., E., F. and H. above.
2. Deck additions, and expansion of cabins at nonconforming setbacks for individual resort cabins and the lodge are permitted provided they meet the standards in Chapter 504 and that no structure, addition or expansion shall be within the shore or bluff impact zone and the limit on impervious surface is not exceeded.
3. New structures including owner-occupied and rental residential dwellings, recreation facilities, and commercial uses must meet the setback requirements in §517.08 A., be clustered into one or more groups, and located on suitable areas of the development site.
4. The development shall have access to an existing public road.

## Chapter 518 “URI” Urban Reserve - Industrial District

### 518.01 Purpose

The purpose of the Urban Reserve Industrial District is to allow industrial uses, that are not water intensive and are compatible in urban growth zones, until it is determined that it is economically and financially feasible to provide public utilities and services to the area. This district, based on the urban growth areas identified by the municipalities, provides for orderly transition from rural to urban uses through annexation and development as guided by the Rice County Comprehensive Plan.

### 518.02 Permitted, Conditional, Interim and Accessory Uses

- A. Permitted, conditional, interim and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited.
- B. Permitted, conditional and interim uses may be combined on a single parcel, provided that each use meets the dimensional standards in §515.03 and any specific standards in Chapter 507.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505 and 506 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### 518.03 Dimensional Standards

- A. **Minimum lot area:** 2.5 acres or as specified by conditional use permit.
- B. **Minimum lot width:** 100 feet
- C. **Minimum front yard setback:** 100 feet unplatted property, 50 feet for platted lot
- D. **Minimum side yard setback:** 20 feet
- E. **Minimum rear yard setback:** 20 feet
- F. **Maximum height:** 45 feet, except for communication towers as allowed under this ordinance and other height exceptions in Chapter 505.

### 518.04 Development Standards

- A. **Building orientation.** All commercial buildings shall have a principal entrance facing the internal abutting street. Additional entrances may be located on the side or rear facades or street frontage.
- B. **Building materials.** Building materials for all projects shall be durable, attractive, and designed for minimal exterior maintenance. All building facades that face a public right-of-way and are less than 500 feet from public right-of-way or residential property shall be designed with similar or compatible materials and colors.
  1. Building materials may include any of the following:
    - a. Modular masonry materials such as brick, block and stone
    - b. Stucco or stucco like material
    - c. Precast concrete units, provided that surfaces are molded, serrated or textured to give the wall surface a three-dimensional character or aggregate panels.
    - d. Tinted or fully transparent glass, on up to 40 percent of any façade.
    - e. Prefinished metal architectural panels provided that no more than 70% of the front elevation and no more than 80% of any additional street-facing elevation consists of such material. Elevations with interstate exposure on a lot that abuts the interstate right-of-

way shall include non-metal accent materials covering at least 30% of said elevation, with at least 50% of such material placed above the mid-point of the building.

2. The following building materials shall be limited or prohibited:
  - a. Corrugated metal roofing or siding
  - b. Exposed, untextured, uncolored unaugmented concrete
- C. **Access and circulation.** Vehicular access, circulation, and parking shall be shared and integrated wherever feasible.
- D. **Impervious Surface.** No more than seventy-five (75) percent of the lot provided approved stormwater controls are implemented and maintained.

## **Chapter 519 "WS" Wild and Scenic River District**

### **519.01 Purpose**

The purpose of the Wild and Scenic River District is to protect and preserve the scenic, recreational, natural and historical values of the Cannon River in Rice County as guided by the Rice County Comprehensive Plan. This district ensures development within this river corridor is consistent with the Wild, Scenic, and Recreational Rivers Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250), (Minn. Rules Parts 6105.1550 - .1700) and the Wild and Scenic Rivers Act (Minn. Stat., 103F.301 - .345).

### **519.02 Designation of District**

In order to preserve and protect the Cannon River and its adjacent land that possesses scenic, recreational, natural, and historical values, the Cannon River in Rice County has been given a Wild and Scenic River Classification. The boundaries outlining the land in Rice County subject to this designation are based upon the Cannon River Management Plan, Minnesota Rules, Part 6105.1680 and are delineated on the official zoning map of Rice County.

### **519.03 Permitted, Conditional, Interim and Accessory Uses, Wild and Scenic River District**

- A. Permitted, conditional, interim and accessory uses of land are as specified in Table 508-1. All other uses shall be prohibited except for the following governmental and public activities:
  1. Governmental campgrounds subject to management plan specifications
  2. Other governmental open space recreational uses subject to management plan specifications
  3. Government resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads
  4. Public access and trail access subject to management plan specifications
  5. Public access, road access with boat launching facilities subject to management plan specifications
- B. Permitted, conditional and interim uses may be combined on a single parcel, provided that each use meets the dimensional standards of this Chapter and any specific standards of this Ordinance.
- C. Additional requirements, including standards for signs, parking, water supply, waste disposal and sewage treatment, are set forth in Chapters 505, 506 and 507 of this Ordinance, as well as other applicable provisions of this Ordinance and other County ordinances.

### **519.04 Height, Yard, Area and Lot Width and Depth Regulations**

The following height, yard, area and lot width and depth regulations apply to all permitted and conditional uses in the WS Wild and Scenic River District.

- A. Lot size and density - Same as the A Agricultural District, except that the minimum lot size shall be 2.5 acres and the use of TDR's is not allowed. There shall be no more than one (1) dwelling unit per lot
- B. Lot width at building line - 200'
- C. Lot width at ordinary high water level - 200'
- D. Building setback from ordinary high water - 100'
- E. Building setback from top of bluff - 30'
- F. On site sewage treatment system setback from ordinary high water level - 75'
- G. Maximum structure height - 35'
- H. Controlled vegetative cutting area:



1. Setback from ordinary high water level - 100'
2. Setback from top of bluff - 20'

**519.05 Floodplain**

Proposals located within a floodplain shall be consistent with the Rice County Floodplain Ordinance.

**519.06 Essential Public Services**

All utility transmission crossing of land within the Wild and Scenic River district shall require a conditional use permit. The construction of such transmission services shall be subject to Minnesota Rules Part 6105.0170 - 0180.

**519.07 Public Roads**

In addition to such permits as may be required by Minnesota Statutes §103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Wild and Scenic River district. A conditional use permit is not required for minor public streets, which are streets intended to serve primarily as an access to abutting properties. Such construction shall be subject to the standards and criteria of Minnesota Rules, Part 6105.0190 - .0200.

## **Chapter 520      Transfer of Development Rights Regulations**

### **520.01                      Statutory Authorization**

The State of Minnesota in Minnesota Statutes §394.25, specifically authorizes counties to adopt zoning ordinances that establish land use districts allowing the transfer of development rights from areas where preservation is desirable to areas more desirable for development.

### **520.02                      Purpose**

The purpose of the Transfer of Development Rights Regulations is to provide a voluntary, incentive-based process for protecting agricultural resources while promoting development in areas more appropriate for development such as less productive areas, and areas served with road and utility infrastructure. The Transfer of Development Rights Regulations specifically implement the following goals from the Rice County Comprehensive Land Use Plan:

- A. **Goal 10. Objective 1.** Lessen the impact of service delivery costs by encouraging development to locate where public utilities and services are available.
- B. **Goal 17.** Protect and promote agriculture by preserving large tracts of land by encouraging clustering or rural residential development.
- C. **Goal 50.** Encourage clustering of any rural residential development in close proximity to roads in an effort to protect agricultural land, environmentally sensitive areas and to facilitate emergency service.
- D. **Goal 53.** Discourage scattered site residential development and promote clustering.
- E. **Goal 54.** Allow for the exchange of Transferable Development Rights (TDRs) within a section of land.
- F. **Goal 55.** Minimize conflicts between agricultural and non-agricultural areas.
  1. **Objective 1.** Adopt land use regulations that control density and development in agricultural and open spaces to protect and preserve agricultural land and environmentally sensitive areas.

### **520.03                      TDR Sending Areas**

Development rights may be transferred from the following districts, under the requirements of this Chapter:

- A. A Agricultural District
- B. UR Urban Reserve District
- C. GDS, RDS or NES Shoreland Districts

### **520.04                      TDR Receiving Areas**

Development rights may be transferred to the following districts, provided that these are located within the same township as the sending area, with the sole exception outlined in §520.04 C.

- A. **Agricultural and Urban Reserve Districts.** Development rights from the A Agricultural or UR Urban Reserve Districts may be transferred only to:
  1. Locations within the A Agricultural District that will be developed as minor cluster developments (see Chapter 521).
  2. Locations within the A Agricultural District that will be developed as golf course cluster developments (see Chapter 521).
  3. Locations within the A Agricultural District or VMU Village Mixed Use District that are being developed as village extension areas, under the Planned Unit Development provisions of this Ordinance. (These areas would be rezoned from the A District to the VMU District following approval of a PUD plan.) (See Chapter 513.)

- B. **Shoreland Districts.** Development rights from the Shoreland Districts may be transferred only to lots or parcels within the same shoreland district around the same lake, or to a golf course cluster development or village extension area within the A Agricultural District.
- C. **Transfers across township boundaries.** Development rights may be transferred across township boundaries only when sending and receiving parcels are contiguous and in common ownership, and when authorized by both Township Boards of Supervisors.

**520.05 Calculation of transferable development rights within the A Agriculture District.** The number of rights that may be transferred from a parcel shall be equal to the unused development rights of the parcel under §509.03 however

- A. Undeveloped parcels of record shall receive one development right.
- B. Undeveloped lots or parcels existing on the date of adoption of this Ordinance of at least ten (10) acres in size qualify for one-half (0.5) development right, which may be sold or combined for transfer, provided that there remains some eligibility for development within the quarter-quarter section where the parcel is located.
- C. When two undeveloped parcels, over 1.0 acre in size, exist in a quarter- quarter section which qualifies for two development rights each parcel shall receive one right.
- D. A parcel with a dwelling shall not be given a development right if in the quarter-quarter section there is a parcel which can qualify for the remaining right.

**520.06 Calculation of transferable development rights within the UR Urban Reserve District.** The number of rights that may be transferred shall be equal to the unused base density of the parcel, based on the minimum lot area of 35 acres for one residential unit (see Chapter 510). A minimum of 35 acres is required to obtain one development right, and TDRs shall not be divided.

**520.07 Calculation of transferable development rights within the Shoreland Districts.**

- A. **Limitation on sending sites.** Development rights may be transferred from a parcel in a GDS, RDS or NES District only if it has at least one of the following characteristics:
  - 1. Steep slopes and/or wetlands covering more than fifty percent (50%) of the gross land area
  - 2. The property is inaccessible from existing public roads
- B. **Number of rights.** The number of rights that may be transferred shall be equal to the unused base density of the parcel, based on the standard minimum lot area for a riparian or non-riparian lot in the GDS, RDS or NES District.

**520.08 Use of development rights in receiving areas.** A development right may be applied to any dwelling type permitted in the zoning district or type of planned unit development to which it will be transferred (the receiving area).

**520.09 Limitations on Future Development of Sending Areas.** After the transfer of development rights, further development of the sending parcel is restricted based on the number of rights transferred. If all development rights have been transferred, the parcel is restricted to agricultural and open space uses. Should the zoning of the sending parcel be changed in the future to allow additional density, the number of development rights already used shall be subtracted from the total number of units permitted. This restriction shall be removed if the property is annexed into a city.

**520.10 Development Agreements and Recording of Restrictions:** The following information shall be recorded as part of the transfer of development rights.

- A. **Common ownership.** Development rights transferred between parcels that are under common

ownership shall occur only if the transfer is recorded on the deeds of all sending parcels. The property owners shall be responsible for recording all required documents with the Rice County Recorder.

- B. **Separate ownership.** Development rights transferred between parcels under separate ownership shall be the subject of a development agreement restricting future development between the property owners that shall be executed and recorded on the deeds of all affected parcels. The transfer shall also be recorded on the deeds of all sending parcels. The property owners shall be responsible for recording all required documents with the Rice County Recorder.
- C. **Zoning map.** All density transfers shall be recorded on the Official Zoning Map by the Zoning Administrator.
- D. **Terms of restriction.** The development agreement required under §520.10 B., shall, at a minimum, contain the following terms:
  - 1. A legal description of the sending and receiving parcels.
  - 2. The number of development rights transferred.
  - 3. The restriction on future development or subdivision of the sending parcel.
  - 4. The restriction of the sending parcel to agricultural and open space uses.
  - 5. Any provisions for reacquiring development rights to be used in the future on the sending parcel.
  - 6. Rice County shall have the right to enforce the terms of the agreement.
  - 7. The agreement shall be signed and executed by the landowners of both the sending and receiving parcels.

## Chapter 521 Cluster Development Standards

### 521.01 Purpose

The purpose of the Cluster Development Standards is to allow limited residential development in rural areas that do not contain high-quality agricultural land, to permanently preserve open space, natural features and scenic views. The Cluster Development Standards specifically implement the following goals from the Rice County Comprehensive Land Use Plan:

- A. **Goal 17.** Protect and promote agriculture by preserving large tracts of land by encouraging clustering or rural residential development.
- B. **Goal 50.** Encourage clustering of any rural residential development in close proximity to roads in an effort to protect agricultural land, environmentally sensitive areas and to facilitate emergency service.
- C. **Goal 53.** Discourage scattered site residential development and promote clustering.
- D. **Goal 54.** Allow for the Transfer of Development Rights (TDR) within a township.

### 521.02 Geographic Scope and Requirements

Cluster Development is a voluntary option within the Agricultural District, linked to the transfer of development rights. Cluster developments are divided into the following types:

- A. **Minor cluster developments:** Residential clusters of a limited size, located within the Agricultural District, as described in §521.03.
- B. **Golf course cluster developments:** Larger clusters in which at least half the development site is preserved as a golf course, as described in §§521.04-.09, requiring approval as a Planned Unit Development

### 521.03 Minor Cluster Developments

Minor cluster developments shall be processed as a plat (Chapter 523) and must meet the following standards, in addition to the requirements for density transfers in Chapter 520, TDR Regulations.

- A. **Maximum number of lots.** A minor cluster subdivision shall not exceed ten (10) lots within a single quarter-quarter section or within six hundred (600) feet of another ten (10)-unit cluster of homes unless the proposed cluster is adjacent to an existing area zoned Rural Residential (RR). A landowner with a development right, adjacent to a minor cluster, may transfer one (1) TDR next to the cluster as a minor cluster even if this would exceed the ten (10) unit limit
  1. **Density bonus.** A density bonus shall be provided for minor cluster developments, consisting of one (1) additional dwelling unit per four (4) units proposed under this section. (Example: Quarter-quarter section A has 2 development rights. The applicant purchases an additional 6 development rights from four other quarter-quarter sections. Two bonus lots bring the total to the maximum of 10.)
- B. **Minimum lot area.** 1 acre, if sewage treatment is provided off-site through a community treatment system or other method approved by the Environmental Health Services Division.
- C. **Maximum lot area.** 2.5 acres. An increase in maximum lot area may be permitted where required to provide for a sewage treatment system, as required by the Environmental Health Services Division.
- D. **Dimensional standards.** Lot width and setbacks shall be as specified in the Agricultural District, except that the minimum front yard setback from an interior road may be reduced to 50 feet.
- E. **Development standards.** The following standards shall be met for minor cluster developments:
  1. **Shared septic and wells.** Shared sewage treatment systems, meeting the standards of the Rice County Sewage and Wastewater Treatment Ordinance, and shared wells shall be required for any minor cluster development containing two (2) or more lots.

2. **Lot design and siting of dwellings.** Lots and dwellings shall be located and designed according to the following principles:
  - a. Site dwellings in areas with less productive agricultural land, and in locations that minimize visual and physical intrusions into agricultural land and potential interference with agricultural operations.
  - b. Applicants are encouraged to site dwellings along the edges of wooded areas, below ridgelines, and in other locations that protect scenic views, natural areas, and the prevailing rural character of the A Agricultural District.
3. **Roads.** Lots shall not be “lined up” abutting a county or township road. Shared driveways shall be required, consistent with the access management policies of the Rice County Engineer. Any subdivision with a total of four lots or more must include an interior or frontage road from which all lots take access. If a subdivision of less than four lots is proposed with the potential for further subdivision, the Board may require that an interior or frontage road be provided.

#### **521.04 Golf Course Cluster Developments : Requirements**

This development pattern shall be reviewed as a Planned Unit Development, as outlined in Chapter 522. Each of the following requirements shall be met in order for a golf course cluster development to be approved:

- A. **Utilities.** Centralized wastewater collection and treatment facilities and centralized water supply and distribution facilities shall be provided.
- B. **Minimum size.** A parcel proposed for a golf course cluster development shall be at least 20 acres in size, and the development shall include at least ten (10) dwelling units.
- C. **TDR requirement.** Transferable Development Rights shall be used for a minimum of one-half the dwelling units within the golf course cluster.
- D. **Maximum density.** The maximum density shall not exceed one (1) unit per acre unless density increases are granted based on the standards in §521.05.

#### **521.05 Golf Course Cluster Developments: Density Standards**

The density of a major cluster development shall not exceed one unit per acre, based on gross acreage. Increases above base density may be allowed, at the discretion of the Planning Commission and County Board, if the planned unit development has met all of the requirements of this Chapter and in addition incorporates any of the items in the list below. Increases above base density are always discretionary and shall not exceed a cumulative total of one hundred percent (100%).

- A. **Stormwater management.** Up to a twenty-five percent (25%) density increase may be given for stormwater management that exceeds the design and performance standards of the Rice County Stormwater Management Ordinance.
- B. **Road improvements.** Up to a twenty-five percent (25%) density increase may be given for road improvements that exceed the design and performance standards of the Rice County Subdivision Ordinance.
- C. **Centralized utilities.** Up to a fifty percent (50%) density increase may be given for creation of a water and wastewater utility district with infrastructure capacity to serve an area larger than the proposed development.
- D. **Amenities.** Up to a twenty-five percent (25%) density increase may be given for provision of amenities such as parks or recreation facilities, walking trails, golf courses, or other amenities considered beneficial to the larger community.
- E. **Historic Preservation.** Up to a ten percent (10%) density increase may be given for preservation and adaptive reuse of historically or architecturally significant buildings or structures on the site.

**521.06 Golf Course Cluster Developments: Open Space Standards**

A minimum of fifty percent (50%) of the site shall be preserved as permanent open space, to include a golf course containing at least nine (9) holes, and additional open space available for resident use, comprising at least ten percent (10%) of the site.

- A. If the site is adjacent to a public or private golf course, and if residents will have access to this amenity, the open space requirement shall be reduced to twenty percent (20%) of the gross acreage, and need not include additional golf course facilities.
- B. In addition to a golf course, open space shall include at least one of the following:
  - 1. Squares or greens
  - 2. Community gardens
  - 3. Pedestrian or bicycle trails
  - 4. Parks, playgrounds
  - 5. Greenbelt; other natural areas
  - 6. Other recreational facilities designed as amenities for residents, as specified in the PUD Master Plan.
- C. A conservation easement shall be granted to Rice County ~~permanently~~ restricting future development or subdivision of the designated open space.

**521.07 Golf Course Cluster Developments: Mix of Uses**

In order to encourage diversity of housing types, up to 30 percent of the total number of housing units proposed for the site may consist of single-family attached dwellings (townhouses). The remainder of the units shall be single-family detached dwellings.

**521.08 Golf Course Cluster Developments: Dimensional Standards**

<b>Minimum lot area</b>	
Detached dwelling	10,000 sf
Attached <sup>1</sup>	7,500 sf per dwelling unit
<b>Maximum lot area</b>	1.0 acres
<b>Minimum lot width</b>	
Detached dwelling	50 feet
Attached	25 feet
<b>Minimum front yard setback (from internal street)</b>	25 feet
<b>Minimum side yard setback</b>	10 feet (attached: end units only)
<b>Minimum rear yard setback</b>	25 feet
<b>Minimum perimeter setbacks</b>	75 feet
<b>Maximum height<sup>2</sup></b>	35 feet

<sup>1</sup> Attached units may be designed as condominiums rather than individual lots

<sup>2</sup> See §505.10 G for height exceptions [church steeples, chimneys, etc.]

**521.09 Golf Course Cluster Developments: Development Standards.**

The following standards shall be met for golf course cluster developments:

- A. **Lot design and siting of dwellings.** Lots and dwellings shall be located and designed according to the following principles:
  - 1. Site dwellings in locations that minimize visual and physical intrusions into agricultural land and potential interference with agricultural operations.
  - 2. Organize lots around the golf course and any other natural or scenic features. Dwellings should have visual access to protected open space.
  - 3. Site dwellings along the edges of wooded areas, below ridgelines, or in other locations that protect scenic views, natural areas, and rural character.
- B. **Internal Streets.** Lots shall be organized around and have access to an interior road or street system, not to a county or township road on the periphery.



## **Chapter 522      Planned Unit Development Review Standards**

### **522.01      Purpose**

The purpose of this Chapter is to set forth review standards and a review process for proposed planned unit developments in Rice County.

### **522.02      Scope**

Planned unit development review is required for the following proposed developments:

- A. Developments proposed under the planned unit development option for GDS, RDS, and NES Shoreland districts in Chapter 517
- B. Village extensions under Chapter 513
- C. Developments involving shoreland density transfers under Chapter 520
- D. Golf course cluster developments under Chapter 521

### **522.03      Additional Design and Development Standards Apply**

This Chapter sets forth review standards that are in addition to the specific design and development standards contained in Chapter 517 for shoreland planned unit developments, in Chapter 520 for major density transfers and shoreland density transfers, and in Chapter 521 for major cluster developments.

### **522.04      Review Process Overview**

The review process for a proposed planned unit development shall consist of the following steps that are detailed in sections below:

- A. A pre-application meeting
- B. Submission and review of a preliminary development plan
- C. Submission and review of a preliminary plat and final development plan
- D. Submission and review of a final plat

### **522.05      Pre-application Meeting**

Before a planned unit development application will be accepted, a pre-application meeting between the applicant and the Zoning Administrator is required to discuss:

- A. The application and review process
- B. Applicable design and development standards
- C. Conceptual plans for mix of uses and locations of structures and roads
- D. Plans for providing drinking water and sewage and wastewater treatment
- E. Plans for stormwater management and erosion control
- F. Any proposed common ownership plans for land and structures
- G. Recommendation that the applicant meet with neighbors and lake associations if applicable

### **522.06      Preliminary Development Plan Information Requirements**

After the mandatory pre-application meeting, an applicant proposing a planned unit development shall submit a preliminary development plan. The preliminary development plan is reviewed by the Planning Commission to determine if the proposed planned unit development will meet the provisions of this Ordinance. The applicant shall submit a preliminary development plan meeting the following requirements:

- A. The preliminary development plan shall be prepared at a scale of not less than one inch =200 feet

- B. Twenty (20) copies of the preliminary development plan shall be submitted to the Zoning Administrator
- C. The preliminary development plan shall show adjacent uses
- D. The preliminary development plan shall show streams, lakes and wetland locations
- E. The preliminary development plan shall generally describe existing vegetation
- F. The preliminary development plan shall illustrate the general street pattern, with particular attention to internal collector streets and connections to existing roads
- G. The preliminary development plan shall illustrate the general location, use and size of public and private open space, parks and other public areas
- H. The preliminary development plan shall show the proposed location of residential, commercial, multifamily residential or other proposed land uses
- I. The preliminary development plan shall illustrate and describe the methods proposed for sewage and wastewater disposal, drinking water supply, stormwater management and erosion control

#### **522.07 Review of Preliminary Development Plan**

The following steps shall be taken to review a preliminary development plan for a planned unit development:

- A. **Review for completeness.** Upon receipt of a preliminary development plan for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission for review. If the application is not complete, the Zoning Administrator shall prepare and deliver a letter including, at a minimum:
  - 1. A statement that the preliminary development plan application is not complete
  - 2. A list of the incomplete or missing information
  - 3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form
- B. **Planning Commission review.** After a complete preliminary development plan is received, the Zoning Administrator shall forward the plan to the Planning Commission for review and notify the applicant of the date of review. The Planning Commission shall review the preliminary development plan and make findings of fact that accept the plan, recommend changes to the plan or deny the plan. The findings of fact shall be based on the following review criteria:
  - 1. The proposed development shall meet the overall goals of this Ordinance
  - 2. The proposed development shall meet the goals for a planned unit development of its type
  - 3. The proposed development shall meet the standards as set forth in this Ordinance regulating that type of planned unit development and use(s)
  - 4. The proposed development is in harmony with uses in the surrounding area
  - 5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces is sustainable and appropriate
  - 6. The proposed development, or a unit thereof, can be substantially completed within three years from date of approval
  - 7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in the construction of the project

**522.08 Preliminary Plat and Final Development Plan Information Requirements**

The preliminary plat stage of the planned unit development process includes detailed subdivision planning, submittal, review and approval of the preliminary plat. The preliminary plat and final development plan submission are combined to coordinate review. To avoid delay in processing of an application, the applicant should carefully provide all the required information essential to determine the character and general acceptability of the proposed development. Upon review and approval of the preliminary development plan, applicants shall submit a preliminary plat and final development plan that shall contain the following information:

- A. A detailed narrative of how the preliminary plat and final development plan meets any changes required by the Planning Commission in its review of the preliminary development plan.
- B. (20) copies of a preliminary plan which shall mean a map or maps of the proposed development prepared in the manner and containing the data, documents, and information required by this section.
- C. The required number of site plans and/or plats for the projects, at a scale of not less than one inch = 200 feet, showing:
  1. name of planned unit development
  2. legal description of property and any proposed lot divisions
  3. names and addresses of applicant and owner, surveyor, and designer of the plan
  4. graphic scale and north arrow
  5. date of preparation
  6. total acreage of proposed plan and acreage of each proposed subdivision parcel
  7. existing conditions in the parcel(s) and within 300 feet surrounding the boundaries of the development
  8. all surface water features and wetlands correctly located and plainly shown and designated
  9. location of ordinary high water level
  10. layout of existing and proposed roads, showing right-of-way widths
  11. location and characteristics of required open space
  12. erosion control, drainage and stormwater management plan
  13. location and use of existing and proposed structures and other facilities
  14. proposed land alterations
  15. plans for and location of water supply systems and sewage and wastewater treatment systems including results of septic suitability tests
  16. refuse disposal for resort commercial PUDs
  17. proposed location of utilities
  18. all easements that cross the property
  19. topographic contours at 10-foot intervals or less
  20. location of all outdoor lighting
  21. all setbacks and buffering or screening of adjacent properties
  22. location of lake accesses and/or lake access lots
  23. landscaping plan
- D. A calculation showing the base density of the proposed development area conforming to the calculation rules in the Chapter regulating the specific type of planned unit development

- E. A calculation showing the proposed density increase and the basis on which a density increase is requested conforming to the provisions in the Chapter regulating the specific type of planned unit development
- F. A property owners' association agreement with mandatory membership provisions and showing of adequacy of dues covering anticipated maintenance and capital replacement costs. The agreement shall comply with Minnesota Statutes that govern common interest communities' platting and agreements.
- G. Copies of deed restrictions, covenants, permanent easements or other instruments that properly address:
  - 1. future vegetative and topographic alterations
  - 2. construction of additional buildings
  - 3. installation and maintenance of docks and other shoreland structures
  - 4. docking and beaching of watercraft
  - 5. address shared lake access provisions
  - 6. ensure the long-term preservation and maintenance of open space
- H. A master plan/drawing describing the project and the floor plan for any and all residential and commercial structures, indicating floor plans that intended to be variable such as lockouts, movable walls or doors.
- I. Any additional documents as requested by the Zoning Administrator and/or Planning Commission that are necessary to explain how the PUD will be designed and will function.
- J. A title binder indicating marketable title.

#### **522.09 Review of Preliminary Plat and Final Development Plan**

The following steps shall be taken to review a preliminary plat and final development plan for a planned unit development:

- A. **Review for completeness.** Upon receipt of a preliminary plat and final development plan for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission for review. If the application is not complete, the Zoning Administrator shall prepare and deliver a letter including, at a minimum:
  - 1. A statement that the preliminary plat and final development plan application is not complete
  - 2. A list of the incomplete or missing information
  - 3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form
- B. **Planning Commission review.** After a complete preliminary plat and final development plan is received, the Zoning Administrator shall forward the plat and plan to the Planning Commission for review and notify the applicant of the date of review. The Planning Commission shall review the preliminary plat and final development plan and make findings of fact that accept the plan, recommend changes to the plan or deny the plan. The findings of fact shall be based on the following review criteria:
  - 1. The proposed development shall meet the overall goals of this Ordinance
  - 2. The proposed development shall meet the goals for a planned unit development of its type
  - 3. The proposed development shall meet the standards as set forth in this Ordinance regulating that type of planned unit development and use(s)
  - 4. The proposed development is in harmony with uses in the surrounding area

5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces is sustainable and appropriate
6. The proposed development, or a unit thereof, can be substantially completed within three years from date of approval
7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in the construction of the project

#### **522.10 Final Plat Information Requirements**

Upon review of the preliminary plat and final development plan, the Planning Commission may recommend approval or denial the preliminary plat, or recommend conditional approval of the plan with the requirement that additional information be provided by the applicant. Required additional information shall be detailed in the minutes of the Planning Commission meeting and in a letter from the Zoning Administrator to the applicant sent to the applicant within seven days of the conditional approval of the preliminary conditional use application. Any additional information required shall be provided by the applicant within one year after conditional preliminary plat approval and prior to the scheduling of final plat review. Delay by the applicant in providing the additional information shall indicate applicant's agreement to a delay in scheduling final plat review. If the additional information is not received within one year of conditional approval of the preliminary plat, the application shall be denied. Final plat submission shall meet the requirements for preliminary plats as well as an explanation of how the preliminary plat and final development plan address any changes required by the Planning Commission.

#### **522.11 Review of Final Plat**

The following steps shall be taken to review a final plat for a planned unit development:

- A. **Review for completeness.** Upon receipt of a final plat for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission for review. If the application is not complete, the Zoning Administrator shall prepare and deliver a letter including, at a minimum:
  1. A statement that the final plat application is not complete
  2. A list of the incomplete or missing information
  3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form
- B. **Planning Commission review.** After a complete final plat is received, the Zoning Administrator shall forward the plat to the Planning Commission for review and notify the applicant of the date of review. The Planning Commission shall review the final plat and make findings of fact that recommend approval of the plat, recommend changes to the plat or deny the plat. The findings of fact shall be based on the following review criteria:
  1. The proposed development shall meet the overall goals of this Ordinance
  2. The proposed development shall meet the goals for a planned unit development of its type
  3. The proposed development shall meet the standards as set forth in this Ordinance regulating that type of planned unit development and use(s)
  4. The proposed development is in harmony with uses in the surrounding area
  5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces is sustainable and appropriate
  6. The proposed development, or a unit thereof, can be substantially completed within three years from date of approval
  7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in the construction of the project

**522.12 Minor changes after final approval**

During the development of an approved planned unit development the Zoning Administrator may approve minor changes in the location, placement and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the final plat and plan were approved, provided the changes are indeed minor and do conform to the review criteria applied by the Planning Commission.

## **Chapter 523      Subdivision Regulations**

### **523.01      Purpose**

The purpose of this Chapter is to regulate the subdividing of land in Rice County lying outside the incorporated limits of a city, so that new subdivisions will be integrated with the development and protection objectives of Rice County as expressed in the Rice County Comprehensive Land Use Plan and contribute to an attractive, stable and wholesome environment, adequate public services and an integrated and safe street and highway system.

### **523.02      Land Suitability Requirement**

No land shall be subdivided which is held unsuitable by the County for the proposed use because of any of the following conditions:

- A. Flooding
- B. Inadequate drainage
- C. Soil and rock formations with severe limitations for development
- D. Severe erosion potential
- E. Unfavorable topography
- F. Inadequate water supply or sewage disposal capabilities
- G. Any other feature likely to be harmful to the health, safety, or welfare of the future residents and or development of the proposed subdivision or of the community

### **523.03      Geographic Scope**

The rules and regulations governing plats and subdivision of land contained in this Chapter shall apply to all lands lying outside the incorporated limits of a city in Rice County and other land as permitted by State Statutes.

### **523.04      Rice County Plat Review Committee**

Some plats and subdivisions may occur outside of the geographic scope of this Chapter as stated in §523.03. Plats and subdivisions that lie outside the geographic scope of this Chapter shall be reviewed by the Rice County Plat Review Committee of which the County shall be a member. The township or incorporated city with primary review authority shall deliver a copy of the proposed plat or subdivision to the Plat Review Committee within five (5) days of receipt from the applicant. The Plat Review Committee shall review the plat or subdivision and deliver comments to the primary review authority within ten (10) days of receipt of the proposed plat or subdivision.

### **523.05      Exceptions to Scope**

Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to July 8, 1975, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

**523.06 Subdivisions Processed as Plats**

All subdivisions that create two (2) or more lots or parcels that are two and one-half (2-1/2) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. The County Board may waive any or all of the provisions of this Section and may grant a "Waiver of Platting," however, conditions may be imposed upon the "Waiver of Platting".

**523.07 Subdivision Approval Required for Permits**

No permit for construction of buildings or sewage treatment systems shall be issued for lots created after enactment of this Ordinance unless the lots were approved as part of a formal subdivision.

**523.08 Subdivision Review Process**

The following process shall be followed in reviewing plats and subdivisions in Rice County:

- A. **Preliminary and final plat review required.** No real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission and the final plat has been approved by the County Board as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the County Board.
- B. **Pre-application meeting.** Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The applicant is urged to avail himself of the advice and assistance of the Planning Commission and County staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.
  - 1. **Sketch plan.** At the pre-application meeting or at subsequent informal meetings, the applicant shall submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan shall include:
    - a. A line drawing to accurate scale with the scale indicated on the plan;
    - b. Topography of the site;
    - c. General location and number of buildings;
    - d. General location of roads and access; and
    - e. The relationship of the proposed subdivision to existing community facilities that would serve it, and to neighboring subdivisions and developments.
- C. **Preliminary plat.** After the pre-application meeting, the applicant shall apply for a platting permit with the Zoning Administrator and shall file twelve (12) copies of a preliminary plat with the Zoning Administrator.
  - 1. **Data required.** The data required for preliminary plats is detailed in §523.09.
  - 2. **Reviewing bodies.** The Zoning Administrator shall refer an appropriate number of copies to the Planning Commission for their review and report. The plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting of the Planning Commission at which consideration of the plat is requested. Any proposed plat located within two (2) miles of a city shall also be submitted to the City and Town Board in which the proposed plat is located, the County Soil and Water Conservation District and the County Highway Engineer for review. Any comments regarding said plat shall be returned to the Zoning Administrator for review at the public hearing.
  - 3. **Public hearing.** Within forty-five (45) days after the plat has been submitted and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the



- hearing. Notice of the public hearing shall also be sent to the property owners within five hundred (500) feet of the property to be subdivided in incorporated areas and property owners within one-half (1/2) mile of the property to be subdivided in unincorporated areas. This shall constitute the public hearing on the plat as required by state law.
4. **Planning Commission review and report.** Within fifteen (15) days of the date of the close of the public hearing, the Planning Commission shall make its report to the County Board. The Planning Commission and the Zoning Administrator shall forward to the County Board a favorable, conditional or unfavorable report and said reports shall contain a statement of findings and recommendations.
  5. **County Board review and report.** The Rice County Board shall act to approve or disapprove the preliminary plat within sixty (60) days after receiving the recommendations of the Planning Commission, unless a written extension is granted by the applicant. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the applicant within thirty (30) days after the meeting of the County Board.
  6. **Planning Commission and County Board review standards.** In the case of all subdivisions, the Planning Commission and the County Board shall make the following findings:
    - a. That the proposed subdivision is not in conflict with adopted applicable general and specific plans of Rice County;
    - b. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is physically suitable for the proposed density of development;
    - c. That the site is physically suitable for the proposed density of development;
    - d. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage;
    - e. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
    - f. That the design of the subdivision or the type of improvements will not conflict with easements of record or with easement established by judgment of a court.
    - g. That the physical characteristics of the site will insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
    - h. In the Flood Plain District the proposal shall be evaluated in accordance with the standards established in Chapter 518 of this Ordinance.
- D. **Final plat approval required before rights vested.** The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the applicant that he may proceed toward a final plat in accordance with the terms of approval and provisions of the Ordinance. The applicant shall file the final plat with the County Recorder within six (6) months after approval of the final plat or the approval of the preliminary and final plat shall be null and void. During the intervening time between approval of the preliminary plat and the signing of the final plat, the applicant shall submit acceptable engineering plans for all required improvements.
- E. **Final plat.** The applicant shall file two (2) copies of the final plat with the Zoning Administrator prior to the Planning Commission meeting at which it will be considered. If this is not done within six (6) months, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the applicant and granted by the Board.
1. **Final plat requirements.** The following are requirements for final plat applications:
    - a. Data required in §523.09.

- b. All changes required in the report approving the preliminary plat.
  - c. The applicant may be required to submit at this time an up-to-date certified abstract of title or registered property report.
  - d. The final plat shall have incorporated all changes recommended by the County Engineer regarding roads, and the County Board as to conditions of approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat that the applicant proposed to record and develop at that time, provided that such a portion conforms to all requirements of this Ordinance.
2. **Review.** The Zoning Administrator shall refer an appropriate number of copies of the final plat to the County staff for its review and report. The report of these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the plat and the County Board shall act on the final plat within sixty (60) days of submission of the final plat.
  3. **Recordation of final plat required.** Upon approval of the final plat by the Rice County Board, the applicant shall record such final plat with the County Recorder, as provided for that office, within ninety (90) days after the approval. Otherwise the approval of the final plat shall be considered void. The applicant shall, within thirty (30) days of recording, furnish the Zoning Administrator with one copy of the recorded plat. In addition to providing the printed copy, the applicant shall also furnish the Zoning Administrator with one micro-fiche slide of the final plat.

#### **523.09 Data for Preliminary and Final Plats**

Required data for preliminary and final plat applications are listed below:

- A. **Data for Preliminary Plat.** The applicant shall engage a qualified land planner, registered land surveyor or engineer to prepare a preliminary plat of the area to be subdivided. The preliminary plat shall contain:
  1. **Identification and Description**
    - a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County and the name must have approval of the County Zoning Administrator.
    - b. Location by section, township, range, and by legal description.
    - c. Names and addresses of the record owner, any agent having control of the land, applicant, land surveyor, engineer, or designer of the plan.
    - d. Graphic scale not less than one (1) inch to one hundred (100) feet.
    - e. North arrow.
    - f. Key map of the surrounding area.
    - g. Date of preparation.
  2. **Existing Conditions**
    - a. Boundary line of proposed subdivision, clearly indicated to a reasonable degree of accuracy.
    - b. Existing zoning classifications for land within and abutting the subdivision.
    - c. A listing of the approximate acreage and dimensions of the lots.
    - d. Location, right-of-way width, names of existing or platted streets, or other public ways, parks, other public lands, permanent buildings and structures, easements, section and corporate lines within the plan and to a distance one hundred (100) feet beyond shall also be indicated.

- e. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
  - f. Topographic data, including contour intervals of two (2) feet unless the grade is more than 15 percent, waterways, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
  - g. A soils analysis and soil percolation tests of the subdivision using S.C.S. data and information may be required by the County Board if conditions warrant it.
  - h. For all subdivisions in the Flood Plain, Flood Way and Flood Fringe boundaries, the regulatory flood plain elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
  - i. If a proposed subdivision requires the removal of the special Flood Hazard Area designation, full compliance with FEMA shall be established.
- 3. Subdivision Design Features**
- a. Layout of proposed streets showing the right-of-way widths, centerline gradients, and typical cross sections if requested by the Zoning Administrator.
  - b. Location and widths of proposed pedestrian ways.
  - c. Layout, numbers and preliminary dimensions of lots and blocks.
- 4. Other Information**
- a. Statement of the proposed use of lots stating type of residential buildings with the number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
  - b. Provision for surface water and sanitary sewage disposal, drainage, and flood control.
  - c. If any zoning changes are contemplated, the proposed zoning for the areas.
  - d. Where the applicant owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the applicant submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
  - e. A plan for soil erosion and sediment control both during construction and after development has been completed may be required by the County Board.
  - f. For subdivisions in a VMU Extension area as regulated by Chapter 513, the applicant shall show the location of dedicated easements necessary for future connections to public utilities.
  - g. Such other information as may be requested by the Zoning Administrator or Planning Commission.
- B. Data for Final Plat.** The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota Statutes Chapter 505 and these regulations.
- 1. Surveying requirements of the final plat shall be under the regulation of the County Surveyor or a Registered Land Surveyor appointed by the County Board.
  - 2. Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public cause and shall include a dedication to the County of sufficient easements to accommodate utility services.

- 3. Special conditions and or restrictions pertaining to the approval of the final plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

C. **Certifications.** The following certifications shall be obtained by the applicant as part of final approval of the final plat:

- 1. For approval by signature of County officials concerned with the recording of the plat.

(1) No delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Name)

Rice County Auditor

(2) Checked and approved as in compliance with the Rice County Zoning Ordinance and Subdivision Regulations.

\_\_\_\_\_  
Chairman

Rice County Planning Commission

Approved by Rice County Board of Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Chairman of Rice County Board

Attest:

Rice County Auditor \_\_\_\_\_

**523.10 Subdivision Design Standards**

All subdivisions shall meet the design standards in Chapters 505, 506 and 507 of this Ordinance, and shall meet the following additional design standards:

- A. **General.** The layout of the subdivision shall harmonize with site conditions and surrounding conditions and land uses, and shall be in conformity with the development objectives of the County as expressed in the Rice County Comprehensive Land Use Plan.
- B. **Streets.** The design of streets shall meet the provisions of Chapter 505 and the Access Guidelines of Rice County, and the following additional provisions:

1. Half streets shall be prohibited.
  2. Private streets shall be prohibited.
  3. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- C. **Lot design.** Lot dimensions shall be such as to comply with the minimum lot areas specified for the type of use in the applicable zoning district. The following additional design standards shall be met:
1. **Side lot lines.** Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines. Each lot shall abut a public street or highway.
  2. **Drainage.** Lots shall be designed so as to provide drainage away from building locations.
  3. **Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels unless the owner can show plans for the future use of such remnants wherein they shall be platted as outlots (reserve lots).
  4. **Land locked parcels.** As a general rule, the County shall not permit land locked parcels or parcels that are only served by private easements. However, the County may permit the following:
    - a. Land locked parcels in a multiple dwelling or commercial complex provided said parcel(s) have access to a public street by an easement over another parcel within the same multiple dwelling or commercial complex. Said land locked parcel is permitted in this instance only for the purpose of establishing separate taxable parcels within a complex.
    - b. Land locked parcels which are unbuildable (outlots) and reserved as permanent public open spaces such as ponding areas may be permitted. A scenic easement may be required by the County to insure that the property is preserved as open space.
- D. **Natural features.** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- E. **Easements**
1. All easements shall be dedicated by appropriate language on the plat as required by Minnesota Statutes §505.02, Subdivision 2.
  2. Utilities easements shall be provided for utilities where necessary.
  3. Where a subdivision is traversed by a waterway, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially within the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.
- F. **Parks, trailways and recreation areas**
1. **Designation on Preliminary Plat.** Where a proposed park, trailway, ponding or open space area, shown on or referenced to the Rice County Comprehensive Land Use Plan, or Official Map, is located in the whole or in part in a subdivision, such area or areas shall be shown on the preliminary plat. Such area or areas shall also be dedicated to the County by the applicant if the County requests such dedication under the provisions of paragraphs below.
  2. **Parkland dedication required.** Said dedicated land shall be in an amount determined to be reasonable by the County. Said land must be suitable and acceptable for said uses(s), as determined by the County.

- a. In lieu of the conveyance of dedicated land as provided above, the applicant may, at the option of the County, pay to the County, for use in acquisition and development of parks or ponding areas, a cash payment to the County. Such payment shall be based upon a formula established by resolution of the County Board.
3. **Land in excess of dedication requirement.** Where land proposed for public use exceeds the percentage normally required by the County and the applicant will not dedicate the additional amount, the County shall have six (6) months from the date of initial consideration to proceed and purchase said additional amount. Where a purchase is not initiated within said six (6) months, the plat shall be revised to permit another use and the processing of the plat shall continue.
4. **Condition of areas to be dedicated.** Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the applicant prior to acceptance by the County. All dead trees, trash, junk, unwanted structures or similar undesirable elements shall be removed by the owner at this expense.
5. **Title and survey requirements.** Lands so dedicated shall be accompanied by a certificate of survey or shall be designated as a lot or outlot on the plat as determined by the County. Such lands shall be free and clear of all liens and encumbrances including special assessments as evidenced by an up-to-date Abstract of Title or Registered Property Abstract to be submitted at developer's cost to the County for its examination. Such dedication shall be in the form and manner as prescribed by the County Attorney.

**523.11 Improvements Required**

Prior to the approval of a final plat, the applicant shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- A. **Monuments.** Monuments of a permanent character, as required by Minnesota Statutes §505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at corners, angle points and curve points on each lot.
- B. **Streets.** All streets shall be improved in accordance with the engineering specifications established by the County Engineer.
- C. **Water Supply.** Where a connection with a community water system is possible, the public water shall be used. In other instances, safe and palatable water shall be provided by a central distribution system serving the subdivision or by individual wells. In all cases, water shall be supplied in accordance with Environmental Health Services Division specifications.
- D. **Sanitary Sewer.** In all cases where trunk line sanitary sewer facilities are available, the applicant shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other instances, sanitary sewage disposal shall be by a central system serving the subdivision or by individual systems. Provisions shall be made for future connections to any planned municipal utilities. In all cases, sewage disposal systems shall be provided in accordance with Environmental Health Services Division specifications.
- E. **Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion. A proposed grading program may also be required.
- F. **Street Signs.** Street signs of standard design approved by the County Board shall be installed at each street intersection.

**523.12 Payment for Installation of Improvements**

Before a Final Plat is approved by the County Board, the Board may require the applicant to submit a performance bond or cash escrow agreement to assure the following:

**A. General.**

1. The applicant shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision with the exception of individual wells and individual sewage disposal systems.
2. Guarantee completion of the required improvements within a two (2) year period.
3. Payment by the applicant for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plat.
4. The County may elect to install any of the required improvements under the terms of a cash escrow agreement.
5. The performance bond or cash escrow agreement shall be equal to one and one-quarter (1 and 1/4) times the estimated cost of the requirement improvements.
6. If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the applicant.
7. The applicant shall satisfy park dedication requirements by dedication of land or cash in lieu thereof.

- B. Construction plans.** Construction plans for the required improvements, conforming in all respects to the standards of Rice County and applicable ordinances, may be required to be prepared at the applicants expense by a licensed architect or professional engineer licensed to design the type of construction proposed and registered in the State of Minnesota and said plans shall contain his/her seal. Such plans together with the quantity of construction items, shall be submitted to the County Engineer for approval and for an estimate of total cost of the required improvements; upon approval they shall become a part of the approval. Two reproducible prints of the plan approved shall be provided to Rice County and filed by the County.

**523.13 Exceptions**

The County Board may, but is not required to, grant an exception to the provisions of this Chapter upon resolution only for the following reasons:

- A. Minor Subdivisions.** For small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following recommendation by the Planning Commission, so determines, and following compliance with procedures as follows:
1. Simple Lot Split - When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived. Transfer of title or the process of subdividing shall be by filing of a final plat.
  2. Waiver of Plat - Where no more than two lots are created and where both lots exceed five (5) acres in area, the County Board may waive the requirement for platting but may attach any conditions to the waiver to otherwise satisfy the requirements of this Ordinance.
  3. Said five (5) acres may include adjacent public road right-of-way.

## Rice County Zoning Ordinance Table of Contents

<b>Chapter 501</b>	<b>Introductory Provisions</b>	
501.01	Title .....	1.1
501.02	Purpose .....	1.1
501.03	Statutory Authorization .....	1.1
501.04	Jurisdiction .....	1.1
501.05	Compliance Required .....	1.1
501.06	Severability and Validity .....	1.1
501.07	Prior Ordinance Repealed .....	1.1
501.08	Effective Date .....	1.2
501.09	Rules of Construction and Interpretation .....	1.2
<b>Chapter 502</b>	<b>Definitions</b>	
502.01	Introduction .....	2.1
502.02	Interpretation of Certain Terms .....	2.1
502.03	Definitions .....	2.1
<b>Chapter 503</b>	<b>Zoning Administration</b>	
503.01	Planning and Zoning Department .....	3.1
503.02	Permits and Certificates .....	3.1
503.03	Planning Commission .....	3.3
503.04	Zoning Amendments .....	3.4
503.05	Conditional and Interim Use Permits .....	3.5
503.06	Board of Adjustment .....	3.8
503.07	Variances .....	3.10
503.08	Notification to the Department of Natural Resources .....	3.12
503.09	Fees .....	3.12
503.10	Violations .....	3.12
503.11	Enforcement .....	3.13
<b>Chapter 504</b>	<b>Nonconforming Parcels, Structures, Uses</b>	
504.01	Purpose .....	4.1
504.02	Continuation .....	4.1
504.03	Nonconforming Uses .....	4.1
504.04	Nonconforming Structures .....	4.2
504.05	Nonconforming Parcels .....	4.3
<b>Chapter 505</b>	<b>General Regulations</b>	
505.01	Purpose .....	5.1
505.02	Applicability .....	5.1
505.03	Permits Required .....	5.1
505.04	Site Suitability Required .....	5.1
505.05	Applicant Responsibility .....	5.2
505.06	Protection for Farming Practices .....	5.2
505.07	Significant Historic Sites .....	5.2
505.08	Airport Overlay Requirements .....	5.2
505.09	Essential Services .....	5.2
505.10	Lot and Yard Controls .....	5.3
505.11	Rural Business Registration .....	5.4
505.12	Driveway and Road Access and Standards .....	5.5
505.13	Parking Standards .....	5.6
505.14	Sign Regulations .....	5.9
505.15	Extraction of Materials and Minerals, Open Pits and Impounding of Waters .....	5.10
505.16	Site Plan Review .....	5.10



505.17	Performance standards for Shoreland Areas of Agricultural Rivers and Tributary Streams, and for Public Drainage Ditches .....	5.11
<b>Chapter 506</b>	<b>Environmental Performance Standards</b>	
506.01	Purpose .....	6.1
506.02	Applicability.....	6.1
506.03	Impervious Surface Limitation.....	6.1
506.04	Water Supply and Sewage Treatment .....	6.1
506.05	Drainage and Stormwater Management.....	6.1
506.06	Environmental Standards.....	6.2
506.07	Erosion and Sedimentation Control Standards.....	6.3
506.08	Landscape Requirements.....	6.3
506.09	Steep Slopes .....	6.4
506.10	Tree, Forest Land and Natural Vegetation Preservation .....	6.4
506.11	Shoreland Alterations .....	6.5
506.12	Wetlands Preservation .....	6.7
<b>Chapter 507</b>	<b>Specific Development Standards</b>	
507.01	Purpose .....	7.1
507.02	Applicability.....	7.1
507.03	Standards for Residential and Related Uses.....	7.1
507.04	Standards for Agricultural and Related Uses .....	7.2
507.05	Standards for Commercial Recreation Uses .....	7.4
507.06	Civic, Educational and Institutional Uses.....	7.8
507.07	Commercial and Industrial Uses .....	7.8
507.08	Public Service and Utility Uses.....	7.16
507.09	Uses Accessory and Temporary to Permitted Uses .....	7.18
507.10	Structures Accessory and Temporary to Permitted Uses.....	7.19
<b>Chapter 508</b>	<b>Zoning Districts, Zoning Map and Uses</b>	
508.01	Division into Districts .....	8.1
508.02	Consistency with Comprehensive Plan .....	8.1
508.03	Zoning Map.....	8.1
508.04	District Boundaries .....	8.1
508.05	Permitted, Conditional and Interim Uses.....	8.2
	<b>Table 508-1</b>	
	<b>Permitted, Conditional and Interim Uses .....</b>	<b>8.2</b>
<b>Chapter 509</b>	<b>“A” Agricultural District</b>	
509.01	Purpose .....	9.1
509.02	Permitted, Conditional, Interim and Accessory Uses, Agricultural District.....	9.1
509.03	Density Standards .....	9.1
509.04	Density Transfers .....	9.2
509.05	Dimensional Standards.....	9.2
<b>Chapter 510</b>	<b>“UR” Urban Reserve District</b>	
510.01	Purpose .....	10.1
510.02	Permitted, Conditional, Interim and Accessory Uses, Urban Reserve District.....	10.1
510.03	Dimensional Standards.....	10.1
510.04	Density Transfers .....	10.1
<b>Chapter 511</b>	<b>“RR” Rural Residential District</b>	
511.01	Purpose .....	11.1
511.02	Permitted, Conditional and Accessory Uses, Rural Residential District .....	11.1
511.03	Dimensional Standards.....	11.1

<b>Chapter 512</b>	<b>“VMU” Village Mixed-Use District</b>	
512.01	Purpose .....	12.1
512.02	Summary of Development Categories.....	12.1
512.03	Permitted, Conditional and Accessory Uses .....	12.1
512.04	Dimensional Standards.....	12.2
512.05	Development Standards.....	12.3
<b>Chapter 513</b>	<b>Village Extension Regulations</b>	
513.01	Purpose .....	13.1
513.02	Village Extension Requirements .....	13.1
513.03	Requirements for Density Increases .....	13.1
513.04	Mix of Uses .....	13.2
513.05	Dimensional Standards.....	13.2
513.06	Development Standards.....	13.2
<b>Chapter 514</b>	<b>“HC” Highway Commercial District</b>	
514.01	Purpose .....	14.1
514.02	Permitted, Conditional and Accessory Uses .....	14.1
514.03	Dimensional Standards.....	14.2
514.04	Development Standards.....	14.2
514.05	Mixed Use Planned Unit Development (PUD) Overlay .....	14.3
<b>Chapter 515.A</b>	<b>“LI” Limited Industrial District</b>	
515.A.01	Purpose .....	15.A.1
515.A.02	Permitted, Conditional and Accessory Uses .....	15.A.1
515.A.03	Dimensional Standards.....	15.A.1
515.A.04	Development Standards.....	15.A.1
<b>Chapter 515.B</b>	<b>“RI” Rural Industrial District</b>	
515.A.01	Purpose .....	15.B.1
515.A.02	Permitted, Conditional, Interim and Accessory Uses .....	15.B.1
515.A.03	Dimensional Standards.....	15.B.1
515.A.04	Development Standards.....	15.B.1
<b>Chapter 516</b>	<b>Shoreland Districts</b>	
516.01	Statutory Authorization .....	16.1
516.02	Purpose .....	16.1
516.03	Jurisdiction .....	16.1
516.04	Classification of Public Waters in Rice County/Shoreland Districts.....	16.1
516.05	Reclassification Procedure.....	16.2
516.06	Shoreland District Boundaries .....	16.2
516.07	Compliance with All Applicable Regulations Required .....	16.2
516.08	Steep Slopes .....	16.3
516.09	Rules for Measurement.....	16.3
516.10	Placement of Structures on Lots/Setback Averaging/String Line .....	16.3
516.11	Deleted .....	16.3
516.12	Permitted, Conditional, Interim and Accessory Uses .....	16.3
516.13	Shoreland Planned Unit Developments.....	16.3
516.14	Standards for Shoreland Areas of Agricultural Rivers & Tributary Streams.....	16.3
516.15	Dimensional Standards for GDS, RDS and NES Shoreland Districts.....	16.4
<b>Table 516-1</b>		
	<b>Dimensional Standards for GDS, RDS and NES Shoreland Districts.....</b>	<b>16.4</b>
516.16	Deleted .....	16.5
516.17	Controlled Access Lots .....	16.5
516.18	Agricultural Use Standards.....	16.5
516.19	High Water Elevations .....	16.6

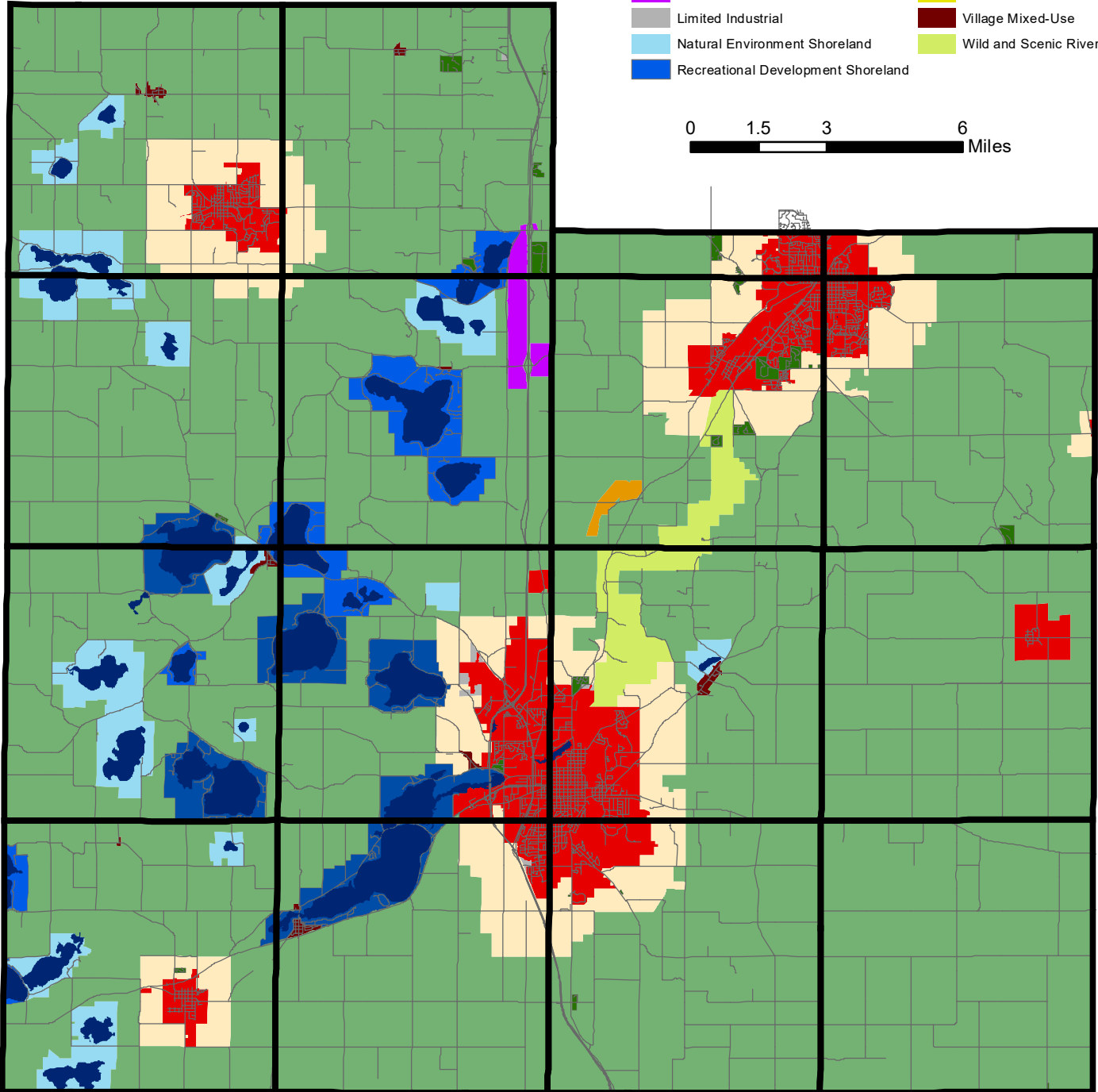
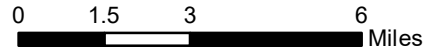
516.20	Shore Impact Zone/Bluff Impact Zone .....	16.6
516.21	Shore Access Stairways, Lifts, and Landings .....	16.6
516.22	Placement and Design of Roads, Driveways, and Parking Areas .....	16.6
<b>Chapter 517</b>	<b>Shoreland Planned Unit Developments</b>	
517.01	Purpose .....	17.1
517.02	Geographic Scope .....	17.1
517.03	Types of Planned Unit Developments Allowed – Residential or Resort Commercial .....	17.1
517.04	Permitted Uses .....	17.1
517.05	Planned Unit Development Required .....	17.2
517.06	Planned Unit Development Standards .....	17.2
517.07	Development Density .....	17.2
517.08	Design Criteria for Shoreland Planned Unit Developments .....	17.4
517.09	Conversions and Expansion of Existing Licensed Resorts, Trailer Parks and Campgrounds .....	17.6
<b>Chapter 518</b>	<b>“URI” Urban Reserve - Industrial District</b>	
518.01	Purpose .....	18.1
518.02	Permitted, Conditional, Interim and Accessory Uses .....	18.1
518.03	Dimensional Standards.....	18.1
518.04	Development Standards.....	18.1
<b>Chapter 519</b>	<b>“WS” Wild and Scenic River District</b>	
519.01	Purpose .....	19.1
519.02	Designation of District .....	19.1
519.03	Permitted, Conditional, Interim and Accessory Uses .....	19.1
519.04	Height, Yard, Area and Lot Width and Depth Regulations .....	19.1
519.05	Floodplain.....	19.2
519.06	Essential Public Services.....	19.2
519.07	Public Roads .....	19.2
<b>Chapter 520</b>	<b>Transfer of Development Rights Regulations</b>	
520.01	Statutory Authorization .....	20.1
520.02	Purpose .....	20.1
520.03	TDR Sending Areas .....	20.1
520.04	TDR Receiving Areas.....	20.1
520.05	Calculation of TDRs within the A Agriculture District.....	20.2
520.06	Calculation of TDRs within the UR Urban Reserve District.....	20.2
520.07	Calculation of TDRs within the Shoreland Districts .....	20.2
520.08	Use of Development Rights in Receiving Areas.....	20.2
520.09	Limitations on Future Development of Sending Areas.....	20.2
520.10	Development Agreements and Recording of Restrictions .....	20.2
<b>Chapter 521</b>	<b>Cluster Development Standards</b>	
521.01	Purpose .....	21.1
521.02	Geographic Scope and Requirements .....	21.1
521.03	Minor Cluster Developments.....	21.1
521.04	Golf Course Cluster Developments: Requirements.....	21.2
521.05	Golf Course Cluster Developments: Density Standards.....	21.2
521.06	Golf Course Cluster Developments: Open Space Standards.....	21.3
521.07	Golf Course Cluster Developments: Mix of Uses.....	21.3
521.08	Golf Course Cluster Developments: Dimensional Standards.....	21.3
521.09	Golf Course Cluster Developments: Development Standards .....	21.4
<b>Chapter 522</b>	<b>Planned Unit Development Review Standards</b>	
522.01	Purpose .....	22.1

522.02	Scope .....	22.1
522.03	Additional Design and Development Standards Apply.....	22.1
522.04	Review Process Overview.....	22.1
522.05	Pre-application Meeting .....	22.1
522.06	Preliminary Development Plan Information Requirements .....	22.1
522.07	Review of Preliminary Development Plan .....	22.2
522.08	Preliminary Plat and Final Development Plan Information Requirements .....	22.3
522.09	Review of Preliminary Plat and Final Development Plan.....	22.4
522.10	Final Plat Information Requirements.....	22.5
522.11	Review of Final Plat.....	22.5
522.12	Minor Changes After Final Approval .....	22.6
<b>Chapter 523</b>	<b>Subdivision Regulations</b>	
523.01	Purpose .....	23.1
523.02	Land Suitability Requirement .....	23.1
523.03	Geographic Scope .....	23.1
523.04	Rice County Plat Review Committee.....	23.1
523.05	Exceptions to Scope .....	23.1
523.06	Subdivisions Processed as Plats .....	23.2
523.07	Subdivisions Approval Required for Permits .....	23.2
523.08	Subdivision Review Process.....	23.2
523.09	Data for Preliminary and Final Plats.....	23.4
523.10	Subdivision Design Standards.....	23.6
523.11	Improvements Required .....	23.8
523.12	Payment for Installation of Improvements .....	23.8
523.13	Exceptions.....	23.9



# Rice County Zoning Map

- Agricultural
- City
- General Development Shoreland
- Highway Commercial
- Limited Industrial
- Natural Environment Shoreland
- Recreational Development Shoreland
- Rural Industrial
- Rural Residential
- Urban Reserve
- Urban Reserve Industrial
- Village Mixed-Use
- Wild and Scenic River



- Incorporated City
- Protected Lake
- Township
- Roads

Updated: November 2, 2022  
GIS by Rice County

Map features are representations of original data sources and do not replace or modify land surveys, deeds, or other legal instruments defining land ownership or use.