

**RICE COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT
MEMORANDUM**

TO: Planning Commission
FROM: Jeremy Edwards, Environmental Planner
HEARING DATE: July 28, 2022
SUBJECT: Zoning Ordinance Text Amendment

SUMMARY/BACKGROUND OF THE PROPOSAL

The Rice County Committee of Whole held special joint work sessions with the Planning Commission, on March 10th, 31st and April 28th, 2022, to discuss the next steps in Zoning Ordinance revisions for implementation of some of the objectives of the adopted Rice County Comprehensive Plan 2040. During these work sessions, the following changes to the Zoning Ordinance were discussed:

Chapter 502 Definitions

- Accessory Dwelling Unit and Interim Use definitions are added.
- A duplicate Conditional Use definition is removed.

Chapter 503 Zoning Administration

- Interim Uses are added to relevant Conditional Use provisions. Interim Use Permits function similar to Conditional Use Permits, with the exception that IUP's are time limited.
- Building Permit exception for storage buildings is raised from 120 to 200 square feet to match Minnesota Building Code.
- Approval for temporary occupancy and permit application requirements are clarified.
- References to previous Comprehensive Plan are removed.

Chapter 505 General Regulations

- Extraction of Materials and Minerals, Open Pits and Impounding of Waters is changed from conditional to interim use and reference to Chapter 507 is corrected.

Chapter 507 Specific Development Standards

- Limitation on single-family detached dwellings in Highway Commercial and Limited Industrial Districts is extended to new Rural Industrial and Urban Reserve Industrial Districts.
- Minimum dwelling unit size is removed to allow small Accessory Dwelling Units and tiny homes, provided they meet building code.
- Accessory Dwelling Unit replaces Temporary Farm Dwelling and requirements for ADU's are specified.
- Bed and Breakfast facilities, Extraction or excavation of materials and minerals (Mining), Temporary asphalt plant, highway construction yard and equipment placement (TEPP), and Home Occupation are changed from Conditional to Interim Uses.
- Water-oriented accessory structure maximum size limit is changed from 100 to 144 square feet to match Table 516-1.

Chapter 508 Zoning Districts, Zoning Map and Uses

- Bed and Breakfast facility, Demolition Landfill, Extraction or excavation of materials and minerals (Mining), Recycling or composting facilities, Temporary asphalt plant, highway construction yard and equipment placement (TEPP), Solar Energy Production, Room and Board facility, and Home Occupation are changed from Conditional to Interim Uses.
- Accessory Dwelling Unit replaces Temporary Farm Dwelling and made a permitted use in A, UR, RR, VMU, GDS, RDS, and NES Districts.

Chapter 509 “A” Agricultural District

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.
- Minimum dwelling unit size is removed to allow small Accessory Dwelling Units and tiny homes, provided they meet building code.

Chapter 510 “UR” Urban Reserve District

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.
- Intergovernmental Powers Review language removed as this is covered by State Statute.
- Previous Agricultural zoned parcels language removed as this provision is no longer applicable.

Chapter 515.B “RI” Rural Industrial

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.

Chapter 516 Shoreland Districts

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.
- Maximum height and minimum lot area and width requirements for Accessory Dwelling Units are added.

Chapter 518 “URI” Urban Reserve – Industrial District

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.

Chapter 519 “WS” Wild and Scenic River District

- Purpose statement is updated to reflect current Rice County Comprehensive Plan.
- Interim Use added.

As with other ordinance amendments the Planning Commission is asked to send a recommendation to the Rice County Board of Commissioners. The Commissioners would then vote to adopt the changes and send the request back to the Planning Commission for an adoption public hearing.

AMENDMENT

The proposed changes to the Rice County Zoning Ordinance, in the relevant chapters, would be as follows: (Underlined wording being added, and strikethrough wording being removed)

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 ~~their~~ ~~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.

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, Interim

A temporary 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 ~~120~~200 square feet or less in size ~~outside of Shoreland and floodplain districts or areas.~~
 - 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 (~~including, but not limited to, adding a bedroom or bathroom~~) 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. ~~when full septic facilities and potable water supplies are available.~~
- F. **Grading/Filling Permit.** Topographic alterations not associated with another permit or approval, that propose to move greater ~~that~~ 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~~ ~~his or her~~ 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, ~~and~~ 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 ~~and~~, 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 ~~Land Use~~ 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 ~~Land Use~~ 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 ~~Land Use~~ 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 ~~Development~~ 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 ~~Land Use Plan of the County.~~
 - 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 ~~conditional~~-[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, which-ever 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:

~~As amended through June 2015~~ [Proposed Changes July 2022](#)

- 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 ~~Land Use~~ 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 ~~Land Use~~ 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, which ever 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 Conserva-

tion 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 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. (i)
- 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

~~i. Amended December 2004~~

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:

| Land Use | Required Spaces |
|--|---|
| 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 ~~an conditional-interim~~ use permits meeting the standards in §507.07 ~~H~~, 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:

| Name of River | Location of river sections in this classification |
|-------------------------|---|
| 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 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 ~~or~~, 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. **HC-Commercial and LI-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.

~~2. **Minimum dwelling unit size in all districts.** All single-family dwelling units except temporary farm residences shall be a minimum of 960 square feet in area and 16 feet in width.~~

B. **Accessory ~~temporary farm-~~ 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 ~~conditional~~ interim use permit (see §505.15 for exceptions.)

1. **Conditional Use 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 a ~~conditional~~ 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 ~~conditional~~ 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 ~~conditional~~interim use permit shall not exceed five (5) years.
 - f. **Renewal.** As a condition of renewal of ~~a conditional~~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 ~~conditional~~ 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, conditional interim.** A home occupation that exceeds any of the standards for permitted home occupations may be allowed as ~~a conditional~~ 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.
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.

~~D. **Temporary farm dwelling.** The purpose of the temporary farm dwelling is to provide living accommodations for farm workers, health care workers assisting farm residents, or ailing parents or children.~~

- ~~1.—Applicant shall provide either a signed statement identifying that the farming activity requires additional farm workers or a signed doctor's certificate that verifies that the persons needing care suffer from health problems that would necessitate constant supervised care and attention.~~
- ~~2.—The conditional use permit shall remain valid if a verified statement or signed doctor's statement has been filed with the Planning and Zoning Department once every three (3) years.~~
- ~~3.—The dwelling shall be limited to a mobile home, which shall be maintained as highway ready, and shall be removed when no longer needed as a residence. Highway ready shall mean having the mobile home on wheels or having the internal jacking system attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks. The mobile home shall have no permanent structural additions attached.~~
- ~~4.—The dwelling shall be accessory to the primary residence on the farm.~~
- ~~5.—The dwelling shall be deemed the second dwelling unit for the quarter-quarter section.~~
- ~~6.—The dwelling shall be a minimum of fourteen (14) feet wide and minimum 672 square feet in area and shall meet current Department of Housing and Urban Development Code for mobile homes, or bear a seal and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance.~~
- ~~7.—The dwelling shall meet all minimum building setbacks, shall be properly anchored, and shall be setback a minimum of fifty (50) feet from the primary residence on the parcel.~~

~~8.—The conditional use permit shall automatically terminate and the unit shall be removed when title transfers or a Contract for Deed is recorded unless the transfer occurred between family members.~~

~~9.—The dwelling shall comply with the Rice County Sewage and Wastewater Treatment Ordinance.~~

- 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~~00~~) 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, ~~and~~ 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), ~~or~~ “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, ~~and~~ Conditional and Interim Uses

| A. Residential and Related Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
|---|------------|------------|------------|-----------|----------|-----------|-----------|------------|-----------|-----------|-----------|------------|---|
| Single-family detached dwelling | P | P | P | P | P | P | P | P | P* | P* | P* | <u>P*</u> | 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. Agricultural and Related Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 ~~Planned Unit Development~~ 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

| C. Commercial Recreation | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
|--|------------|------------|------------|-----------|----------|-----------|-----------|------------|-----------|-----------|-----------|------------|-------------|
| 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 | | | |
| 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 |
| D. Civic, Educational, & Institutional | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 | | | | | |
| School, public or private | | | | | | C | | C | | | | | X |
| Public Recreational Areas | P | P | P | P | P | P | P | P | P | P | P | P | |
| E. Commercial & Industrial | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 | ei | ei | ei | | ei | ei | | 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 | |

Notes:

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I=Interim use

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Y = Standards apply; see Chapter 514 Highway Commercial District and Chapter 522 ~~Planned Unit Development~~ **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

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 ~~Planned Unit Development~~ PUD Standards

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** = only with existing permitted commercial use

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

| E. Commercial & Industrial, cont. | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
|---|---------------|---------------|---------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|
| 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 | | | | | ei | ei | | | | | | | |
| Extraction or excavation of materials & minerals | ei | ei | ei | ei | ei | ei | | | ei | | | | 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 | | | | ei * | ei | ei | | | | | ei | | 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 | | | | | ei | ei | ei | ei | ei | ei | ei | ei | X |
| Temporary demolition landfill | | | | | e | | | | | | | | |
| 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 | | | | | |

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 ~~Planned Unit Development~~ 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

| | | | | | | | | | | | | | |
|---|------------|------------|------------|-----------|----------|-----------|-----------|------------|-----------|-----------|-----------|------------|-------------|
| Veterinary clinic | | | | | C | C | | C | | C | C | | X |
| Warehousing & Distribution, permitted | | | | | | | | | P | P | P | P | X |
| Warehousing, conditional | | | | | | | | | C | C | C | C | X |
| F. Public Service & Utility Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 |
| G. Uses Accessory & Temporary to Permitted Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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, conditional/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 | |
| H Structures Accessory to Permitted Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 | |

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 ~~Planned Unit Development~~ 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

| | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Outdoor recreation accessory to lodging (including water park, golf) | | | | | | | | | C | C | | | | |
| Private airstrip | | | | | | | C | | C | | | | | |
| 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 |

| H Structures Accessory to Permitted Uses cont. | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
|--|------------|------------|------------|-----------|--------------|--------------|-----------|------------|-----------|--------------|-----------|------------|--------------|
| 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 | |
| Temporary farm dwelling (mobile home) | | | | | € | € | | | | € | | | X |
| <u>Accessory Dwelling Unit (ADU)</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | <u>X</u> |
| 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 |
| I Mixed Uses | GDS | RDS | NES | WS | A | UR | RR | VMU | HC | RI | LI | URI | Stds |
| 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 ~~Planned Unit Development~~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.

~~The purpose of the Agricultural District is to implement the following Rice County Comprehensive Land Use Plan goals and additional objectives:~~

- ~~A. **Goal 38.** Allow rural housing of one unit per quarter-quarter section with a second allowed when the crop equivalency rating (CER) is 65 or below, with clustering of the units encouraged.~~
- ~~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 52.** Maintain a diverse economic mix for Rice County by promoting agriculture and associated businesses.~~
- ~~D. **Goal 53.** Discourage scattered site residential development and promote clustering~~
- ~~E. **Goal 54.** Allow for the Transfer of Development Rights (TDR) within a Township.~~
- ~~F. **Goal 55.** Minimize conflicts between agricultural and non-agricultural uses.~~

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 ~~and~~, 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:

~~As amended through June 2015~~ Proposed changes July 2022

- 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.

J. ~~Minimum dwelling unit size: All single-family dwelling units except temporary farm residences shall be a minimum of 960 square feet in area and 16 feet in width.~~

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.

~~The purpose of the Urban Reserve District is to implement the following Rice County Comprehensive Land Use Plan goals and additional objectives:~~

- ~~A. **Goal 56:** The County will provide a zoning district extending one mile from the municipal boundaries that will restrict development until incorporated into the municipal corporate limits.~~
- ~~B. **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.~~
- ~~C. Defer urban development in areas adjacent to municipal boundaries, until it is determined that it is economically and financially feasible to provide public utilities and services to the area.~~
- ~~D. Achieve an orderly transition from rural to urban uses through annexation, rezoning and development.~~
- ~~E. Restrict land uses that have the potential to interfere with orderly urban expansion and subdivision at urban densities.~~
- ~~F. Provide for annual review of the status of the urban reserve.~~

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 ~~and~~, 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.

~~**510.05 Intergovernmental Powers Review**~~

~~Notice of all proposed plats, variances and conditional use permits shall be submitted to the adjacent incorporated municipality and the appropriate township for review and comment at least ten days prior to the scheduled appearance before the Planning Commission. All reviews and comments by these affected parties shall be submitted in writing to the Planning Commission.~~

~~**510.06 Previous Agricultural zoned parcels**~~

~~Parcels which were in the A, Agricultural zoning district prior to adoption of this ordinance and are zoned UR, Urban Reserve under this ordinance having had additional building rights under the previous zoning shall be allowed to utilize those additional rights as a TDR, as specified in Chapter 520, if they do so within one year of the zoning of the parcel being changed from A, Agricultural to U, Urban Reserve. These additional rights may not be used on the property. Any building on the property shall only be as specified in 510.03(A).~~

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.

~~The purpose of the Rural 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.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-guage 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.

~~The purpose of the Shoreland Districts Chapter 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 18. Promote environmentally sensitive erosion control practices~~
- ~~2. Goal 19. Support and implement state and federal regulations controlling the use, alteration or filling of wetlands~~
- ~~3. Goal 20. Preserve, protect and improve the surface and underground waters including, but not limited to, rivers, streams, lakes, groundwater and aquifer recharge areas~~
- ~~4. Goal 21. Encourage the preservation of lands for open space that are substandard for development and have limited land use due to slope, soil characteristics, wetlands or other physical limiting conditions~~
- ~~5. Goal 23. Encourage the protection and orderly development of Rice County shoreland areas~~
- ~~6. Goal 25. Encourage cooperative utility systems, including water and sewer districts, in shoreland areas~~
- ~~7. Goal 48. Minimize the potential for air, water, and land contamination and pollution that could result from the development process~~

~~B.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. 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 6120.3200, 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.

- 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:

| Name of River | Location of river sections in this classification |
|---------------|---|
| 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 ($\frac{1}{4}$, $\frac{1}{4}$) 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, ~~and~~ Conditional, Interim and Accessory Uses

- A. Permitted ~~and~~, 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 ~~and~~, 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

| | GDS | RDS | NES |
|--|---------------------------|---------------------------|----------------------------|
| Minimum Lot Area (square feet) | | | |
| 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 |
| Minimum Suitable Area (square feet) | | | |
| Riparian | 12,000 sf | 16,000 sf | 40,000 sf |
| Non-Riparian | 20,000 sf | 20,000 sf | 40,000 sf |
| Minimum Lot Width | | | |
| 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 |
| Minimum Shoreline Frontage - Riparian | 100 feet | 150 feet | 200 feet |
| Maximum Height of Principal Structure | 35 feet | 35 feet | 35 feet |
| Maximum Height of Accessory Structures | | | |
| 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 |
| Maximum Size of Accessory Structures – Riparian | | | | |
| | 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 |
| Maximum Impervious Surface Coverage | | 25% of lot area | 25% of lot area | 25% of lot area |
| Minimum Setbacks for all Structures Except Water-Oriented Accessory Structures | | | | |
| | 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 |
| Minimum requirements for Water-Oriented Accessory Structure | | 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 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. ~~The purpose of the Urban Reserve Industrial District is to allow industrial uses that are not water intensive and are compatible until it is determined that it is economically and financially feasible to provide public utilities and services to the area with orderly transition from rural to urban uses through annexation and development.~~

~~The Urban Reserve Industrial District implements 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.~~

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 ~~and~~, 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).

~~The purpose of this District is to protect and preserve the scenic, recreational, natural and historical values of the Cannon River in Rice County by ensuring that 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 ~~and~~, 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.