

town of



Rice Lake

**ORDINANCE #22
TOWN OF RICE LAKE, MINNESOTA
ZONING ORDINANCE
EFFECTIVE FEBRUARY 25, 2015**

TOWN OF RICE LAKE ZONING ORDINANCE #22

TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
I.	GENERAL STANDARDS AND ADMINISTRATION	5
II.	GENERAL PROVISIONS	
	Sec 1 Application & Interpretation	6
	2 Environmental Review	7
	3 Screening	7
	4 Zoning Map	8
	5 Definitions	8
III.	DIMENSIONAL STANDARDS	
	Sec 1 General Standards	20
	2 Lot Dimension Table	20
	3 Dimensional Standard & River Corridor Width	21
	4 Shore Setback & Shore Impact Zone Requirements	21
	5 Sanitary System Setbacks & Standards	21
	6 Road Right-of-Way Setbacks	21
	7 Significant Historic Sites	22
	8 Placement & Design of Roads, Driveways & Parking Areas Near Public Waters	22
	9 Riparian & Nonriparian Property	22
IV.	NONCONFORMITIES	
	Sec 1 General	23
	2 Nonconforming Uses	23
	3 Nonconforming Structures	23
	4 Construction on Nonconforming Lots of Record	25
	5 Shoreline Averaging	26
	6 Decks-Attached	27
V.	LAND USE CONTROLS	
	Sec 1 Zoning District Establishments	28
	2 Land Use District Titles	28
	3 Use Classification	28
	4 [Reserved for Future Use]	28
	5 Land Use District	29
VI.	PERFORMANCE AND ADMINISTRATIVE STANDARDS	
	Sec 1 General	46
	2 Residential	46
	3 Intensive Vegetation Removal	47
	4 Utility Facilities and Communication Towers	48
	5 Steep Slopes	49

6 Stairways, Lifts and Landings	49
7 Alternative Shore Impact Zone	49
8 Recreational Vehicles on Lots	50
9 Community Centers	50
10 Home Business	51
11 Home Occupation	51
12 Land Alterations Within 300 Feet of Lakes and Rivers	51
13 Water Oriented Accessory Structures	53
14 Other Structures	53
15 Livestock	54
16 Off-Street Loading, Parking and Access	55
17 Placement and Design of Roads, Driveways, and Parking Areas in Shoreland Areas	56
18 Large Parking Lots	56
19 Signs	56
20 Salvage Yard Standards	59
21 Residential Limitations	60
22 [Reserved for Future Use]	60
23 Borrow Pits	60
24 Mineral Exploration and Evaluation	63
25 Solid Waste	64
26 Adult Uses (Sexually Oriented Uses)	64

VII. PLANNED UNIT DEVELOPMENT

Sec 1 Purpose	67
2 Information Requirements	67
3 Design Criteria	68
4 General Requirements and Standards	70
5 Submission Requirements	72
6 Administration-Procedure for Processing a Planned Unit Development	76

VIII. ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW

Sec1 General	80
2 Enforcement	80
3 Conditional Uses	81
4 Interim Use Permits	84
5 Variances & Appeals	85
6 Amendments	87
7 Hearing & Hearing Notices	88
8 Planning Commission & Board of Adjustment Re-hearing	89
9 New Application After Denial	90
10 Permit Revocation	90
11 Conveyance of Decision	91
12 Interpretation	92

IX. PLANNING COMMISSION

Sec.1 Creation	93
2 Membership	93
3 Appointments	93

4	Removal for Cause	93
5	Organization & Procedures	94
6	Authority & Duties	94
7	Compensation	95
X.	BOARD OF ADJUSTMENT	
Sec. 1	Creation	96
2	Regular Voting Members	96
3	Appointments	96
4	Removal for Cause	97
5	Organization & Procedures	97
6	Authority & Duties	98
7	Compensation	99
XL.	VALIDITY AND EXEMPTIONS	
Sec. 1	Severability	100
2	Impact Upon Other Property	100
3	More Restrictive Standards	100
XII.	FEES	101

ARTICLE I

GENERAL STANDARDS AND ADMINISTRATION

Section 1 Title

ZONING ORDINANCE FOR TOWN OF RICE LAKE, MINNESOTA, OTHERWISE KNOWN AS ORDINANCE NUMBER 22.

Section 2 Repealer

THIS ORDINANCE HEREBY REPEALS AND REPLACES ORDINANCE NO. 22, APPROVED AUGUST 11, 1998, THE ZONING ORDINANCE FOR TOWN OF RICE LAKE, AND ANY AMENDMENTS THERETO PRIOR TO THE DATE OF PASSAGE OF THIS ORDINANCE.

Section 3 Intent and Purpose

AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE REGULATIONS FOR THAT PORTION OF TOWN OF RICE LAKE, MINNESOTA, IN ACCORDANCE WITH THE PROVISIONS OF MINNESOTA STATUTES CHAPTERS 462, 103 A,B,F,G,H, 116D, AND ALL ACTS AMENDATORY THEREOF, TO PROMOTE THE HEALTH SAFETY, AND GENERAL WELFARE OF THE INHABITANTS BY DIVIDING THE TOWN INTO ZONES AND REGULATING THEREIN THE USES OF LAND AND THE PLACEMENT OF ALL STRUCTURES WITH A VIEW TO ENCOURAGING THE MOST APPROPRIATE USE OF LAND IN THE TOWN, AND TO RECOGNIZE AND PRESERVE THE ECONOMIC AND ENVIRONMENTAL VALUES OF ALL LANDS WITHIN THE TOWN. ALL PUBLIC WATERS WITHIN TOWN OF RICE LAKE, MINNESOTA, HAVE BEEN GIVEN A PUBLIC WATERS CLASSIFICATION, PURSUANT TO MINNESOTA STATUTES 103F AND ALL ACTS AMENDATORY THEREOF, AND USES OF SHORELANDS WITHIN THESE CLASSES ARE HEREBY DESIGNATED WITHIN THIS ORDINANCE, AND ON THE OFFICIAL ZONING MAP, BASED UPON THE COMPATIBILITY OF THE DESIGNATED TYPE OF LAND USE WITH THE PUBLIC WATERS CLASSIFICATION.

ARTICLE II

GENERAL PROVISIONS

Section 1 Application and Interpretation

- 1.01 Permit Required:** No structure or part thereof shall hereafter be erected, constructed, converted, reconstructed, moved or structurally altered and no land shall change in use, unless in compliance with all of the applicable regulations specified in this Ordinance, and all acts amendatory thereof including the State Building code.
- 1.02 Dimensional Standards Set:**
- A. In each zoning district each structure or use hereafter erected, altered or established, shall be provided with the yards and setbacks specified, and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space required for a building or structure shall be included as part of the lot, open space, off-street parking, or loading space for another building structure.
 - B. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage disposal. Any structure in any zoning district may have an extended roof line which encroaches upon the minimum side and rear yard (shoreline) setbacks, provided such extension does not encroach more than 3 feet into the required setback and does not interfere with the adjacent property's solar access or create a drainage problem.
- 1.03 Sewage Disposal:** Structures that require sewage disposal facilities and are located on a lot serviced by public sewage facilities shall be required to connect to such facilities subject to the approval of the local unit of government operating the sewage collection/disposal system. Any premises intended for human occupancy must be provided with an approved method of sewage disposal designed in accord with all regulations of the Minnesota Department of Health or the St. Louis County Department of Health, or as otherwise specified in this ordinance. No Building Permit shall be issued prior to such permit or approval.
- 1.04 Permit not required:** Work exempt from permits shall fall under the current Minnesota State Building Code, Work Exempt Permits. Exemptions from permit requirements of the Minnesota State Building Code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of the Town of Rice Lake.
- 1.05 Construction must commence:** Every building permit issued shall fall under the current Minnesota State Building Code. Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- 1.06 Road classification system:** The road classification system applicable to this Ordinance is available for inspection in the Town Hall. Classifications of roads or sections of roads are subject to change from time to time as the result of changes in traffic patterns.
- 1.07 Conformance with subdivision regulations:** No Building Permit shall be issued to establish a use on any

lot that has been divided or transferred in violation of the Subdivision Regulations of Town of Rice Lake, or when the Zoning Official determines such violation exists.

- 1.08 Transfers of land:** No lot shall be created that does not meet the requirements of this Ordinance; transfers to adjoining parcels of non-conforming parcels are allowed provided such transfers do not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards.

Section 2 Environmental Review

The Rice Lake Planning Commission shall review and act upon, all environmental review petitions, worksheets and impact statements that involve conditional uses, subdivision plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees. The Commission, on any development proposal, may require the applicant to provide information regarding the environmental effects of a proposal either through a discretionary EAW or as part of the permit review process. The Planning Director shall review all Environmental Assessment Worksheet's (EAW) and Environmental Impact Statements (EIS's) for accuracy and completeness. The Planning Director upon certification may submit the report to the appropriate review agencies in accordance with State regulations.

The Zoning Official may refer the issue of accuracy and completeness to the Planning and Zoning Commission who shall hold a public hearing on the draft environmental review. It shall be the responsibility of the Planning and Zoning Commission after holding a public hearing to make the final declaration regarding the environmental review.

Section 3 Screening

The following standards for screening shall be followed.

- 3.01 General:** Screening may consist of walls, fences, land forms, or natural or planted landscape materials, and shall effectively screen the use or structure from roads or adjacent residential parcels. Screening must be on the same parcel as the structure or use being screened, and shall be the responsibility of the owner to maintain the screening. The order of preference for screening is as follows:

- A. Maintaining existing vegetation and using natural topography;
- B. Planting native vegetation that is a minimum of four feet high at the time of planting, and is planted and maintained in accordance with accepted silver cultural practices;
- C. Construction of a berm, which must be seeded and have side slopes, not to exceed a 2:1 ratio. The planting of vegetation shall meet the technical standards of the Soil and Water Conservation District;
- D. Construction of a manufactured fence which is approved by the Rice Lake Planning Commission;

- 3.02 Required Screening Plans:** The following uses shall submit a screening plan with the permit application: Borrow Pits, Salvage Yards, Solid Waste Disposal Facilities, Building Material Storage Yards, Contractor Yards, Rural Industry, and other similar uses.

- 3.03 Established Uses without screening:** Established uses listed above without effective screening from residential uses shall adhere to the following:

- A. shall maintain a 50 foot setback from all property lines adjacent to residential uses;
- B. maintain the parcel in a neat and orderly fashion;

C. shall not expand without a conditional use permit regardless of the zoning district it is in;

Section 4 Zoning Map

- 4.01 District Boundaries Established:** Zoning District boundaries are established as shown on the official zoning map for the Town of Rice Lake, which is approved and on file in the office of the Town Clerk. The Zoning Districts shall include a land use district and a dimensional district.
- 4.02 Map incorporated into Ordinance:** The Map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.
- 4.03 District boundary locations:** District boundaries are intended to follow right of way lines, street centerline or property lines unless a boundary line is otherwise indicated. The Zoning Official shall make interpretations of boundaries when the line is not clear.

Section 5 Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number shall include the plural and the plural the singular; the word shall is mandatory, and the word may is permissive; the words used or occupied include the words intended, designed or arranged to be used or occupied; the word lot includes the words plot or parcel.

Accessory use or structure - A use or structure on the same lot with, and customarily incidental and subordinate to, a principal structure. Accessory uses may not be utilized unless the principal use on the property in question has been established.

Adult Use –Adult uses include adult bookstores, adult motion picture theatres, adult motion picture sales/rental, adult mini-motion picture theatres, 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 motion picture arcades, 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. Activities classified as obscene as defined by *Minnesota Statutes section 617.241*; or *successor statutes*, are not included.

A. Specified anatomical areas include, but are not limited to:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola; and,
2. Exposed or opaquely covered human male genitals.

B. Specified Sexual Activities include, but are not limited to:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or,

2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or,
 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or,
 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or,
 5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or,
 6. Touching, fondling or other sexually-oriented contact with an animal by a human being; or,
 7. Human excretion, urination, menstruation, vaginal or anal irrigation.
- C. Adult Uses - Accessory – The offering of retail or whole sale goods which are classified as adult uses and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include, but are not limited to, the sale of adult magazines, the sale or rental of adult motion pictures, the sale of adult novelties and the like.
- D. Adult Uses – Principal – The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
1. Adult Use – Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude.
 2. Adult Use – Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion picture films, if such building or portion of a building is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
 3. Adult Use – Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
 4. Adult Use – Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
 5. Adult Use – Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
 6. Adult Use – Health/Sport Club. A health/sport club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on, including but not limited to,

“specified sexual activities” or “specified anatomical areas”.

7. Adult Use – Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
8. Adult Use – Massage Parlor, Health Club. A massage parlor or health club that restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
9. Adult Use – Mini-Motion Picture Theatre. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
10. Adult Use – Modeling Studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in, including but not limited to, “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.
11. Adult Use – Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
12. Adult Use – Motion Picture Theatre. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
13. Adult Use – Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
14. Adult Use – Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
15. Adult Use – Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.

Airport - Any locality, either on land or water, that is regularly used or intended to be used for the landing and takeoff, storage, or servicing of one or more aircraft.

Attorney - The Attorney of the Town of Rice Lake, Minnesota, or authorized representative.

Auditor - The County Auditor of St. Louis County, Minnesota, or authorized representative.

Batch Plant - A quantity of material prepared or required for one operation to bring together or process as a batch.

Board of Adjustment - The Board of Adjustment for the Town of Rice Lake, Minnesota, as created by ordinance pursuant to Minnesota Statutes 462.354 and all acts amendatory thereof.

Boathouse - A structure designed and used solely for the storage of boats, boating equipment, or beach or water-related equipment and accessories.

Borrow Pit - A land use involving the excavation or digging of material for public (second party) use shall be considered borrow pits.

Buffer - The use of land, topography, difference in elevation, space, fences, or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

Building line - A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend.

Bunkhouse - A residential accessory structure used for sleeping quarters with no sanitation, cooking facilities or water under pressure.

Campground - An open-air recreation area where temporary shelters, such as tents and travel trailers, are intended to provide short-term occupancy.

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

Commissioner - The commissioner of the Department of Natural Resources.

Communication Towers – Communication towers, including, but not limited to cell phone, microwave, broadcast, repeater, and other such towers whose primary purpose is the wireless transmission or retransmission of electronic signals.

Community Center facility - A building, group of buildings, or use of land intended to serve a community's educational, recreational, religious, and/or service activities, typically containing space for a meeting hall, town garage, post office, or fire hall.

Conditional use - A land use or development which would not generally be appropriate without restriction throughout the zoning district but which, if controlled as to number, area, size, location, or relation to neighborhood, and as to compatibility with the Town of Rice Lake Comprehensive plan, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare. A conditional use permit shall be deemed expired if the use for which the permit was issued is not established within one year of the date of issuance of the conditional use permit, unless a longer time period is approved by the Town of Rice Lake Board of Supervisors.

County Board - The County Board of Commissioners of St. Louis County, Minnesota.

Dealing in drug paraphernalia - The sale, trade, barter or exchange of any drug paraphernalia as that term is defined in Minnesota Statute § 152.01, subd. 18 as that section may be amended from time to time. Dealing in drug paraphernalia shall be prohibited in all zoning districts.

Dealing in synthetic drugs - The sale, trade, barter or exchange of any non-FDA approved chemical compound that mimics the effects of marijuana or the effects of psychoactive drugs with stimulant properties, whether advertised as bath salts, herbal incense, aromatic potpourri or other products labeled not for human consumption, but does not include food ingredients, alcohol, legend drugs, tobacco, or dietary supplements. Dealing in synthetic drugs shall be prohibited in all zoning districts.

Deck (attached) - An exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Deck (detached) - Decks and platforms not more than 30 inches above adjacent grade and not attached to a structure with frost footings and is not part of an accessible route does not require a building permit. (A zoning permit is required with the same fee for attached decks.)

Driveway- A private roadway providing access for vehicles to one or more parking spaces, garages, dwellings or other structures. (see Ordinance 30, A Road Specification Ordinance)

Drug paraphernalia – see “Dealing in drug paraphernalia”, supra.

Duplex, triplex, and quad - A dwelling structure on a single lot having two, three, and four units, that is attached by common walls where each unit is equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling, multiple-family - A residence: designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

Dwelling, seasonal (cabin) - A residence occupied on a part-time basis, not to exceed eight (8) months of the calendar year, and not requiring public services such as school bus transportation or snow plowing of roads by a governmental unit.

Dwelling, single-family - A detached residence, designed for one family only and having an approved sewage disposal system.

Dwelling, two-family - A residence designed for or occupied by two families, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

Dwelling unit - Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins with a minimum of 800 square feet. Each parcel of land is limited to one principal structure.

Engineer – the Town of Rice Lake Engineer as appointed by the Rice Lake Town Board.

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

Extractive use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat.

Failing Septic System - Any on-site sewage treatment system that discharges raw or partially treated sewage to the ground surface, surface water or groundwater is a failed system. Failing systems, include unless specific

evidence exists to the contrary, seepage pits, cesspools, drywells, leaching pits, and systems with less than three feet of unsaturated soil beneath the system bottom, and systems causing sewage backup into structures.

Family - One or more persons related by blood, marriage, or adoption, or where minor children reside with a foster parent subject to state, county or Native American Tribal supervision occupying a single housekeeping unit and using common cooking facilities.

Filter strip - The use of land topography and native vegetation to provide runoff, erosion and sedimentation control.

Foundation - As defined in the Minnesota State Building Code, International Residential Code and the International Building Code.

Forestland conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Gravel pit - See Borrow pit.

Guest cottage - A structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities, in addition to those provided in the primary dwelling unit. Guest cottages are considered a principal structure.

Height of building - The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the roof deck line of mansard roofs, and to the point midway between the eave and ridge on all other roof types.

Highway commercial uses - Those uses which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public, on arterial and major collectors, including but not limited to gasoline service and light automotive repair stations, drive-in food service facilities, motels, truck stops, etc., and which do not include operational activities that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Home business - A minor commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five (5) persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area.

Home occupation - A use of non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area.

Horizontal distance - A distance measured along a plane which is parallel with the plane of the horizon and is even or unvarying in height.

Hotel - Any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Impervious Surface – An artificial or natural surface resistant to penetration by water, air, or roots.

Improved public road - A road open to public travel that is under the jurisdiction of and/or maintained by a public authority or property owner's association.

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

Intensive vegetation clearing - The removal of trees, shrubs or plants in a contiguous patch, strip, row, or block.

Interim Use Permits: These uses require approval by the Planning Commission in accordance with the criteria set forth in this Ordinance and the conditions placed on the use at the time of issuance of the permit.

Junk or salvage yard - Any place where more than two (2) vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging, scavenging and storage of any other goods, articles, or merchandise not contained entirely within enclosed buildings is conducted.

Kennel - Any structure or premises, where 2 or more adult dogs over the age of six months are present for the purpose of breeding or boarding or other commercial or competition activity. A person's home where dogs are kept as pets is not a "kennel".

Legend Drug - Legend drug means drugs that are approved by the U.S. Food and Drug Administration (FDA) and that are required by federal or state law to be dispensed to the public only on prescription of a licensed physician or other licensed provider.

Livestock - Animals such as horses, cows, pigs, sheep, goats, poultry, and other animals traditionally raised on a farm or raised as a food source and kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.

Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Area – The total land area of a horizontal plane within the lot lines.

Lot coverage - Lot coverage shall include all structures and constructed impervious surfaces.

Lot frontage - The front of a lot shall be the portion bordering the street, except that where the lot borders a body of water, the front shall be the portion of the bordering the body of water. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section. For zoning purposes only one street frontage will be considered for lot width standards.

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

Lot Line Rear - That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot of record - A lot which is part of a subdivision recorded in the office of the County Recorder or Registrar of Titles of St. Louis County, Minnesota, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of Town of Rice Lake Ordinance 5 (enacted on May 3, 1983), or amendments thereto provided that a lot on Federal, State, tax forfeited or Minnesota Power lands that has been leased out prior to the date of enactment of Ordinance 5 on May 3, 1983 shall be considered a lot of record even though that lot has not been individually recorded in the office of the County Recorder or Registrar of Titles.

Lot water frontage - Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level.

Lot width - Shall be the distance between the side lot lines measured at the building line. The building line for parcels with shore frontage shall be the minimum principal structure setback distance as required for each river and lake classification and the location of the on-site sewage treatment system and expansion area.

Manufactured home - Shall be defined by current Minnesota State Building Rules and meets the other standards of the State Building Code including installation of foundation system to frost depth or installed engineered slab. Manufactured homes shall contain a minimum of 800 square feet of floor area.

Manufactured home park - A lot which has been planned and improved for the placement of, or which contains, mobile or manufactured homes as defined in current Minnesota State Statutes. A park shall have a management plan approved by the Town Board. The plan shall include regulations on parking of homes and vehicles, space, landscaping, roads, noise, accessory buildings, snow removal, and a development plan.

Metes and Bounds - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Modular construction - Refer to current Minnesota State Building Codes.

Motel – See definition of Hotel

Moved Building - Any building or structure relocated within or into the Town of Rice Lake.

Neighborhood commercial uses - Those uses which provide neighborhood level convenience services to communities such as small grocery stores, small convenience item stores, and small professional office buildings, such as doctor and dental clinics, which uses are of such size and nature as to blend well with the existing and intended development pattern of the neighborhood.

Nonconformity - Any legal use, structure or parcel of land already in existence, recorded or authorized prior to the adoption of this Ordinance or amendments hereto which would not have been permitted to become established under the terms of this Ordinance as adopted or amended, if this Ordinance had been in effect as of the date the use, structure or parcel was established, recorded or authorized.

Occupancy - The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

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 shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level shall be the operating elevation of the normal summer pool.

Parking Space - An area of such shape and dimensions as provided by this ordinance, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Permitted Use - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

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 a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planning Commission - The Planning and Zoning Commission of the Town of Rice Lake, as created by ordinance pursuant to Minnesota Statutes 462.354 and all acts amendatory thereof.

Platform (detached) - A horizontal surface, without rails, seats, or other elevated features, that is no greater than 18 inches in height.

Pre-engineered building - A structure that is erected on site using prefabricated components. Refer to current Minnesota State Building Codes.

Pre-fabricated structure - A structure fabricated at a location other than the site upon which it is to be located.

Principal use or structure - A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include such uses as a single family home, cabin, guest cottage, resort lodge and cabins, salvage yard storage areas, offices, and businesses. Principal structures shall contain a minimum of 800 square feet of floor area.

Private road - An easement of record in perpetuity and transferable to successors, heirs and assigns which provides the right of ingress and egress between a lot and an improved public road.

Public facility renovation - The utilization of a former public or semi-public building, such as a school, town hall or fire hall for residential, commercial, semi-public, industrial or mixed uses where the existing structure will be preserved, will be compatible with the neighborhood, and the proposed use will enhance social and economic opportunities for the area.

Public water - A body of water capable of substantial beneficial public use. For the purpose of this Ordinance, this shall be construed to mean any lake, pond, or flowage of 25 acres or more in size, or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this ordinance as they apply to shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Purpose Statement: Provides guidance on the use of the zoning district. The district shall not be used contrary to the purpose of the district or in conflict with State Statute, Regulations, or adopted plans.

Recreational camping vehicle - Refer to current Minnesota Statutes.

Remodeling Nonconforming Structures - An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, and changes in the exterior dimensions of the structure. Remodeling of an existing structure shall be considered one or more of the following:

- A. Work performed on the interior of a structure (provided the work will not increase the number of bedrooms or increase water usage.)
- B. Replacement of siding, windows, doors, soffit, fascia, roofing (i.e. if roofing replacement does not

increase height by more than two feet, or increase living space) and ornamentation.

- C. Additional windows or doors; under no circumstance shall remodeling constitute replacement of the main structural frame, walls, or changes in the exterior dimensions.

Resort - A commercial planned unit development where the primary purpose is to provide lodging and/or recreational opportunities.

Riparian/Non-riparian - Riparian property is a parcel with shore frontage. Non-riparian property is a parcel without shore frontage, but is within a shoreland district.

Rural industry - Small industrial uses in low development density areas where, through site design and performance standards, a detrimental social, economic or environmental impact on the area will be reduced or eliminated. Permanent wood processing activities may be considered as a Rural Industry.

Sauna - An accessory structure used for the sole purpose of a steam bath and change room, and/or storage of materials directly related to such activity.

Screening - The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

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.

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 where a structure or principal use may be placed and the ordinary high water level, road, front, side, sewage system, well, bluff or rear lot lines. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.

Sewage treatment system – An individual or cluster-type wastewater system as described and regulated by St. Louis County and/or the State of Minnesota for treatment and dispersal of domestic and commercial wastewater.

Sewer system - Pipelines or conduits, pumping stations, and all other devices, appliances, or appurtenances used for conveying sewage or other water-borne wastes to an off-site location for treatment and dispersal.

Shore impact zone – Land within 75 feet of the ordinary high water level of a public body of water.

Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from the ordinary high water level of a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from waters for lesser distances, and when approved by the Commissioner or the DNR.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.

Sign, off-site - A sign other than an on-site sign.

Sign, on-site - A sign where the subject matter relates only to the premises on which it is located or to products,

services, accommodations, or activities offered on the premises.

Significant historic 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 current Minnesota State Statutes. 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 state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Site Plan - A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, and walkways, as related to a proposed development.

Slope - The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slaughterhouse - An establishment where poultry or animals are butchered on a commercial basis.

Steep slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet.

Street – A public right of way which affords primary means of access to abutting property, and shall also include avenue, highway, road, cartway or way.

Structural dimensions - Are measured as the horizontal distance between the exterior walls of a structure.

Structure - Anything constructed, or erected with a fixed location on the ground, including portable buildings, mobile homes, signs, earth sheltered homes, swimming pools, fences, and utility poles.

Subdivision - Land that is divided for the purpose of sale, rent, or lease.

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, and restaurants with transient docking facilities are examples of such use.

Supervised Living Facility – Means a facility in which there is provided supervision, lodging, meals, and according to the rules of the Minnesota Department of Human Services and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally disabled, chemically dependent, adult mentally ill, or physically disabled.

Synthetic Drugs – see “Dealing in Synthetic Drugs”, supra.

Town – The Town of Rice Lake, Minnesota.

Town Board - The Supervisors of the Town of Rice Lake.

Transfer station - A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.

Trout stream - A river classification to be used on all trout streams designated by the Department of Natural Resources.

Unincorporated area - That area lying outside the incorporated limits of any Town.

Utility Facilities - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply, treatment or dispersal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Transmission/reception support structures and antennas (including cell and microwave towers) shall not be considered "Utility Facilities".

Variance - Any modification, or relief from, this land use ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance are not warranted pursuant to Minn. Stat. 462.357.

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.

Waterfront commercial uses - Those uses which by their nature customarily relate to or service recreational water activities, such as marinas, fishing and boating resorts, canoe outfitters, campgrounds, boat sales if part of a permitted marina, restaurants and supper clubs if part of a permitted resort, which uses do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Wetland - Shall be defined by Minnesota Wetland Conservation Act of 1991, applicable Minnesota Rules, Minnesota Statutes and federal law.

Wood processing activities - A use involving mechanical equipment for the purpose of altering timber and timber by-products (such as debarking, chipping, and/or milling) and its storage.

Yard - A required open space unoccupied and unobstructed by any structure.

Yard, front - A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback.

Yard, rear - A yard extending across a lot between the inner side yard lines, and extending from the rear lot line to the minimum rear yard setback.

Yard, side - A yard extending from the front lot line to the rear lot line, and extending from the side lot line to the nearest line of a building.

Zoning Official - The person designated by the Town Board to administer the Zoning Ordinance and other land use Official Controls, or authorized representative.

Zoning Amendment - A change authorized by the Town either in the allowed use with a district or in the boundaries of the district.

Zoning District - An area or areas of the Town (as delineated on the zoning map) set aside for specific uses with specific regulations and provisions for use and development as defined by this ordinance.

**ARTICLE III
DIMENSIONAL STANDARDS****

Section 1 General Standards:

This Article addresses dimensional standards within the Town. All zoning districts in use shall have a dimensional standard from Section 1 of this Article and a Use District from Article V. Deviation from the standards found in this Article, upon placement on the Official Zoning Map, shall require a variance approved by the Town Board of Adjustment. This Article also incorporates standards relating to on-site sewage treatment, road right of way setbacks, bluff area standards, significant historic sites, placement and design of roads, driveways, and parking areas, riparian and non riparian lot size differences, storage of structures on lots. Alterations of these standards shall require a variance from the Town Board of Adjustment.

Section 2 Lot Dimension Table:

Town of Rice Lake hereby establishes the following set of dimensional standards that will be used in all Town zoning districts.

Zoning District	Minimum Lot Area Acres	Minimum Lot Width/ Frontage	Maximum Lot Coverage	Minimum Side Yard Setback		Minimum Rear Yard Setback	
				Prin	Acc	Prin	Acc
Rural 1	4.5	300'	10%	50'	25'	50'	50'
Rural 2	4.5	300'	10%	50'	25'	50'	50'
Industrial	4.5	300'	10%	50'	25'	50'	50'
Rural Res 1	2.5	200'	25%	20'	10'	45'	10'
Shoreland	2.5	200'	25%	20'	10'	45'	10'
Rural Res 2	1.0	100'	25%	10'	10'	40'	10'
Multi-Unit Res	Two acres plus 0.1 acre for each unit over five units	200'	30%	30'	20'	30'	20'
Light Industrial	2.0	200'	25%	15'	10'	40'	10'
Public	0.5	100'	30%	15'	10'	40'	10'
Commercial	0.5	100'	30%	15'	10'	40'	10'

Section 3 Dimensional Standard and River Corridor Width

The following corridor widths are in effect in St. Louis County:

All other river classes 300 feet

Section 4 Shore Setback and Shore Impact Zone Requirements

Unless indicated elsewhere in this ordinance, the following minimum setbacks shall apply from protected waters or waters designated through County adopted land use plans:

	Shore Setback	Shore Impact Zone Requirements
Natural Environment Lakes	150'	75'
Trout Streams	150'	75'

Section 5 Sanitary System Setbacks and Standards

5.00 Sewage facilities: Structures that require sewage facilities and are located on a lot serviced by public sewage facilities or to which public sewage facilities are reasonably available shall be required to connect to such facilities subject to the approval of the local unit of government operating the sewage collection/treatment and dispersal system. Any other premises intended for human occupancy or use must be provided with an approved method of on-site sewage treatment and dispersal according to the standards of St. Louis County and the State of Minnesota.

5.01 Structure Setback from Sewage System: All occupied structures including bunkhouses shall be set back 20 feet from an onsite sewage system drain field and all accessory structures shall have a minimum setback of 10 feet from the system drain field.

5.02 Sanitary Check-off: All land use and building permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sewage system reviewed to determine if the system is failing or if the proposed land use permit would adversely impact the existing sewage system or the expansion area for a sewage system. No land use permit will be issued if there is such an adverse impact or the system is failing unless the sewage system is upgraded according to County and/or State standards and regulatory approval of the system is obtained. The County administrative guidelines relating to the implementation of this procedure including provisions for not completing a check-off when a system has been recently approved or reviewed shall be followed.

Section 6 Road Right-of-Way Setbacks:

All structures shall be setback 35 feet from the road right-of-way, or the following road centerline setbacks, whichever is greater, with the exception noted for accessory structures.

Centerline

Principal and major arterial for all buildings:	110'
Major Collectors:	85'
Minor Collectors & Local Roads:	68'

Accessory structures on local roads that are privately maintained or are on publicly maintained roads that serve ten principal uses or less shall have a setback of 15 feet from right-of-way or 48 feet from road centerline, whichever is greater. This provision shall be interpreted by the potential for vehicles coming from parcels on the same road to normally travel past the parcel under consideration.

The Planning Commission may permit a structure located adjacent to road right-of-way where such right-of-way is not improved and it is apparent that other access is provided and that the unimproved road right-of-way will not be opened in the foreseeable future.

Section 7 Significant Historic Sites:

No structure or use may be established within 50 feet of a platted or unplatted cemetery unless approved by the State Archaeologist. No structure or use may be placed on a significant historic site that affects the values of the site unless adequate information about the site has been removed and documented and St. Louis County approves such removal.

Section 8 Placement and Design of Roads, Driveways and Parking Areas Near Public Waters:

All public or private roads, driveways, and parking areas must be designed to take advantage of natural vegetation to achieve maximum screening from view from public waters. They must also meet the following standards:

- A. Designed and constructed to minimize erosion and runoff
- B. Have area available for snow storage that will not result in rapid runoff into the surface water. The snow storage area must be outside the structure setback area.
- C. All parking areas of over 100 spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.
- D. Unless intended for a water access ramp, all roads, driveways, and parking areas shall be no closer than the principal structure setback. Water access ramps shall have vegetative screening and erosion control measures taken.
- E. All roads, driveways, and parking lots in steep slope areas shall be reviewed according to the land alteration standards of this Ordinance.

Section 9 Riparian and Nonriparian Property:

Shoreland lot area requirements shall not be less than the standards for the lake classification as developed by the Department of Natural Resources. Non-riparian property within the Statutory Shoreland area shall be the lesser of twice the lot size and width for the district designated on the official zoning map or 4.5 acres unless the zoning map designates a less restrictive standard or the lot is solely used for accessory structures or for on-site sewage treatment. Riparian property is a parcel with shore frontage. Non-riparian property is a parcel without shore frontage, but is within a shoreland district.

ARTICLE IV NONCONFORMITIES

Section 1 **General**

Where the districts established by this Ordinance, and amendments thereto, contain structures, uses or lots of record that were legally established or created prior to the enactment of this Ordinance, and amendments thereto, which structures, uses or lots of record would be prohibited under the provisions of this Ordinance, said structures, uses or lots of record may be continued subject to the provisions herein described.

Section 2 **Nonconforming Uses:**

2.01 General Standards: A nonconforming use is a use that is not permitted within the particular land use district where it is found, or a use that is permitted through the conditional use process, but has been in existence prior to the adoption of a zoning ordinance allowing it as a conditional use. The uses which would be allowed through the conditional use process may obtain a conditional use permit from the Planning and Zoning Commission. Uses which are not allowed in the zoning district shall not receive a conditional use or a variance.

2.02 Specific Standards for Nonconforming Uses: Nonconforming uses shall follow these standards:

- A. Nonconforming uses may not be enlarged, increased, moved or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, unless specifically allowed under provisions of this ordinance or state statute.
- B. Nonconforming uses may not be changed to another nonconforming use unless specifically allowed under other provisions of this ordinance or state statutes.
- C. Nonconforming uses shall not be re-established if voluntarily discontinued for a continuous twelve-(12) month period.
- D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

Section 3 **Nonconforming Structures:**

3.01 General Standards: Expansion of structures that are located in a manner that does not conform with the dimensional standards of this ordinance ordinarily requires a variance approved by the Board of Adjustment unless the expansion falls within the standards found in this section. The general standards are as follows:

- A. Nonconforming principal structures may be allowed one addition in accordance with the standards found in this Article, provided it does not increase the nonconformity. This provision pertains to additions to existing structures only. Remodeling as defined in this ordinance is exempt from these provisions.
- B. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

The nonconformity or occupancy is discontinued for a period of more than one year; or

any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

- C. Should a nonconforming principal structure be moved for any distance whatsoever, it shall be done in such a manner as to conform to the regulations of the district where it is relocated. However, if physical features such as wetlands or bedrock prevent full conformance, the structure shall be placed to minimize the nonconformity to the greatest extent and must meet all Health Department separation distances and under this situation a land use permit is required but no variance is required.
- D. Nonconforming structures may remodel as defined in this ordinance and in state statute.
- E. Nonconforming accessory structures in waterfront zoning districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A standard land use permit is required, but no variance is required.
- F. No additions shall be allowed to nonconforming accessory structures.
- G. Any grandfathered nonconforming structure or deck that is altered shall no longer be considered grandfathered, and shall meet all standards of this ordinance except as otherwise allowed per state statute.
- H. Principal structures at a nonconforming shoreline setback may square off the area of the structure closest to the shoreline going no closer to the shore than the existing structure and not exceeding 120 square feet.

3.02 Nonconforming structures located within the Shore Impact Zone may expand without a variance if the following standards are met:

- A. The principal structure meets or exceeds a ground floor area of 400 square feet.
- B. The existing principal structure does not encroach upon a side or local road setback
- C. The existing principal structure (including deck) is setback from the shoreline a minimum of 25 feet or 25% of the required shoreline setback, whichever is greater.
- D. The height of the proposed addition, roof height increase or completed structure, shall not exceed a total of;
 - 1. 20 feet in height maximum if all or part of the structure is within the shore impact zone.
 - 2. 25 feet in height if the entire structure is between the shore impact zone and the required setback.
 - 3. 35 feet in height from the required setback to the rear lot line.
- E. No additions (barring a deck) have been added to the principal structure since the implementation

date of the appropriate setback standard, and the original structure existed before setback requirements were established.

- F. The addition will not encroach upon the septic treatment system or expansion area.
- G. The maximum allowable square footage of the addition shall be determined by the following formula to be applied only once:
 - 1. Divide the existing setback by the required setback for the zoning district.
 - 2. Multiply the above figure by eight hundred (800) if the addition is to the rear and three hundred (300) if the addition is to the side.
 - 3. In no event shall an addition to the rear exceed 50% of original ground floor area, or additions to the side exceed 25% of the original ground floor area. For "L" shaped additions, the addition shall not exceed 35% if the majority of the addition is to the rear or 25% if the majority of the addition is to the side.
 - 4. No expansion to the lakeside (front) of a structure located within the Shore Impact Zone may occur without a variance.

3.03 Nonconforming structures that do not meet the required shoreline setback, but are not located in the shore impact zone may expand if the following conditions of Article IV, Section 3.02 are met: A, B, C, D, E and F above, with G, 1 and G, 3 and G, 4 remaining the same, and the following modification of G, 2:

Multiply the above figure by 800 if the addition is to the rear and 400 if the addition is to the side, and 600 feet for "L" shaped additions.

3.04 Additions to nonconforming structures that meet the shoreline setback, but do not meet side-yard, rear-yard, right-of-way and/or road centerline setbacks shall be restricted in the following manner:

- A. If the structure is sited to equal or greater than 50% of the required setback, additions may be in any direction except toward the nonconforming setback.
- B. Where the structure is sited less than 50% of the required setback, the addition shall only be in the opposite direction of the nonconforming setback.
- C. Structures that become nonconforming as a result of a change in functional road class may enlarge in a manner that does not exceed the road setback standards of the original classification.

Section 4 Construction on Nonconforming Lots of Record:

4.01 Non-riparian Lots of record may be permitted as a buildable lot if all of the following criteria can be met:

- A. The lot has a minimum one-half acre suitable for development and sewage treatment system area, unless connection to a municipal sewer system is available then the lot may have less than one half acre.
- B. The lot is a Lot of Record, as defined.

- C. The lot created complied with official controls in effect at the time.
- D. Sewage treatment and building setback requirements are met.

4.02 Riparian Nonconforming Lots:

- A. Lots that do not conform to the minimum area standard are allowed a maximum building footprint of 15% of lot area.
- B. Additions to principal or accessory structures located on nonconforming lots may be permitted provided all the minimum requirements of this ordinance can be met.
- C. Nonconforming lots, regardless of lot size and width, may have one water oriented accessory use in accordance with the standards found in Article VI, Section 13 of this Ordinance. (However, boathouses shall require 65% of the minimum lot width requirement to be permitted without a variance) Water oriented accessory structures are not allowed on trout streams and natural environmental lakes.
- D. Article IV, Section 4.02 D shall apply to shoreland lots of record in the office of the county recorder on August 11, 1998 that do not meet the requirements for lot size or lot width.
 - 1. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - a. all structure and septic system setback distance requirements can be met;
 - b. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - c. the impervious surface coverage does not exceed 25 percent of the lot.
 - 2. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - b. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 - c. impervious surface coverage must not exceed 25 percent of each lot; and
 - d. development of the lot must be consistent with the Town's comprehensive plan.
 - 3. A lot subject Article IV, Section 402 D 2 but not meeting the requirements of such Section 402 D 2 must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

Section 5 Shoreline Averaging:

Regardless of the minimum shoreline setbacks set forth in Article III, a principal structure including decks may be permitted to be set back from the shoreline a distance equal to the average shoreline setback of certain principal structures, plus 25 feet. To determine the allowable setback for a principal structure, the following method shall be used:

- A. Measure the distance of the shoreline setback of all principal structures (excluding decks) within 150 feet of each side of the subject property building site.
- B. Should an undeveloped lot be encountered where there is no principal structure within the distance described in "A" above, the measured setback shall be assumed to be equal to the normally required minimum shoreline setback for the district.
- C. Total the measured setbacks and divide by the number of setbacks.
- D. To obtain the required setback, add 25 feet.
- E. The following exceptions shall apply to shoreline averaging:
 - 1. Shoreline averaging shall not be used for additions to structures on already developed lots. Additions shall use the standards found in this article.
 - 2. Shoreline averaging may only be used on lots with less than the required width for the zone district in which it is located or less than 125 feet of width.
 - 3. The resultant structure shall not be located within the shore impact zone.

Section 6 Decks-Attached

6.01 Deck Additions Principal Structures Toward Shoreline: Deck additions extending toward the water body may be allowed to nonconforming primary structures with the following performance standards. An evaluation of the property must reveal that no reasonable location for a deck exists except towards the shore.

- A. The deck shall have neither side walls, nor roof, but may contain railings for safety purposes.
- B. The deck shall not exceed 12 feet in depth.
- C. The closest point of the deck from the nearest ordinary high water level shall be no closer than 50% of the required setback of the zoning district.
- D. Stairs and landings shall be included as part of the deck.

6.02 Deck Additions to Side of Principal Structures Not Extending Closer to Shoreline: Deck additions to the side of nonconforming principal structures, (not encroaching toward the water body), shall be permitted as per the following:

- A. Shall be limited to 12 feet in width if located within the Shore Impact Zone.
- B. Shall be limited to 16 feet in width if located outside the Shore Impact Zone.
- C. The design standards in 6.01 shall be followed.

6.03 Deck Additions to Rear of Principal Structure: Deck additions to the rear of nonconforming principal structures shall be permitted as per the following:

- A. Limited to 16 feet in width if located within the Shore Impact Zone.
- B. No restrictions as to width outside the Shore Impact Zone, but may not be enclosed or have a roof.

**ARTICLE V
LAND USE CONTROLS**

Section 1 Zoning District Establishments:

All Zoning Districts within the Town of Rice Lake shall have a Dimensional Standard from Article III and a land use district set forth in this Article. The land use and dimensional districts are based on the State Shoreland Regulations, Comprehensive Land Use Plan of the Town of Rice Lake (Town Ordinance #22), and the purpose statement of each land use district. The Dimensional Standards will be identified by a number on the Zoning Map in accordance with the District number found in Article III. The Land Use District will be identified by an abbreviation.

Section 2 Land Use District Titles:

The following shall be the titles of the Land Use Districts used within the Town of Rice Lake and the abbreviation for the District, which may be found on the Zoning Map:

Rural 1	RURAL 1
Rural 2	RURAL 2
Rural Residential 1	RURAL RES 1
Rural Residential 2	RURAL RES 2
Multi-Unit Residential	MULTI-UNIT RES
Shoreland	SHORELAND
Light Industrial	LIGHT INDUSTRIAL
Industrial	INDUSTRIAL
Public	PUBLIC
Commercial	COMMERCIAL
Planned Unit Development	PUD
Closed Landfill Restricted	CLR

Section 3 Use Classification:

Each land use district is divided into a purpose statement, permitted uses, conditional uses, interim uses and accessory uses.

Section 4 [Reserved for Future Use]

Section 5 Land Use District

5.01 Rural 1 (RURAL 1)

Purpose: The rural areas of the Town of Rice Lake, outside of shoreland areas, due to the low density of development, can accommodate a wide range of activities if properly sited.

- A. Permitted Uses:
 - 1. Single family dwellings.
 - 2. Seasonal dwellings.
 - 3. Livestock, up to 30 animal units.
 - 4. Community center facilities.
 - 5. Supervised living facility serving six or fewer persons in a single-family dwelling.
 - 6. Utility facilities.

- B. Accessory Uses:
 - 1. Signs
 - 2. Recreational vehicle parking
 - 3. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
 - 4. Home occupation
 - 5. Home business

- C. Uses Requiring a Conditional Use Permit:
 - 1. Kennels, provided that:
 - a. The owner of the kennel must ensure that someone regularly resides on the property where the kennel is located to monitor and control animals.
 - b. The kennel operation shall adhere to all Town of Rice Lake animal control ordinances.
 - c. The kennel operation shall comply with Minnesota Rules Chapter 1720 pertaining to the maintenance, operation and inspection of kennels.
 - d. At no time shall dogs located outdoors bark continuously in a manner that is audible from the property line. Continuous barking occurs when one or more dogs bark in intervals of not more than 1 minute between barks for five continuous minutes.

 - 2. Vet Hospitals, provided that:
 - a. The vet hospital shall adhere to all Town of Rice Lake animal control ordinances.
 - b. Owners of Vet hospitals need not reside on property, but must provide some type of constant monitoring system when owner or employees are not present. Dogs and cats shall not be contained in areas outside the kennel area that is monitored.

 - 3. Rural industry and forest products processing, provided that:
 - a. Transportation facilities, including Township, County and State highways shall be able to handle the proposed increases in weight and traffic volume.
 - b. Current Minnesota Pollution Control Agency standards on noise shall apply and be observed at all times.
 - c. Lighting shall not be directed upon nearby or adjacent properties.
 - d. All solid and hazardous waste shall be stored and disposed of in accordance with Town, County, State, and Federal Regulations.
 - e. Local fire department shall receive information on all material stored on the property, particularly hazardous, highly combustible or toxic material.

- f. Hours of operation shall be as set by the Town Board.
4. Supervised living facility serving between seven and 16 persons in a single dwelling, provided that:
 - a. Side yards are double the minimum requirements established for the Rural District and are screened in compliance with section Article II, Section 3 of this ordinance.
 - b. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with section Article II, Section 3 of this ordinance.
 - c. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 - d. All signing and informational or visual communication devices shall be in compliance with the provisions of this ordinance relating to signs.
 - e. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
 - f. Adequate off street parking is provided.
 5. General Purpose borrow pits, provided that:
 - a. A borrow pit shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities.
 - b. No borrow pit shall be within the setback for principal structures from the shore of any lake or river.
 - c. A no-disturbance 100 foot buffer area shall be established between the property line containing the borrow pit and any adjacent parcel containing a residence or public/semi-public building. In order to qualify as a parcel with a residence or public/semi-public use such a parcel must have the principal structure within 300 feet of the property line adjacent to the proposed pit. The 100 foot buffer area may be altered through an agreement with the adjacent property owner. Proof of the agreement shall be filed with the Zoning Official and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such an agreement the buffer area may be used under the following circumstances:
 - 1) The buffer area may contain the haul road if it is determined by the public road authority that for safety purposes the pit access needs to be within the buffer area.
 - 2) The haul road may also be placed in the buffer area to avoid wetlands. The haul road must, in the above two situations, move away from the property line as soon as feasible unless permission is obtained by the adjacent property owner.
 - 3) If authorized in an approved reclamation plan, 50 feet of the buffer area farthest from the property line may be used for storage of topsoil and final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area but they shall be seeded and mulched in a manner that prevents dust from blowing onto the adjacent properties. Only berms within the buffer area are required to be seeded and mulched, and such berms that are in 45-day permit pits only are required to have temporary seeding, and need not be mulched.
 - d. A no disturbance 50 foot buffer area shall be established for all other parcels not listed in Section 5.01 C 5 B 2 above unless the adjacent property owner authorizes, in writing, a reduced buffer. The 50 foot buffer shall apply to all highways and the buffer area shall begin at the edge of the highway right-of-way.
 - e. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, but may be further restricted by the Township as a condition of the conditional use permit as may be warranted depending upon the circumstances and proximity to residential dwellings. No borrow pit operations may take place on Memorial Day, Independence Day, Labor Day, and

Sundays. The hours of operation may exceed those set out above only if approved by the Town Board with the issuance of the conditional use permit and provided the pit operator has obtained the signatures of two-thirds of the resident property owners who live within one-quarter mile of the pit property and all resident property owners whose dwelling is within 300 feet of the pit property. The hours of operation shall revert back to 7:00 a.m. to 8:00 p.m., Monday through Saturday for any calendar year in which the pit operator fails to get the signatures of two-thirds of the resident property owners who live within one-quarter mile of the pit property and all resident property owners whose dwelling is within 300 feet of the pit property to extend the operating hours. Equipment maintenance may take place at any time if done within an enclosed structure. Hauling from a pit to a residential lot is permitted on Sundays and Holidays if delivery during regular hours is not feasible for the residential property owner. Hours and days of operations may also be extended as necessary when an emergency exists. An emergency is a short-term, unplanned and unexpected event where an immediate need for borrow material exists in order to address a significant threat to the public safety.

- f. A Permanent bituminous hot mix facility may be established within a borrow pit upon application for the same via conditional use permit. When considering such an application, the Town Board shall take into account the possible impacts upon the underground water supply and surface waters in addition to the considerations otherwise required for a borrow pit.
- g. Portable bituminous hot mix facilities established exclusively for one specific project are permitted within a borrow pit without a conditional use permit if no residence is located within 300 feet of the pit and the facility is limited to being in the pit two working days per 1,000 tons hot mix. The time in the pit shall begin with the startup of production. Portable hot mix facilities shall be subject to the hours requirements applicable to borrow pits set forth in this Section 24.02.
- h. All Minnesota Pollution Control Agency noise & air quality standards shall apply.
- i. Existing vegetation shall remain as a screen between the pit site and surrounding residences and public roads or parks. If screening is not sufficient to block the view of the borrow pit from any residence, road, or park, the Zoning Official may require additional screening or placement of a fence and/or berm when such additional screening is topographically feasible.
- j. Excavation below the water table is permitted with appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- k. All entrances and exits shall be constructed so as not to create a safety hazard and, during the hours of operation of the pit, "Trucks Hauling" signs shall be placed along all public roadways leading to the pit at a distance not less than 500 feet from the pit access road. Signs must be removed or covered when the pit is not in use for more than a 48-hour period.
- l. A pit shall have a barrier controlling access and such barriers shall be clearly visible to prevent safety hazards to members of the public. The use of cable, chain, or similar barrier is prohibited. The control barrier shall deny access when the pit is not in operation.
- m. The pit access road shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the Town Board requires improved visibility for safety purposes.
- n. The applicant shall apply dust control measures on a regular basis and as may be required by the Town Board from time to time on non-paved routes used by vehicles hauling equipment or material to or from the borrow pit. Dust control measures shall also take place within the pit itself if dust leaves the property and regularly affects adjacent residential properties.
- o. A borrow pit shall be solely used for operations directly related to a borrow pit or a hotmix facility as permitted elsewhere by this ordinance. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt may be done in a borrow pit. Storage of asphalt, including concrete, is permitted in a general purpose or public works pit provided it is part of an ongoing recycling effort. Such storage may not exceed one construction season and may not be stored below the water table or in a manner that may adversely affect surface waters or ground water.

- p. No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on the site.
 - q. A concurrent reclamation plan shall be submitted with the conditional use permit application and approved by the Town. The stripping and stockpiling of the upper six inches of soil is a required component of all reclamation plans. These stockpiles shall be kept on site, seeded and only used for reclamation purposes.
 - r. All property lines shall be located by a Registered Land Surveyor with the line location approved by the County Surveyor. This requirement may be waived if the adjacent property owners and the borrow pit owner/operator agree to the property lines and the agreement is recorded. This agreement must be in writing and submitted to the Zoning Official. No survey would be needed if the County Surveyor determines that a property line dispute has no merit, or if the pit operator will maintain all setbacks based on the line proposed by the adjacent owner or that the operation would not encroach upon any required setback based upon a determination by the Zoning Official.
 - s. All utility line easements shall be observed and any encroachment into the utility right-of-way shall only be permitted with the written approval of the utility.
 - t. All operating borrow pits shall take measures to: control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. The access road shall also be designed in a manner that minimizes erosion. Erosion and sediment control measures shall conform to the standards and specifications of the Soil Conservation Service "Field Office Technical Guide" or that of the Minnesota Department of Transportation, whichever is more restrictive. The Zoning Official shall approve all erosion and sediment control measures. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.
 - u. No surface or ground water may be used in borrow pit operations unless specifically authorized by the Department of Natural Resources. The Town shall receive proof of such authorization.
 - v. Approval of the conditional use permit may be subject to weight limits and other road restrictions imposed as a condition on the permit.
 - w. The Town adopts as a guideline for reclamation the report entitled "A Handbook for Reclaiming Sand and Gravel Pits" published in July 1992 by the Minnesota Department of Natural Resources. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Soil and Water Conservation District.
 - x. A borrow pit shall not come within the principal structure setback standard for the zoning district.
 - y. No application will be permitted from an operator who has received a single site permit previously and the Engineer or Zoning Official has determined that the previously approved pit was not adequately reclaimed.
 - z. The following criteria shall be used by the Planning and Zoning Commission in considering a borrow pit conditional use application.
 - 1) The ability of roads to handle pit-related traffic.
 - 2) Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
 - 3) Groundwater protection.
 - 4) Public safety.
 - 5) Control of erosion and sedimentation.
 - 6) Impact upon watershed.
 - 7) The cumulative impacts of borrow pit operations in the area.
 - 8) The ability of the owner/operator to implement the requirements of this ordinance.
6. Recycling centers (Publicly operated), provided that:

- a. All outdoor storage shall be screened and fenced in accordance with the provisions of this ordinance.
- b. Outdoor storage shall be setback a minimum of 50 feet from properties which contain a residence.
- c. No perishable materials may be stored outside.
- d. Hours of operation may be set by the Town Board.
- e. The following criteria shall be used by the Planning and Zoning Commission in considering a recycling center conditional use application.
 - 1) The ability of roads to handle recycling-related traffic.
 - 2) Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
 - 3) Groundwater protection
 - 4) Public safety.
 - 5) Impact upon watershed.
 - 6) The ability of the owner/operator to implement the requirements of this ordinance.

7. Livestock in excess of 30 animal units.

D. Uses Requiring an Interim Use Permit:

1. 45-Calendar Day, Single Season Pits, provided that:

- a. An Interim Use Permit may be issued for a borrow pit established in response to a single public works project that will not be used for more than one construction season, and activity other than hauling from stockpiles and any hot mix operation will not continue for more than 45 calendar days.
- b. No residential uses or lakes or rivers are located within 300 feet of the borrow pit.
- c. All minimum standards shall be followed.
- d. A bituminous hot mix plant may be part of the application, subject to the time restrictions noted herein.
- e. All federal and state regulations shall be met.
- f. The establishment of a 45-day permit pit will not be used as a rationale for a permanent borrow pit.
- g. The appropriate public agency has notified the Rice Lake Town Board by March 31 of the year in which the borrow pit is to start operations of a pending public works project in which the Town may be considered as a source of borrow material and that this permit may be utilized. Borrow pits located in such areas may be established by utilizing the two-year public works pit permitting process. The Zoning Official may authorize additional public works projects for this permit if it was not feasible for a specific project to meet the March 31 deadline.
- h. Hours of operation may be expanded upon written permission of two-thirds of residential property owners within one-quarter mile of the proposed pit and all of the properties containing a residence within 300 feet of the pit. If the pit is located on a road closed for construction, hours and days of operation will be permitted without restriction if the residential property owners within 300 feet of the pit agree to such an extension.
- i. No application will be permitted from an operator who has received a single site permit previously and the Engineer or Zoning Official has determined that the previously approved pit was not adequately reclaimed.
- j. The borrow pit shall conform to adopted land use plans.
- k. Crushing shall be limited to 45 calendar days, hauling may continue until completion of the project for which the pit was authorized, but not to exceed two years from the date of issuance of the Interim Use Permit, and the hot mix operation may continue for two working days for

each 1,000 tons of mix produced from the time of hot mix plant startup. Neither the borrow pit nor the hot mix plant operations may continue after the Interim Use Permit has expired.

1. The applicant shall meet the requirements and standards set forth in Section 5.01 C 5 of this ordinance, and the standards and conditions set forth therein shall be applicable to an Interim Use Permit application under this section, except that all references to a conditional use permit shall be deemed a reference to an interim use permit.

2. Public Works Borrow Pit, 2-Year Permit, provided that:
 - a. The pit must be used solely for public work projects that are defined as work on bridges, public roads, publicly-owned building projects and other public facilities except up to 10% of production may be offered for general sale.
 - b. All borrow pits must comply with adopted land use plans.
 - c. The Interim Use Permit for Public Works Borrow Pit, 2-Year Permit shall expire no later than two years from the date of issuance of said permit.
 - d. The applicant shall meet the requirements and standards set forth in Section 5.01 C 5 of this ordinance, and the standards and conditions set forth therein shall be applicable to an Interim Use Permit application under this section, except that all references to a conditional use permit shall be deemed a reference to an interim use permit.

5.02 Rural 2 (RURAL 2)

Purpose: The rural areas of the Town of Rice Lake, outside of shoreland areas, due to the low density of development, can accommodate a wide range of activities if properly sited.

A. Permitted Uses:

1. Single family dwellings.
2. Seasonal dwellings.
3. Adult Uses.
4. Livestock, up to 30 animal units.
5. Community center facilities.
6. Supervised living facility serving six or fewer persons in a single-family dwelling.
7. Utility facilities.

B. Accessory Uses:

1. Signs.
2. Recreational vehicle parking.
3. Accessory structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05)
4. Home occupation.
5. Home business.

C. Uses Requiring a Conditional Use Permit:

1. Kennels, provided that the criteria set forth in Section 5.01 C 1 shall apply to the issuance of such a permit.
2. Vet Hospitals, provided that the criteria set forth in Section 5.01 C 2 shall apply to the issuance of such a permit.
3. Rural industry and forest products processing, provided that the criteria set forth in Section 5.01 C 3 shall apply to the issuance of such a permit.
4. Supervised living facility serving between seven and 16 persons in a single dwelling, provided that the criteria set forth in Section 5.01 C 4 shall apply to the issuance of such a permit.
5. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.
6. Recycling centers (publicly operated), provided that the criteria set forth in Section 5.01 C 6 shall apply to the issuance of such a permit.
7. Livestock in excess of 30 animal units.

D. Uses Requiring an Interim Use Permit:

1. Public Works Borrow Pit, 2-Year Permit, provided that the criteria set forth in Section 5.01 D 2 shall apply to the issuance of such a permit.

5.03 Rural Residential 1 (RURAL RES 1)

Purpose: The rural residential areas of the Town of Rice Lake, outside of shoreland areas, can accommodate a wide range of residential activities compatible with a rural environment if properly sited.

- A. Permitted Uses:
 - 1. Single family dwellings.
 - 2. Supervised living facility serving six or fewer persons in a single-family dwelling.
 - 3. Community Center Facilities.
 - 4. Livestock up to 30 animal units.
 - 5. Attached duplex, triplex and quad housing units.

- B. Accessory Uses:
 - 1. Signs.
 - 2. Recreational vehicle parking.
 - 3. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
 - 4. Home occupation.
 - 5. Home business.
 - 6. Utility facilities.

- C. Uses Requiring a Conditional Use Permit:
 - 1. Rural industry and forest products processing, provided that the criteria set forth in Section 5.01 C 3 shall apply to the issuance of such a permit.
 - 2. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.
 - 3. Recycling centers (publicly operated), provided that the criteria set forth in Section 5.01 C 6 shall apply to the issuance of such a permit.
 - 4. Supervised living facility serving between seven and 16 persons in a single dwelling, provided that the criteria set forth in Section 5.01 C 4 shall apply to the issuance of such a permit.

- D. Uses Requiring an Interim Use Permit:
 - 1. Public Works Borrow Pit, 2-Year Permit, provided that the criteria set forth in Section 5.01 D 2 shall apply to the issuance of such a permit.

5.04 Rural Residential 2 (RURAL RES 2)

Purpose: This District is intended to be used in those areas of the Town with significant residential development. This District shall be used to promote a high quality residential living environment where non-residential uses are restricted.

A. Permitted Uses:

1. Single family dwellings.
2. Supervised living facility serving six or fewer persons in a single-family dwelling.
3. Attached duplex.

B. Accessory uses:

1. Signs.
2. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
3. Home Occupation.
4. Home Business.
5. Utility facilities.

C. Uses Requiring a Conditional Use Permit:

1. Mineral exploration and evaluation, provided that:
 - a. Hours of operation are set by the Town Board.
 - b. All test bore holes are properly sealed to prevent contamination of groundwater.
 - c. All State and Federal laws and regulations are followed.
 - d. Current Minnesota Pollution Control Agency standards on noise shall apply and shall be observed at all times.
2. Supervised living facility serving between seven and 16 persons in a single dwelling, provided that the criteria set forth in Section 5.01 C 4 shall apply to the issuance of such a permit.

5.05 Multi-Unit Residential (MULTI-UNIT RES)

Purpose: This District is intended to be used in those areas of the Town where municipal sewer and water are available and that are capable of supporting multi-unit dwellings from five to twenty-four units without significantly impacting the available public facilities or adversely impacting surrounding property uses.

A. Permitted Uses:
None.

B. Accessory uses:
1. Signs.
2. Utility facilities.

C. Uses Requiring a Conditional Use Permit:

1. Multiple family attached housing consisting of from five to twenty-four residential units in one structure and accompanying garages, provided that:
 - a. All units are connected to public sanitary sewer and municipal water service.
 - b. All roads abutting the property are paved and have a right of way at least 66 feet in width.
 - c. At least one garage parking space shall be provided for each unit.
 - d. Fencing and/or screening between the property containing the multi-unit residential building and all abutting residentially-zoned properties (except Multi-Unit Residentially zoned properties) shall consist of a screening fence at least six feet in height and made of materials approved by the Town Board or a vegetative screen consistent with the following requirements:
 - 1) Coniferous trees at least six feet in height consisting of Austrian pine, Black Hills spruce, Colorado blue spruce, Colorado green spruce, fir.
 - 2) Tree centers shall not be located closer than five feet from the fence line or property line.
 - 3) Landscape screening shall be planted in two or more rows. Plantings shall be staggered in rows unless otherwise approved by the Town Board.
 - 4) Plant spacing shall be specific to the species chosen to provide screening to a height of six feet in compliance with this section. The "American Standard For Nursery Stock" published by the American Association of Nurserymen shall be used as the reference for spacing guidelines as needed.

5.06 [Reserved for Future Use]

5.07 Shoreland (SHORELAND)

Purpose: This district is intended to provide a balance between lake and river use and the water resources by allowing a wide range of uses that are consistent with adjacent land uses and the recreational and natural attributes of the water body.

- A. Permitted Uses:
 - 1. Single family dwellings.
 - 2. Seasonal dwellings.
 - 3. Supervised living facility serving six or fewer persons in a single-family dwelling.
 - 4. Attached duplex housing units.

- B. Accessory Uses:
 - 1. Signs.
 - 2. Recreational vehicle parking.
 - 3. Accessory structures. (If greater than 1,000 square feet see Article VI, Section 2.05).
 - 4. Home occupation.
 - 5. Home business.
 - 6. Utility facilities.
 - 7. Boathouses.

- C. Uses Requiring a Conditional Use Permit:
 - 1. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.
 - 2. Supervised living facility serving between seven and 16 persons in a single dwelling, provided that the criteria set forth in Section 5.01 C 4 shall apply to the issuance of such a permit.
 - 3. Rural industry and forest products processing, provided that the criteria set forth in Section 5.01 C 3 shall apply to the issuance of such a permit.

5.08 Commercial (COMMERCIAL)

Purpose: The district is established to direct intense and varied commercial development outside the shoreland area to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses.

A. Permitted Uses:

1. Commercial retail and service establishments including but not limited to: general merchandise, motor vehicles, farm machinery, apparel, furniture, hardware, food, eating, drinking, lodging, personal and professional services, entertainment, and recreational facilities and services, finance, insurance, and real estate services.
2. General warehousing, storage, and wholesaling.
3. Communication Towers.
4. Single family dwelling occupied by the owner of the property.

B. Accessory Uses:

1. Signs.
2. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
3. Utility Facilities.
4. Communication Towers.

C. Uses Requiring a Conditional Use Permit:

1. Rural industry and forest products processing, provided that the criteria set forth in Section 5.01 C 3 shall apply to the issuance of such a permit.
2. Transportation terminal, provided that:
 - a. Transportation facilities, including Township, County and State highways shall be able to handle the proposed increases in weight and traffic volume.
 - b. Current Minnesota Pollution Control Agency standards on noise shall apply and be observed at all times.
 - c. Lighting shall not be directed upon nearby or adjacent properties.
 - d. Local fire department shall receive information on all material stored on the property, particularly hazardous, highly combustible or toxic material.
 - e. Hours of operation shall be as set by the Town Board.
3. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.
Kennels, provided that the criteria set forth in Section 5.01 C 1 shall apply to the issuance of such a permit.
4. Vet Hospitals, provided that the criteria set forth in Section 5.01 C 2 shall apply to the issuance of such a permit.

5.09 Industrial (INDUSTRIAL)

Purpose: This district is intended to encourage the development of heavy industry in the Town of Rice Lake by providing appropriate locations for such activities. It is recognized that industrial development is vital to the economic well-being of the Town. It is also recognized that major industrial land uses, due to their size and/or nature of operation, may have a significant impact upon the environmental and social well-being of the Town. The district, then, should always be located in an area and manner which will ensure the most effective and beneficial impact to the Town. This district shall not be used in any shoreland district.

A. Permitted Uses:

1. Mining, quarrying, and processing of products from these activities.
2. Manufacturing.
3. Communication Towers.
4. Mineral exploration and evaluation.
5. Warehousing, storage and wholesaling.

B. Accessory Uses.

1. Signs.
2. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
3. Communication Towers.

C. Uses Requiring a Conditional Use:

1. Cement, lime or gypsum manufacture.
2. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.
3. Wrecking and salvage yards.
4. Transportation terminal, provided that the criteria set forth in Section 5.08 C 2 shall apply to the issuance of such a permit.

5.10 Light Industrial (LIGHT INDUSTRIAL)

Purpose: This district is designed to accommodate those industrial and manufacturing uses that foster orderly economic growth, without adversely affecting the residential and recreational character of the surrounding area, by imposing performance standards, additional standards through conditional use review or by prohibiting a use.

A. Permitted Uses:

1. Manufacturing.
2. Warehousing, storage, retail, and wholesaling.
3. Communication Towers.

B. Accessory Uses:

1. Signs
2. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
3. Communication Towers.

C. Uses Requiring a Conditional Use Permit:

1. Transportation terminal, provided that the criteria set forth in Section 5.08 C 2 shall apply to the issuance of such a permit.
2. General Borrow pits, provided that the criteria set forth in Section 5.01 C 5 shall apply to the issuance of such a permit.

5.11 Public (PUBLIC)

Purpose: Certain areas within the Town of Rice Lake have been designated in the Town Zoning Map as “Public”. These areas include Town property and cemeteries as well as other areas identified for the public use in said Zoning Map. The Town Board shall have the exclusive authority to establish public property and shall follow Article III, Dimensional Standards for Public – 11 and all other State, Federal, and local regulations.

A. Permitted Uses:

1. Town property (facilities associated with town property).
2. Schools.
3. Fire Halls.
4. Cemeteries.
5. Recreational facilities.
6. Public Works facilities.
7. Large Parking Lots.
8. Community Centers
9. Communication Towers.

B. Accessory Uses:

1. Signs.
2. Accessory Structures. (If greater than 1,000 square feet in area see Article VI, Section 2.05).
3. Utility facilities.
4. Communication Towers.

5.12 Planned Unit Development (PUD)

Purpose: This chapter is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD district.

- A. All PUDs shall comply with the provisions of Article VII of this ordinance.

5.13 Closed Landfill Restricted (CLR)

Purpose: The Closed Landfill Restricted (CLR) District is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA, and is legally described as shown on the Zoning Map amendment. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

- A. Permitted Uses.
 - 1. Closed Landfill Management.
- B. Accessory Uses.
 - 1. Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates are permitted under these provisions.
 - 2. Accessory buildings for uses other than the landfill management must be located outside of the Methane Gas Area of Concern.
- C. Uses Requiring a Conditional Use Permit: Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill. Any application for a conditional use must be approved by the Commissioner of the MPCA and the Town of Rice Lake. Detailed site plan and management plans shall be required with Conditional Use Permit applications. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system, the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.
 - 1. Solar Energy Conversion
- D. Prohibited Uses and Structures: All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR District.

**ARTICLE VI
PERFORMANCE AND ADMINISTRATIVE STANDARDS**

Section 1 General:

1.01 General: The following shall apply for all standards addressed in this Article:

- A. Every land use established under this ordinance shall comply with all applicable standards set out in this ordinance.
- B. Uses that are listed as a conditional use in the zoning district, and where standards are found in this section, shall comply with the standards in this section in addition to those set forth elsewhere in this ordinance.
- C. All land use districts permit accessory structures related to the principle structure, but in designated circumstances, performance standards or a conditional use permit may be required.

Section 2 Residential

2.01 Private Drives: Each lot where a structure is to be erected, altered in its exterior dimensions, or moved, shall have frontage on and access to an improved public road, except as follows:

- A. Lots to be used for a seasonal or recreational cabin may have alternate means of access, which shall be either by a private drive, easement of record, permission to cross, or public water.
- B. Year round occupied homes must meet the following criteria:
 - 1. The lot owner shall present to the Zoning Official proof that permanent access to the property from an improved public road, except for year round homes with water access only.
 - 2. The lot owner shall sign before a notary public and record with the Recorder, an affidavit agreeing to the following:
 - a. The lot owner shall agree to maintain a private access to the lot, within the easement, at his or her own expense, that allows the reasonable access of emergency vehicles.
 - b. The lot owner will not demand public road maintenance.
 - c. School bus service shall be made solely at the discretion of the local school district.
 - d. The lot owner will comply with all other Town Official Controls including subdivision, zoning, sanitary, and rural addressing ordinance.

2.02 [Reserved for Future Use]

2.03 [Reserved for Future Use]

2.04 Two, three, and four family attached housing units: Two, Three, and four family attached dwelling units (duplex, triplex and quad) are permitted if the following standards are met:

- A. The use is specifically authorized in the land use district.
- B. Those structures located on Natural Environment Lakes shall be set back at least 200 feet from the Ordinary High Water Level and meet the other standards of the State Shoreland Regulations.
- C. The required side and rear yard setbacks for the dimensional district are doubled.

- D. The parcel is not divided in a manner that would result in a violation of any of the provisions of Article VI, Section 2.04. Documents prohibiting such a subdivision of the property must be approved by the Zoning Official, executed by the property owner and recorded at the County Recorder's Office.
- E. All on-site water and sewage system regulations are observed, including location of required primary and alternate drainfield sites.

2.05 Accessory Structures: In those zoning districts in which accessory structures are allowed, accessory structures with a floor area of greater than 1000 square feet may be allowed provided the following criteria are met:

- A. Side yard setbacks - for any increase in square footage above the allowable maximum size (1,000 square feet), the minimum required side yard setback shall be determined by the following formula:
 - 1. Divide the square footage of the proposed structure by the allowable maximum (1,000).
 - 2. Multiply the required side yard setback of the zoning district by this figure and round to the nearest whole number (if necessary).
- B. Permanent and effective screening from the lakeshore and adjacent properties shall be established and maintained.
- C. Structures shall not be placed in a manner which obstructs the solar access of adjacent properties, as far as practicable.

Section 3 Intensive Vegetation Removal:

The following standards shall apply within the Shore Impact Zone on all lakes and rivers.

3.01 Limits to removal of vegetation: The removal of natural vegetation (i.e. trees, shrubs, and plants) within the shore impact zone is restricted and limited to the following:

- A. The removal of dead, diseased, dangerous, and storm or fire damaged trees, shrubs, and plants.
- B. The trimming and pruning of trees, shrubs and plant.
- C. The removal of 25% of trees (greater than two inches in diameter four feet above grade), shrubs and plants. Note: This means that no more than 25% of the trees may be removed between the principal structure and the water body within the impact zone, and 25% vegetative removal standard throughout the shore impact zone.
- D. Authorized removal of trees, shrubs and plants shall be accomplished through human means (i.e. hands, ax, saw, etc.), and shall not be done by heavy equipment.

3.02 Exemption to Vegetative Removal Standards: Removal in excess of 25% of existing vegetation is allowed under the following conditions:

- A. The vegetation removed is replaced with trees, shrubs and plants that have similar, or more, beneficial ecological, erosion preventive, and screening values than previously existed.
- B. Forest Management activity where the intent is to have an ongoing timber producing area and not to convert the area to residential, commercial, recreational, or other more intensive use and will use Best Management Practices as developed by the State of Minnesota.

- C. The removal of more than 25% of trees is permitted when the trees were planted as part of a plantation and thinning is needed to insure continued viability of the plantation.

Section 4 Utility Facilities and Communication Towers:

4.01 Utility Facilities: Utility facilities that are normally uninhabited and do not contain sanitary facilities or intended as a long-term work site shall be permitted as accessory uses in all zoning districts on lots as small as 20,000 square feet provided the following standards are met:

- A. Any above-ground structure does not exceed 450 square feet in area.
- B. Two parking places shall be provided if the structure is to be serviced via vehicle.
- C. If the site is on a private road there must be an agreement to use such a road from the appropriate party.
- D. All appropriate government permits and authorizations are followed.

4.02 Communication Towers: Communication Towers may be erected in zoning districts where they are a permitted use, provided the following standards are met:

- A. Towers shall be outside of significant migratory bird flight paths.
- B. Towers shall not be closer than twice the tower height to the nearest structure off of the property.
- C. All appropriate governmental permits and authorizations are followed.
- D. All towers shall be set back from front, rear and side lot lines the height of the tower plus twenty feet.
- E. All towers shall be set back the height of the tower plus twenty feet from any structure located on the same property other than an accessory building whose main purpose is to support the tower's operations.
- F. All obsolete and unused antennas shall be removed within twelve (12) months of cessation of operation at the site, unless an exemption is granted by the Town Board. The removal shall be the joint responsibility of the tower owner or communication provider and landowner.
- G. All antennas shall be in compliance with all Township building and electrical code requirements and, as applicable, shall require related permits.
- H. Structural design, mounting and installation of the antennas shall be in compliance with manufacturer's specifications and shall be verified and approved by a registered professional engineer.
- I. Unless the antennas/antenna support structures and land are under the same ownership, written authorization for antenna erection shall be provided by the property owner.
- J. No advertising message shall be affixed to the antenna structure.
- K. Antennas shall not be artificially illuminated, unless required by law or by a governmental agency to protect the public health and safety.
- L. When applicable, proposals to erect new antennas shall be accompanied by any required federal, state, or local agency licenses.
- M. If a new antenna support structure is to be constructed, it shall be designed structurally, electrically and, in all respects, to accommodate both the applicant's antennas and comparable antennas for at least

one additional user, including, but not limited to, other personal wireless service companies or local police, fire and ambulance companies. The antenna support structure must be designed to allow for future rearrangement of antennas upon it and to accept antennas mounted at varying levels.

- N. Antenna support structures under two hundred feet (200') in height shall be painted a non-contrasting color consistent with the surrounding area, such as blue, gray, brown or silver, or have a galvanized finish to reduce visual impact, unless otherwise allowed by federal law.
- O. Amateur radio support structures (towers) shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

Section 5 Steep Slopes:

In areas where a slope exceeds 12% over a horizontal distance of 50, or more, feet the Planning Director may require that the applicant, for any land use permit, submit information on how erosion will be prevented, existing vegetation preserved, and the view from the surface water screened for structures and vehicles.

Section 6 Stairways, Lifts, and Landings:

Stairways, lifts, and landings are the preferred alternative to major topographic alterations for achieving access up and down steep slopes to shore areas. All such facilities shall meet the following standards in the steep slope areas:

- A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for other allowed uses.
- B. Landings for stairways and lifts on residential lots must not exceed 32 square feet.
- C. Canopies or roofs are not allowed on any stairways, lifts or landings in the steep slope areas.
- D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or located on ledge rock, or designed in a manner that ensures control of erosion. Landings shall be located as close to the ground surface as feasible.
- E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots as viewed from the surface water provided that location is suitable for such construction.
- F. A parcel may have as many of these facilities as needed but the vegetative removal standards shall apply to placement of these facilities. Also- there shall be an average 10 foot separation between each facility.
- G. Facilities such as ramps, lifts, or mobility paths for the physically handicapped are permitted provided the standards found above are followed and the requirements of state regulations relating to design and construction of such facilities are followed.

Section 7 Alternative Shore Impact Zone:

The Minimum Shore Impact zone in the Town of Rice Lake shall be fifty feet from the ordinary high water mark of lakes and fifty feet from the location of a river as measured when at its highest non-flood elevation. It is recognized that in areas with concentrated development and on General Development Lakes this standard is not practical. The following standards shall therefore then apply to such an area.

- A. Lawn fertilizer is not permitted within 37.5 feet of the shore.
- B. Existing vegetation is maintained.
- C. Erosion control standards approved by the Soil and Water Conservation Service are agreed to and implemented if determined to be needed by the Planning Director.
- D. Vegetation planting plan approved by the Zoning Official and implemented if the Zoning Official determines additional vegetation is needed to meet the intended purpose of the shore impact zone.

Section 8 Recreational Vehicles on Lots:

Recreational Vehicles and other camping is permitted on parcels in the rural, residential, and shoreland zones without a permit provided the following standards are followed:

- A. No more than one recreational vehicle per parcel.
- B. The recreational vehicle shall have a current motor vehicle license.
- C. All setbacks, vegetative removal and shoreland alteration standards are observed.
- D. St. Louis County approved sanitary facility.
- E. No structures including decks shall be placed on the property.
- F. The recreational vehicle may be used for owner occupied sleeping purposes no more than seven months of the calendar year. Non-owner occupied sleeping purposes shall be prohibited at all times.

If the above standards are not met, the applicant shall apply for the appropriate permits from the Town.

Section 9 Community Centers:

All community centers must be operated by a public agency and shall comply with the following standards:

- A. On-site parking as required in this ordinance be adhered to.
- B. On-site sewage treatment system which meets with the approval of the County.
- C. The lot is of sufficient size to meet the side and rear yard setbacks of the district in which the use is located.
- D. Sufficient land be permanently set aside for sewage expansion area.
- E. The State Well Code is followed.
- F. The Rice Lake Town Board has authorized access onto the road from the parcel.
- G. The authorization to place the use on the parcel was done at a public meeting where members of the public had an opportunity to know about the proposal and comment on it.

Section 10 Home Business:

Home businesses shall comply with the following standards:

- A. The home business must be a minor commercial use conducted on the same property on which the owner's home is situated.
- B. May employ no more than five (5) persons who are not residents of the owner's home.
- C. The business must be of a type or character consistent with the zoning district.
- D. The business may not be a nuisance to or otherwise incompatible with the surrounding area.
- E. No outside storage of material or equipment.
- F. All waste shall be disposed of in accordance with Town, County and State Regulations.
- G. Local road authority whose road provides access to the parcel determines that the road may be utilized by the home business without adversely impacting the public safety or ability of the road to support the additional traffic.
- H. The County onsite sewage treatment regulations shall be adhered to.
- I. A majority of the property owners within one-quarter mile of the use sign a petition in support of the proposal. The petition must be submitted to the Zoning Official for approval of form prior to obtaining the authorization.
- J. The local fire department approves the design and placement of structures and the storage of materials. The fire department must be made aware of any hazardous, toxic, or flammable material kept on the property.
- K. The home business shall not be a rural industry, salvage yard, or other use that is industrial in character.

Section 11 Home Occupation:

Home occupations shall comply with the following standards:

- A. The use or occupation must be conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants.
- B. The use or occupation is clearly incidental and secondary to the use of the dwelling for residential purposes.
- C. The use or occupation cannot be a nuisance to or otherwise incompatible with the surrounding area.
- D. No outside storage of material or equipment.
- E. All waste is disposed of in accordance with Town, County, and State Regulations.

Section 12 Land Alterations Within 300 Feet of Lakes and Rivers.

12.01 Permit Threshold Standard: Within 300 feet of any lake or river grading, filling, excavating, or any alteration of the natural topography requires a permit if the following levels of alteration are met or exceeded:

- A. Any alteration of the natural topography located within the shore impact zone, bluff impact zone, or on a steep slope, involving more than 10 cubic yards of material.
- B. Any alteration of the natural topography, located within 300 feet of the shore and not covered in "A" above, involving more than 50 cubic yards of material.
- C. The threshold standards listed above shall apply for the minimum lot area for the zoning district where the alteration is taking place.
- D. The following shall not require a permit of any type: Excavations, grading and filling associated with construction of permitted structures, driveways located at the building setback or greater, (construction of boat or seaplane ramps are not exempt unless activity is less than minimum threshold), walking paths, sewage treatment systems, and gardens, provided that:
 - 1. It is done in a manner designed to minimize erosion, sedimentation, and surface runoff and the standards set forth in Sections 12.04, 12.05, 12.06 are observed.
 - 2. Permanent ground cover is established in as short a period of time as possible following completion of the project.

12.02 Land Alteration Performance Standard Permit: An over-the-counter permit may be issued for alterations exceeding the threshold standards listed in 12.01 above if the following standards are observed:

- A. No alteration which exceeds the threshold has taken place in the two years prior to the proposed alteration.
- B. The standards listed in Sections 12.04, 12.05, and 12.06 are being observed.
- C. The technical standards of the Soil and Water Conservation District are being observed.

12.03 [Reserved for Future Use]

12.04 Alterations not permitted: The following alterations in shoreland and wetland areas shall not be allowed:

- A. Activities that cause unnecessary potential for soil erosion.
- B. An alteration that will cause water backup on adjacent properties.
- C. Land disturbances that significantly retard or severely impede the drainage of adjacent properties.
- D. Intensive vegetation clearing within shore and bluff impact zones and on steep slopes.
- E. Activities in designated wetland areas according to State, County and Federal regulations.

12.05 Minimum Standards for all alterations: The following standards shall apply to all alterations whether or not they require a permit, a performance standard permit, or conditional use permit:

- A. The smallest amount of bare ground shall be exposed for as short a period of time as possible.
- B. Mulches or similar materials shall be used for temporary bare ground coverage, and permanent vegetation cover shall be established as soon as possible.
- C. Accepted methods to prevent or limit erosion and trap sediment shall be employed (i.e. hay bales or

silt fences).

- D. Altered areas shall be stabilized according to accepted engineering or soil erosion standards.
- E. Material shall not be placed in a manner that creates an unstable slope, or in bluff impact zones.
- F. Plans to place material on steep slopes shall be reviewed by qualified professionals, and the finished slope shall not exceed 20%.
- G. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources.
- H. The applicant shall submit a detailed plan, showing existing conditions and proposed alterations, from aerial view and cross-section perspectives.

12.06 Storm Water Management: The following standards shall apply for storm water management:

- A. Impervious lot coverage shall not exceed 25% for any property located in a shoreland area.
- B. Existing natural features that control storm water runoff shall remain unchanged, as much as possible.
- C. When areas are to be disturbed, alterations shall be managed to minimize the area to be modified, control runoff velocity and erosion, and reduce and/or delay runoff volume. Sediments shall be retained on site and the disturbed area shall be stabilized and in a completed condition in as short a period of time as possible.
- D. When man-made materials and/or facilities are used to control runoff directly into surface waters, the Soil and Water Conservation District shall be informed and their requirements and concerns shall be addressed and followed.
- E. Whenever a question arises concerning methods, management, or engineering practices, the Soil and Water Conservation District's advice shall be followed.
- F. The provisions of Town of Rice Lake Ordinance No. 29 shall apply and be observed. Where there is a conflict between this Ordinance and Town of Rice Lake Ordinance No. 29, the more restrictive provisions which offer the greatest level of environmental protection shall be applicable, regardless of which ordinance such provisions are located in.

Section 13 Water Oriented Accessory Structures

13.01 General Guidelines: There shall be no water oriented structure on Trout Streams, Natural Environmental Lakes or nonconforming lots according to the DNR minimum shoreland classification unless it meets or exceeds the accessory structure setback for accessory structures that are not water oriented structures.

Section 14 Other Structures

14.01 Principle structures on Riparian Lots: Structure width facing (the water) shall not exceed 40% of lot width.

14.02 Detached Garages and Pole Buildings: The following shall apply to garages and pole buildings over 800 square feet in size located on riparian lake lots:

- A. The minimum setback from the ordinary high water level shall be 200 feet on Natural Environment

Lakes and all river classes.

- B. The building setback from the side-yard lot line shall be a minimum of 20 feet unless there is stormwater management to ensure that the runoff does not impact adjacent properties.
- C. The structure shall be painted or stained in an unobtrusive color.

14.03 [Reserved for Future Use]

14.04 Detached Platforms: A detached platform is a deck without rails or seats and may be allowed without a building permit, and shall not be considered as a water oriented accessory structure, if the standards listed below are met:

- A. It shall be no larger than 120 square feet in size.
- B. The highest point shall not exceed 18 inches.
- C. It shall be set back from the ordinary high water level a minimum of 10 feet.

Section 15 Livestock

15.01 Livestock

- A. In shoreland areas, domesticated animals shall not be picketed, fenced or otherwise contained in shore impact zone or on steep slopes. However, access to the shore shall be allowed for watering purposes only, on a site to be approved by the Soil Conservation Service.
- B. In areas designated as residential or other more developed uses, the Town recognizes that residential and other uses should exist in a manner that promotes and protects the interests of all concerns. The Town determines impact by using Animal Units and the following table shows the animal unit for each species. The Zoning Official may determine the Animal Unit for animals not listed below:

<u>Animal</u>	<u>Unit</u>
One dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 " "
One horse	1.0 " "
One swine	0.4 " "
One sheep, goat, dog	0.2 " "
One duck, turkey, cat	0.02 " "
One chicken	0.01 " "

Therefore, the following standards shall apply for keeping of domesticated animals.

1. No animal units, except for dogs and cats as pets, shall be permitted on parcels of fewer than two acres except as a conditional use. Dogs and cats on parcels of 2 acres or more but less than 4.5 acres are permitted to be kept at one animal unit per acre.
2. On parcels 2 to 4.5 acres one animal unit may be allowed, but no permit is necessary.
3. On parcels 4.51 to 9 acres, 5 animal units shall be permitted without a permit in the Rural 1 and Rural 2 zoning districts, except that dogs and cats shall be limited to one animal unit per acre.
4. For parcels larger than 9 acres, 9 animal units plus one unit per acre beyond 9 acres, to a maximum

of 30 per quarter/quarter section or government lot. If an individual owns more than one quarter/quarter section or government lot and such lots abut each other, the combined acreage may be used in calculating the total animal units allowed at the rate of 20 animal units per quarter/quarter section or government lot, even if all the animals are kept on a single parcel. No Land Use Permits are necessary if the livestock keeping remains within the guidelines.

5. No animals may be permanently penned within the principal structure setback for any zoning district.
- C. Where any parcel contains more than 5 animal units of swine or poultry, enclosed quarters or fencing shall be provided at a setback of no less than twice that required for the zoning district.
- D. Animal waste must be disposed of in an environmentally sound manner, and in no case shall runoff from waste discharge directly into a lake, river, unsealed well, or wetland. The construction of animal waste systems is encouraged and may be required by the Planning and Zoning Commission or the Zoning Official.

Section 16 Off-Street Loading, Parking and Access

16.01 Loading: Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One such space shall be provided for every ten thousand square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten feet in width, thirty-five feet in length.

16.02 Parking: Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley, and such space shall be provided with a suitable area for vehicle turn-around so as to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion if the enlargement increases the demand for parking. If a use is changed to a different use requiring more, the additional amount of parking area shall be provided. Facilities, which operate on shifts, shall have sufficient parking based on the standards in this section and the maximum number of employees that would park at the facility at any given time. In addition, the following minimum standards shall apply:

- A. An off-street parking space shall comprise an area with dimensions of nine feet by eighteen feet plus necessary maneuvering space; total area for parking and maneuvering shall not encroach upon any public right-of-way.
- B. Residential dwelling: One parking space for each unit.
- C. Tourist accommodations: One parking space for each room or unit, and one parking space for each non-resident employee.
- D. Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each five seats, based on maximum seating capacity, and one parking space for each employee.
- E. Stores and other retail business establishments: 5.5 parking spaces for each one thousand square feet of total floor area, and one parking space for each employee.
- F. Office buildings: Minimum of one parking space for each two hundred square feet of office floor area or more pending a ruling from the Town Building Official.
- G. Industrial, manufacturing or wholesale establishments: One parking space for each three workers,

based on peak employment in any one shift.

- H. Restaurants, supper clubs, taverns and bars: One parking space for each four seats, based on maximum seating capacity: and one parking space for each employee.
- I. Off-street parking areas, whether public or private, for more than five vehicles shall be effectively screened from residential uses. All public or private parking areas shall be separated from the right-of-way of any road by means of a sod strip not less than three feet in width or other barrier that clearly delineates the parking lot from the road.

16.03 Access: Driveway access to any parcel or lot from any public roadway shall be limited to not more than one twenty to thirty-two foot wide driveway entrance for each parcel unless permission is given by the appropriate road authority. In no case shall a driveway entrance be permitted to be located within 100 feet of the right-of-way line of any intersecting road. All access points shall meet the sight visibility standards of the appropriate road authority and the road authority shall approve of all entrances onto collector and arterial highways. The applicant shall, if possible, make use of common driveways to limit the number of access points to any road.

Section 17 Placement and Design of Roads, Driveways, and Parking Areas in Shoreland Areas:

The following design criteria shall apply to all such facilities located in the shoreland area:

- A. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the Field Office Technical Guide of the local Soil and Water Conservation District, or other applicable technical materials.
- B. 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.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Article VI, Section 12 of this ordinance must be met.

Section 18 Large Parking Lots:

Parking areas containing parking for 100 vehicles or more shall develop stormwater runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands. The technical standards of the Soil and Water Conservation District shall be used as a guideline in preparing and implementing such a plan.

Section 19 Signs

19.01 General: The provisions of this Article shall be complied with after notice by the Zoning Official to the property owner or sign owner directing such compliance. Said notice shall be in writing and shall specify a reasonable period of time that the device shall be made to conform, or be removed.

19.02 Exemptions: Sign permits for both on-site and off-site signs shall be required and shall be subject to performance standards herein, except for the following exemptions:

- A. Signs not exceeding six square feet in area and bearing only property numbers, post box numbers, names of occupants, or other identification of premises, not having commercial connotations;
- B. Flags and insignias of any government except when displayed in connection with commercial promotion;
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies, as defined in Minnesota Laws 1971, Chapter 173, Sec. 173.02, Subd. 6;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter;
- F. A temporary sign indicating real estate for rent or for sale, related to the premises only on which it is located, and not exceeding six square feet in area.
- G. Signs used on a temporary basis in conjunction with garage, estate, rummage and produce sales, and not exceeding six square feet in area. These signs must be removed within 30 days or they will be removed at the owner's expense.

19.03 Prohibited Devices: No advertising device shall be erected or maintained that:

- A. Claims to be or resembles, hides from view, or interferes with the effectiveness of any official traffic or railroad control device, sign, or signal;
- B. Obstructs or interferes with a driver's view of approaching, merging or intersecting traffic;
- C. Prominently displays the words "stop" or "danger".
- D. Displays messages that are painted or drawn upon rocks, trees, public utility poles, or abandoned buildings;
- E. Allows access to be obtained only from an interstate main-travelled way, but excluding frontage roads adjacent thereto;
- F. Is structurally unsafe, or in disrepair.
- G. Is located within the right-of-way of any public roadway.
- H. Is located in, over, or upon public waters, unless authorized by public authority.
- I. Is located within the shore impact zone, unless attached to a permanent structure.

19.04 Number: Only one side of a double sided, or V-type sign shall be used in calculating the maximum surface area of a sign.

19.05 Surface Area: The surface or advertising area of a sign shall mean that portion of the advertising face of a sign that includes the border and trim thereof, but excludes the base and apron supports and other structural members.

19.06 Outdoors Advertising:

- A. Official Signs - Only official identification, directional or traffic control signs, as defined in Minnesota

Laws 1971, Chapter 173, Sec. 173.02, Subd. 6(a), (b), and (d) and all acts amendatory thereof, shall be allowed within the public right-of-way.

- B. Setbacks - All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and/or front, side, or rear lot line. In shoreland areas, the normal shoreline setback shall prevail unless otherwise approved by the Board of Adjustment.
- C. Lighting - Signs shall not be erected or maintained that contain, include or are illuminated by any flashing lights except those giving public service information such as time, date, temperature, weather, or news.
 - 1. Signs shall not be erected or maintained that are not effectively shielded so as to prevent: (1) beams or rays of light from being directed at any portion of any roadway, or (2) beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or (3) beams of light from being illuminated out across public waters.
 - 2. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the effectiveness of any official traffic sign, device, or signal, or any official sign.
 - 3. The change in advertising message, maintenance and repair, or the use of extensions, cutouts or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided the sign does not exceed any limitation imposed by this Ordinance.

19.07 On-Site Signs: All on-site signs shall require a sign permit and conform to the following:

- A. Industrial Zoning Districts. Each use shall be allowed two signs. Each sign shall not to exceed 128 square feet in surface area and shall not exceed 25 feet in height.
- B. Commercial & Public Zoning Districts (non shoreland)
Each use shall be allowed two signs. One sign shall not exceed 128 square feet in surface area. The second sign shall not exceed 64 square feet in surface area.
- C. Commercial & Public Zoning Districts located within shoreland areas.
Each use shall be allowed one sign that can be viewed from the public waterway and one sign that can be viewed from the roadway. The sign facing the water body shall not exceed 32 square feet in surface area and may not exceed 10 feet in height. The sign facing the roadway may not exceed 64 square feet and may not exceed 15 feet in height.
- D. Freestanding signs shall meet the required shoreline setback for principal structures. Signs may be located at a reduced setback from the shoreline provided the sign is attached to a permanent structure whose primary use is other than to hold the sign. Setbacks shall be a minimum of 10 feet from the right-of-way, and shall be the same as the required side yard setback for buildings. Signs must be made of wood and shall be rustic in appearance.
- E. Home Occupations and Home Businesses shall be limited to one on-site sign not to exceed 16 square feet.

19.08 Off-Site Signs: The following minimum standards shall be followed:

- A. No off-site signs shall be allowed within 200 feet of a classified water body.
- B. The maximum surface area of an off-site sign shall not exceed 32 square feet.

- C. No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than: (1) 500 feet on any interstate highway or fully controlled freeway; (2) 300 feet on any other highway or roadway.

19.09 Political Signs: Political signs shall be subject to the requirements of this Section 19, except as otherwise permitted by State Law.

Section 20 Salvage Yard Standards

20.01 Minimum Standards: Salvage yards under the jurisdiction of this Ordinance shall meet the following minimum standards.

- A. No material shall be disposed of in a wetland and no draining or filling of wetlands shall take place.
- B. All salvage yards shall have a minimum rear, side, and road setback of 100 feet. No activity except fencing, berms, or other screening may take place in the setback area.
- C. No salvage yard is permitted within 300 feet of protected water.
- D. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner acceptable to the Town of Rice Lake or disposed of in a manner acceptable to the Town and State and Federal regulations.
- E. Fencing, berms, and use of natural topography shall be sufficient to shield the view of any salvage material from any surface water, park, public road, private residence, or other structure, within one quarter mile of the parcel containing the salvage yard.
- F. No delinquent taxes shall be owed on the property.
- G. A record shall be kept of all salvage material and waste brought in and out of the property.
- H. The local fire department shall receive information on all flammable and hazardous material stored on the property including: amounts, types, and location.
- I. Fire breaks and roads shall be approved by the local fire department.
- J. A bond or other financial assurances must be provided to the Town that is sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The Town shall determine the amount and type of assurances.
- K. The salvage yard shall conform to all on-site sewage disposal regulations.
- L. The salvage yard shall conform with all the standards for wells of the State Health Department including the sealing of abandoned wells.
- M. All access roads and bridges shall be able to handle traffic generated by the salvage yard both in terms of volume of traffic and weight of the traffic without adversely impacting the road or the public's use of the road. This determination shall be made by the County Highway Engineer when the salvage yard is located on a County Highway and by the Town Board when the salvage yard is located on Town roads.
- N. No parking relating to salvage yard activity shall take place off of the property where the salvage yard is located. Public roads and highways may not be used for parking by the salvage yard operation.

20.02 New Salvage Yards: All new salvage yards shall be reviewed as a conditional use. Approval will be determined by the criteria for approval for conditional uses and the above minimum standards shall be conditions of the permit, if approved.

Section 21 Residential Limitations.

21.01 No more than one family may reside in a residential unit at a time. Each individual unrelated by blood, marriage or adoption, or not in the foster care of a licensed foster care provider shall be considered a separate family.

Section 22 [Reserved for Future Use]

Section 23 Borrow Pits

23.01 Minimum Standards: All borrow pits shall follow the Minimum Standards set forth in this section. A borrow pit shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. The minimum standards are as follows:

23.02 Borrow Pit Permitting:

The following borrow pit permits shall be available within the Town of Rice Lake:

A. 45-calendar day permit.

B. Public works pit, 2-year permit.

C. General purpose pit.

1. All permits shall be recorded in such a manner that all adjacent property owners will be notified of the existence of a pit. Local governments shall receive notice of all authorized pits. The following procedure shall also be followed for each of the permit types.

2. The Town of Rice Lake shall not use any borrow material originating from a pit not in conformance with these standards. The Town shall comply with the standards found in this section.

D. Existing Pre-Ordinance Pits:

1. A legal, nonconforming pit may continue to operate as long as the operation does not cease for twelve consecutive months. If operations cease at a legal, nonconforming pit for twelve consecutive months, operations may not resume at such pit unless such operations are in compliance with this ordinance.

F. 45-Calendar Day, Single Season Pits: A regular land use permit may be issued for a borrow pit established in response to a single public works project that will not be used for more than one construction season, and activity other than hauling from stockpiles and any hot mix operation will not continue for more than 45 calendar days. The following restrictions shall apply for such a permit:

1. No residential uses or lakes or rivers are located within 300 feet of the borrow pit.

2. All minimum standards shall be followed.

3. Hot mix plant may be part of the application and all federal and state regulations shall be met.

4. The establishment of a 45 day permit pit will not be used as a rationale for a permanent borrow pit.
 5. The appropriate public agency has notified the Rice Lake Town Board by March 31 of a pending public works project in which the Town may be considered as a source of borrow material and that this permit may be utilized. Borrow pits located in such areas may be established by utilizing the two-year public works pit permitting process. The Planning Director may authorize additional public works projects for this permit if it was not feasible for a specific project to meet the March 31 deadline.
 6. Hours of operation may be expanded upon written permission of two-thirds of residential property owners within one-quarter mile of the proposed pit and all of the properties containing a residence within 300 feet of the pit. If the pit is located on a road closed for construction, hours and days of operation will be permitted without restriction if the residential property owners within 300 feet of the pit agree to such an extension.
 7. No application will be permitted from an operator who has received a single site permit previously and the Engineer or Zoning Official has determined that the previously approved pit was not adequately reclaimed.
 8. The borrow pit shall conform to adopted land use plans.
 9. Crushing shall be limited to 45 calendar days, hauling may continue until completion of the project for which the pit was authorized, and the hot mix operation may continue for two working days for each 1,000 tons of mix produced from the time of hot mix plant startup.
- G. Public Works Pits, 2 Year Permit: Pits that are exclusively used for public works purposes may be established without a Conditional Use Permit if the following criteria are met.
1. All minimum standards are followed.
 2. Two-thirds of the residential property owners within one-quarter mile of the pit and all of the residential property owners within 300 feet of the pit sign a petition authorizing the pit. An applicant is eligible for a conditional use permit if signatures are not obtained.
 3. The pit is in existence for not more than two years unless reauthorized by another petition or approved by a conditional use permit.
 4. The pit must be used solely for public work projects that are defined as work on bridges, public roads, landfills, and other public facilities except up to 10% of production may be offered for general sale.
 5. All borrow pits must comply with adopted land use plans.
- H. General Purpose - Conditional Use Borrow Pits:
1. No Conditional Use application will be accepted by the Town unless all the text and drawing requirements listed in this section are met by the applicant.
 2. The following criteria shall be used by the Planning and Zoning Commission in approving a new borrow pit conditional use application:
 - a. The ability of roads to handle pit-related traffic.

- b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
- c. Groundwater protection
- d. Public safety.
- e. Control of erosion and sedimentation.
- f. Impact upon watershed.
- g. The cumulative impacts of borrow pit operations in the area.
- h. The ability of the owner/operator to implement the requirements of this ordinance.

23.04 The Application Form:

- A. All borrow pit applications shall contain the following information.
 - 1. An index map using the U.S.G.S. map showing all features within one mile of the pit. The features shall include all residences, wetlands, lakes and rivers, roads, existing borrow pits, location of other structures, utility lines and other features.
 - 2. A written description of the pit and operation including: volume of material to be excavated, length of time pit to be in operation, amount of truck activity at highest and average levels, dust control measures, buffer-area vegetation, depth to ground water, hours of operation, description of operation including timing of excavation areas, routes trucks will take to and from site, types of barriers established, property line establishment, reclamation plans, noise levels at property lines during pit operation, screening from the residential properties, drainage from the site, location and adequacy of topsoil set aside for reclamation, nature and timing of any rock crushing operations, proposed hours of operation and future plans for the pit.
 - 3. A detailed scale drawing at a scale of 100 feet per inch unless pit property covers 40 acres or more and then a 200 feet per inch scale may be used. The drawing shall show the following:
 - a. Contour intervals utilizing 10 foot contour intervals unless the Zoning Official requires a drawing at 2-foot contour intervals.
 - b. Location of all pit operations.
 - c. Horizontal dimensions of the pit site.
 - d. All setbacks from roads and adjacent property lines.
 - e. Locations, size, and use of all structures on the parcel.
 - f. Location of all adjacent structures and their uses.
 - g. Area of excavation.
 - h. Extent of vegetation in buffer area.
 - i. Location of utilities.
 - j. Location of all interior roads and the location of barriers.
 - k. All lakes, streams, and wetlands on property.
 - l. Reclamation plan showing final elevations of entire pit property at 2-foot contours.
 - m. Timing of reclamation effort.
- B. Information submitted to other regulating agencies that address the required information needs of this Ordinance may be used in lieu of the specific information item listed in this section.

23.05 Reclamation Standards: All borrow pits shall implement the following minimum reclamation standards:

- A. Concurrent reclamation shall occur during the operation as well as at the completion of borrow excavation and related activities.
- B. At the non-working face of the pit, banks shall be maintained at a slope not to exceed 2:1 except that at cessation of pit operations the slope shall not exceed 2.5:1. The working face may be permitted at a greater than 2:1 slope provided that by December 1 of each year banks that are higher than 15 feet

shall be rounded for safety purposes, or fenced. Pits that are in operation year around may, be exempted from this standard if the operator demonstrates to the Zoning Official that these safety measures are not needed and that other measures are more appropriate.

- C. All trees, brush, stumps and any other debris removed for the sole purpose of operation of borrow, shall be disposed of in a manner acceptable to the fire warden and the MPCA. In no case shall vegetation from over a 10 acre area be kept on the property unless it is burned or buried.
- D. The tops of all banks shall be rounded to conform to the surrounding topography.
- E. Pits may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done in accordance with a plan approved by the Town of Rice Lake.
- F. All slopes shall be stabilized, equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded and other reclamation actions completed in accordance with the reclamation plan within 18 months of cessation of pit operations. A pit shall be considered inactive and requiring reclamation when less than 100 cubic yards of borrow material is excavated and removed per year for a two-year period. The Zoning Official may require the pit owner to supply evidence of pit usage. All temporary/permanent seedings shall conform to Department of Natural Resources pit reclamation standards, Minnesota Department of Transportation standards, or Soil Conservation Service technical standards.

23.06 Financial Assurances: All pits shall meet the financial assurance standards listed in this section.

- A. The pit owner shall not, at any time, have any delinquent taxes owed on the pit.
- B. All pits, unless owned by a government agency or if proof is provided that through government road projects adequate bonding protection to assure reclamation is provided, shall have a bond or other financial instrument of sufficient amount to cover cost of reclamation of the site. The Town Board, with the advice of the Town Engineer, shall determine if the financial assurance is sufficient to cover the cost of reclamation by a private individual. The financial assurance amount shall be adjusted annually for inflation. The amount of the financial instrument may be increased to cover cost of other potential environmental or safety related issues. The Zoning Official is authorized to develop a formula to set the cost of reclamation so that there will be a standard basis for assurance amount calculation. No financial assurances will be required for pits that have less than two acres excavated at any given time and in which the applicant demonstrates that concurrent reclamation is taking place.

23.07 Permit Revocation:

Permits may be revoked in accordance with the procedure in this Ordinance. Upon revocation, the former permit holder shall reclaim the property consistent with the standards required by this Ordinance.

Section 24 Mineral Exploration and Evaluation

A conditional use application is required for all exploration and evaluation. The following standards must be met.

- A. Activity is outside the shoreland area.
- B. Operations are a minimum of one-quarter mile from a residence.
- C. Access to the site is obtained.
- D. The surface owner has authorized the activity.

- E. All state regulations are followed, including reclamation.
- F. Any damage to roads and other facilities shall be repaired.

In authorizing mineral exploration and evaluation the Town is not in any way authorizing the mining and processing of minerals.

Section 25 Solid Waste

25.01 Permitting: All solid waste facilities that require an individual permit from the Minnesota Pollution Control Agency (MPCA) shall require a conditional use permit from the Town. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the Town unless specifically required by this ordinance.

25.02 Standard Permit: Solid waste facilities operated by the Town or other government agency may expand without a conditional use permit if the following standards are met:

- A. The facility is not in a shoreland area.
- B. The road authority whose road provides access to the site authorizes the use.
- C. Property owners within one-quarter mile of the site sign a petition authorizing the expansion.
- D. The facility was discussed at a public hearing.

25.03 All uses shall conform to solid waste rules: All land uses within the Town shall comply with all federal, state, and county solid waste regulations and standards.

Section 26 Adult Uses (Sexually Oriented Uses)

26.01 Purpose

The nature of adult uses is such that they are recognized as having adverse secondary effects, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects will not contribute to nor enhance criminal activity in the area of such uses, nor contribute to the blighting or downgrading of the surrounding property and the lessening of the property values.

Adult uses as defined in this Chapter shall be subject to the following general provisions:

- A. Activities classified as obscene as defined by *Minnesota Statutes, section 617.241; or successor statutes*, are not permitted and are prohibited.
- B. Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.
- C. Adult uses, either principal or accessory, shall be prohibited from being located in any place that is also used to dispense or consume alcoholic beverages.
- D. An adult use that does not qualify as an accessory use shall be classified as an adult use-principal.

- E. All adult uses shall be conducted wholly within the principal structure.

26.02 Adult Uses – Principal

Principal adult uses shall comply with the following:

- A. Performance Standards Principal adult uses shall comply with the following standards:
 - 1. Any Adult Uses-Principal shall be located at least one thousand five hundred (1,500) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the Adult Use-Principal is located, to the property line of:
 - a. Residentially zoned property and/or residential dwelling unit(s);
 - b. A licensed day care center;
 - c. A public or private education facility classified as an elementary, middle school, junior high, senior high or home school;
 - d. A public library;
 - e. A public or private park;
 - f. Another Adult Use-Principal; or
 - g. An on-sale liquor establishment.
 - 2. Adult Use-Principal activities, as defined in this Ordinance, shall be classified as one use. No two (2) Adult Uses-Principal shall be located in the same building or upon the same property and each use shall be subject to Section 26.02A (1) and (2) of this Ordinance.
 - 3. Signage shall be subject to the sign regulations of this Ordinance and the following regulations:
 - a. Signs shall be generic in nature and shall only identify the business;
 - b. Shall not contain material classified as advertising;
 - c. Shall comply with the requirements of size and number for the district in which they are located; and
 - 4. Adult Use-Principal activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are permitted.
 - 5. Parking shall meet the requirements of this Ordinance.
 - 6. The applicant seeking approval of a construction site permit for a structure housing an Adult Use-Principal or a registrant proposing to use an existing structure for an Adult Use-Principal shall provide evidence certified by a professional land surveyor that the proposed Adult Use-Principal is in conformity with the setback requirements of Section 26.02A1 this Ordinance.
 - 7. Exterior display. No Adult Use-Principal shall be constructed or operated in any manner that permits the observation of any person or material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not registered as an Adult Use-Principal. This provision shall apply to any display, decoration, sign, show window or other opening.
 - 8. Adult Uses-Principal shall only be open from the hours of 4:00 p.m. to 12:00 a.m. (midnight), Monday through Saturday each week.

26.03 Adult Uses – Accessory Performance Standards

Accessory adult uses shall comply with the following standards:

- A. Adult accessory uses shall comprise no more than ten (10) percent of the floor area of the establishment in which it is located and no more than twenty (20) percent of the gross receipts of the entire business operation on the premises, or involve or include any activity except the sale or rental of merchandise.
- B. Adult accessory uses shall be restricted from, and prohibit access to, minors by the physical separation of such items from areas of general public access:
 - 1. **Movie Rentals.** Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation. Doorways shall have doors removed.
 - 2. **Magazines.** Publications classified or qualifying as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - 3. **Other Uses.** Adult uses-accessory not specifically cited shall comply with the intent of this Section subject to the approval of the Director.
- C. Adult use-accessory shall be prohibited from both internal and external advertising of adult materials and products.
- D. Adult use-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are permitted.
- E. Parking shall meet the requirements of this Ordinance.

26.04 Amortization. An Adult Use-Principal established prior to the enactment of this Ordinance shall be permitted and regulated as a non-conforming use until December 31, 2014, at which time such use shall become unlawful, unless it conforms to the requirements of Sections 26.02 and 26.03 of this Ordinance.

**ARTICLE VII
PLANNED UNIT DEVELOPMENT**

Section 1 Purpose:

- 2.01** This chapter is established to provide comprehensive procedures and standards designed to allow greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD district. The PUD process, by allowing deviation from the strict provisions of this ordinance related to setbacks, height, lot area, width and depth, yards, etc., by PUD zoning, is intended to encourage:
- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
 - B. Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
 - C. More convenience in location and design of development and service facilities.
 - D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - E. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to suburban uses.
 - F. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
 - G. A development pattern in harmony with the objectives of the comprehensive plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 - H. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the Town.

Section 2 Information Requirements:

- 2.01 Information requirements:** Planned Unit Development applications shall contain the following information:
- A. A site plan drawn to either 1":100 foot or 1":50 foot scale showing property boundaries, surface water features, existing and proposed structures and their uses, sewage treatment systems, topographic contours at ten-foot intervals or less, location of all uses including docking facilities, trails and other recreational facilities, utility lines, driveway entrances, existing wells including abandoned wells, and other information required by the Zoning Official in order to adequately review the proposal.
 - B. Documents that explain how the project is designed and will function. These documents, which shall be submitted in draft form for Commission review, may be finalized after review and shall include: vegetation and erosion control plan, covenants, property association of which all property owners shall be a member, easements, floor plan for structures, fire protection plans and other information required to adequately review the proposal.

Section 3 Design Criteria:

- 3.01** Notwithstanding other provisions of this ordinance, a PUD should accomplish the following:
- A. Create a range of densities, housing types and building configurations and discourage large housing projects that consist of a single building type.
 - B. Attached and multiple-family housing should be built in small groupings so that it fits into the overall residential context rather than being sequestered into large project sites.
 - C. Attached and multiple housing buildings should emulate single-family housing in its basic architectural elements - pitched roofs, articulated facade, identifiable front door and orientation to the local public street. When detached garages cannot be located to the rear or on the interior of the block, they should be set back similar to the requirements for single-family housing. Buildings are to reflect residential character through the use of compatible scale, roof pitch, building massing and materials.
 - D. Design the front and back facades with appropriate levels of formality. The front, as the more public side of the house, should receive the more formal treatment, with trash/recycling storage, play equipment and outdoor storage located in the back. The main entry should face the street.
 - E. Buildings should address the street with varied and articulated facades, frequent entries and windows. Porches and balconies should be encouraged, and facades consisting of long blank walls or series of garage doors are prohibited.
 - F. If a multiple-family building or attached housing is developed near single-family detached housing, ensure that the width of the building facade facing the street is similar to that of a single-family house. Attached units should be grouped in rows of no more than four (4) to six (6) units to avoid a monolithic appearance.
 - G. Provide each housing unit with clearly defined private or semiprivate outdoor space such as a yard, patio, porch or balcony, with direct access from inside the unit. Boundaries of private outdoor space should be clearly defined with elements such as fencing, sidewalks and vegetation.
 - H. Control access by nonresident pedestrians via gateways, fences, plant materials or enclosed location. Locate outdoor spaces to allow for such surveillance from inside homes. Locate all outdoor spaces, distinguishing between those reserved for residents and those open to the public. Enclose the shared outdoor space with buildings, low fences or hedges, and paths. Clearly define the boundaries and transitions between shared and private outdoor space.
 - I. Provide a clear path system that connects each housing unit to designations within the site and the surrounding neighborhood. Paths should be logical and predictable in their routes and should be linked to the public sidewalk system, where possible. Keep public paths at the edge of the site, distinguish between public paths and private outdoor space, and make paths visible from shared and private spaces.
 - J. On large sites, extend the network of surrounding public streets through the site to improve circulation, visibility, security and integrating onto the surrounding neighborhood.
 - K. Locate residential parking near each multiple-family housing unit, with a direct paved path to the front or back door, while locating visitor parking near public spaces and public paths. Ensure that parking spaces are visible from within the resident's home and provide sufficient lighting. If parking must be located near the street frontage, it should be screened by a low hedge, fence, gate or similar

visual buffer.

- L. Use vegetation in and around parking lots to provide shade and visual relief.
- M. Exterior setback and public road setbacks shall be the same as required for the particular zoning district in which the planned unit development is located unless different standards are approved by the Town Board upon showing of good cause by the applicant.
- N. All residential planned unit developments must contain at least five dwelling units or sites.
- O. At least 50 percent of the total project area must be preserved as open space.
- P. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, shall be considered developed areas and should not be included in the computation of minimum open space.
- Q. Open space must include areas with physical characteristics suitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- R. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
- S. The shore impact zone, based on normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in their natural or existing state.
- T. In non-shoreland areas the open space area may include recreational buildings.
- U. The appearance of open space areas, including topography, vegetation, and allowable uses, Must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- V. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- W. Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and the Town of Rice Lake. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- X. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases.
- Y. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils,

depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

Z. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Accessory structures may be permitted as allowed in the Zoning Ordinance.

AA. Non shore recreational facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the facility.

BB. The local fire department shall evaluate the planned unit development design from a fire safety criterion.

CC. Erosion control and stormwater management for residential planned unit developments must:

1. Be designed and constructed to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

Section 4 General Requirements and Standards

- A. Ownership: An application for PUD must be filed by the landowner, or jointly by all landowners, of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- B. Comprehensive Plan Consistency: The proposed PUD shall be consistent with the Town's comprehensive plan.
- C. Sanitary Sewer Plan Consistency: The proposed PUD shall be consistent with the Town comprehensive sewer plan, where applicable.
- D. Compatibility: The proposed PUD shall be compatible with the adjacent land uses.
- E. Common Open Space: Common open space at least sufficient to meet the minimum requirements established in the comprehensive plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.
- F. Operating And Maintenance Requirements For PUD Common Open Space/Facilities: Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service

facilities to a predetermined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the Town:

1. Dedicated to the public, where a communitywide use is anticipated and the Town Board agrees to accept the dedication.
 2. Landlord control, where only use by tenants is anticipated.
 3. Property owners' association, provided all of the following conditions are met:
 - a. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, or common area, a declaration of covenants, conditions and restrictions or an equivalent document and a set of floor plans such as specified by Minnesota statutes Chapter 515A or 515B shall be filed with the Town, said filing with the Town to be made prior to the filings of said declaration or document or floor plans with the recording officers of St. Louis County, Minnesota.
 - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
 - c. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the Town attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
 - d. The declaration shall additionally, among other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the Town or fails to pay taxes or assessments on properties as they become due, and in the event the Town incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the Town shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
 - e. Membership must be mandatory for each owner and any successive buyer.
 - f. The open space restrictions must be permanent and not for a given period of years.
 - g. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
 - h. Property owners must pay prorated share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota statutes.
 - i. The association must be able to adjust the assessment to meet changed needs.
 - j. The bylaws and rules of the association and all covenants and restrictions to be recorded must be approved by the Town Board prior to the approval of the final PUD plan.
 - k. The declarations and bylaws must meet the approval of the Town's Attorney. The association may not be terminated, nor may the declarations be terminated or altered in a way that would impede the requirements of this Article VII without the written consent of the Town Board.
- G. Staging Of Public And Common Open Space: When a PUD provides for common or public open space and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the

same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

- H. Density: The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the Town. In all cases, the negotiated standards shall be consistent with the development policies as contained in the comprehensive plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred percent (100%) of the proposed residential density of the entire planned unit development unless this provision is explicitly modified in the planned unit development/developer's agreement approved by the Town Board.
- I. Utility Connections:
 - 1. Water Connections: Where more than one property is served from the same service line, individual unit shutoff valves shall be provided as required by the Town.
 - 2. Sewer Connections: Where more than one unit is served by a sanitary sewer lateral which exceeds three hundred feet (300') in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners' association or owner.
- J. Roadways: All streets shall conform to the design standards contained in the subdivision regulations of the Town code¹, unless otherwise approved by the Town.
- K. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the Town, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the Town shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
- L. Suburban/Rural Servicing Requirements: All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services will be granted approval in accordance with existing Town code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development; provided that all applicable provisions of this ordinance, the Town code, and state regulations are complied with.
- M. Setbacks: Setbacks shall be set by the Town Board with the approval of the PUD.

Section 5 Submission Requirements

5.01 General Concept Stage: Ten (10) copies of the following exhibits, analyses and plans shall be submitted to the planning commission and Town Board during the PUD process, commencing with the General Concept Stage:

- A. General Concept Stage:
 - 1. General Information:
 - a. The landowner's name and address and such person's interest in the subject property.
 - b. The applicant's name and address if different from the landowner.
 - c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.

- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidences as the Town attorney may require to show the status of title or control of the subject property.
2. Present Status:
 - a. The address and legal description of the subject property.
 - b. The existing zoning classification and present use of the subject property and all lands within one thousand feet (1,000') of the subject property.
 - c. A map depicting the existing development of the subject property and all land within three hundred feet (300') thereof which clearly indicates the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the subject property.
 3. General Statement: A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the comprehensive plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the Town.
 4. Site Conditions: Graphic reproductions of the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').
 - a. Contours - minimum two foot (2') intervals.
 - b. Location, type and extent of tree cover.
 - c. Slope analysis.
 - d. Location and extent of water bodies, wetlands and streams and floodplains within three hundred feet (300') of the subject property.
 - e. Significant rock outcroppings.
 - f. Existing drainage patterns.
 - g. Vistas and significant views.
 - h. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.
 5. Schematic Drawing: Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
 6. Number Of Dwelling Units: A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to uses.
 - b. Area devoted to use by building type.
 - c. Area devoted to common open space.
 - d. Area devoted to public open space.
 - e. Approximate area devoted to streets.
 - f. Approximate area devoted to, and number of, off street parking and loading spaces and related access.

7. **Schedule Of Stages:** When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit, and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
 8. **Open Space Or Service Facilities:** When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
 9. **Covenants:** General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
 10. **Utilities Plans:** Schematic utilities plans indicating placement of water, sanitary and storm sewers.
 11. **Exemptions:** The Zoning Official may excuse an applicant from submitting any specific item of information or document required in this stage which he finds to be unnecessary to the consideration of the specific proposal for PUD approval.
 12. **Additional Information:** The Zoning Official may require the submission of any additional information or documentation which he may find necessary or appropriate to the consideration of the proposed PUD or any aspect or stage thereof.
- B. **Development Stage Submissions:** Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to:
1. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.
 2. Ten (10) sets of preliminary plans, drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or scale requested by the Zoning Official, containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in St. Louis County).
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 - c. The location, size, use and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements, including bike and pedestrian, and the total site coverage of all elements.
 - e. Location, designation and total area of all common open space.
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - g. Proposed lots and blocks, if any, and numbering system.
 - h. The location, use and size of structures and other land uses on adjacent properties.
 - i. Detailed sketches and provisions of proposed landscaping.

- j. General grading and drainage plans for the developed PUD.
 - k. Any other information that may have been required by the planning commission and Town in conjunction with the approval of the general concept plan.
3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
 4. A tabulation indicating the number of residential dwelling units and expected population.
 5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g., drugstore, dry cleaning, supermarket).
 6. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including manufactured homes.
 7. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, and structures, including manufactured homes and uses.
 8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.
 9. A preliminary plat prepared in accordance with the subdivision regulations of the Town.
 10. A soil erosion control plan acceptable to watershed districts, department of natural resources, soil conservation service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
 11. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.
 12. Such other and further information as the planning commission, Zoning Official or Town Board shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
 13. The Zoning Official may excuse an applicant from submitting any specific item of information or document required in this subsection it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
- C. Final Plan Stage: After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant will submit the following material for review by the Town staff prior to issuance of a building permit:
1. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
 2. All certificates, seals and signatures required for the dedication of land and recordation of documents.
 3. Final architectural working drawings of all structures.

4. A final plan and final engineering plans and specifications for streets, utilities and other public improvements, together with a Town/applicant agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
5. Any other plans, agreements, or specifications necessary for the Town staff to review the proposed construction. All work must be in conformance with the Minnesota state building code.

Section 6 Administration—Procedure for Processing a Planned Unit Development.

6.01 General Processing Requirements:

- A. The PUD request shall be processed as a rezoning to a Planned Unit Development zoning district. All PUDs shall be approved with terms that shall be incorporated into a developer's agreement that must be signed by the property owner and applicant and recorded at the St. Louis County Recorder's Office.
- B. Whenever an application for a concept stage, development stage, or final plan stage planned unit development has been considered and denied by the Town Board, a similar application and proposal for a planned unit development affecting either a portion or all of the same property shall not be considered again by the planning commission or Town Board for at least one year from the date of its denial, except as follows:
 1. Applications are withdrawn prior to the Town Board taking action on the matter.
 2. If the Town Board determines that the circumstances surrounding a previous application have changed significantly.
 3. If the Town Board decides to reconsider such matter by a unanimous vote of the entire Town Board.
- C. Preapplication Conference: Prior to filing an application for a PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Official. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.
- D. General Concept Plan:
 1. Purpose: The general concept plan provides an opportunity for the applicant to submit a plan to the Town showing his basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represent the immediately significant elements for Town review and comment:
 - a. Overall maximum PUD density range.
 - b. General location of major streets and pedestrian ways.
 - c. General location and extent of public and common open space.
 - d. General location of residential and nonresidential land uses with approximate type and intensities of development.
 - e. Staging and time schedule of development.
 - f. Other special criteria for development.
 2. Schedule:

- a. Applicant meets with the Zoning Official to discuss the proposed developments.
 - b. The applicant shall file the concept stage application, together with all supporting data and a filing fee established by section 100.10 of this ordinance.
 - c. Within thirty (30) days after verification by the Town that the required plan and supporting data is adequate, the request shall be processed in accordance with the applicable procedures and schedule as defined by this section or section 2700.3 of this chapter.
3. **Optional Submission Of Development Stage Plan:** In cases of single stage PUDs or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, he may, at his option, initially submit development stage plans for the proposed PUD. In such case, the planning commission and Town Board shall consider such plans, grant or deny development stage plan approval in accordance with the provisions of this chapter.
 4. **Effect Of Concept Plan Approval:** Unless the applicant shall fail to meet time schedules for filing development stage and final plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this chapter or of any approval granted pursuant hereto, a general concept plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of development stage and final plans by any action of the Town without the consent of the applicant.
 5. **Limitation On General Concept Plan Approval:** Unless a development stage plan covering at least ten (10) dwelling units or the area designated in the general concept plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date council grants general concept plan approval, or in any case where the applicant fails to file development stage and final plans and to proceed with development in accordance with the provisions of this ordinance and of an approved general concept plan, the approval shall lapse. Upon request of the applicant, the Town Board, at its discretion, may extend, for additional periods not in excess of six (6) months each, the filing deadline for any development stage plan when, for good cause shown, such extension is necessary.

E. **Development Stage:**

1. **Purpose:** The purpose of the development stage plan is to provide a specific and particular plan upon which the planning commission will base its recommendation to the council and with which substantial compliance is necessary for the preparation of the final plan.
2. **Submission Of Development Stage:** Upon approval of the general concept plan, and within the time established in subsection C5 of this section, the applicant shall file with the Zoning Official a development stage plan consisting of the information and submissions required by subsection C5 of this section, for the entire PUD or for one or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.
3. **Review And Action By Town Staff And Planning Commission:**
 - a. Immediately upon receipt of a completed development stage plan, said plan shall be referred to the following Town staff and/or official bodies for the indicated action:
 - 1) The Town attorney for legal review of all documents.
 - 2) The Town engineer for review of all engineering data and the Town/developer agreement.
 - 3) The building official for review of all building plans.
 - 4) The Zoning Official or his agent for review of all plans for compliance with the intent,

purpose and requirements of this ordinance and conformity with the general concept plan and comprehensive plan.

- 5) The planning commission for review and recommendation to the council.
 - 6) When appropriate, as determined by the Zoning Official, to other special review agencies such as the watershed districts, soil conservation services, highway departments or other review agencies and governmental jurisdictions.
- b. The review and action by Town staff and/or official bodies or agencies so designated shall be completed within ninety (90) days of receipt of a completed development stage plan.
4. Council Action: Within one hundred fifty (150) days of the receipt of a completed development stage plan, the Town Board shall act to deny or approve the request.
 5. PUD Enactment: Final approval of a PUD zoning district map amendment shall be considered granted only at the time of development stage plan approval by the Town Board.
 6. Limitation On Development Stage Plan Approval: Unless a final plan covering the area designated in the development stage plan as the first stage of the PUD has been filed within six (6) months from the date council grants development stage plan approval or, in any case, where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this chapter and/or an approved development stage plan, the approval shall expire. Upon application by the applicant, the council, at its discretion, may extend for not more than six (6) months the filing deadline for any final plan when, for good cause shown, such extension is necessary.
 7. Site Improvements: At any time following the approval of a development stage plan by the council, the applicant may, pursuant to the applicable Town code provisions, apply for, and the Town engineer may issue, grading permits for the area within the PUD for which development stage plan approval has been given.

F. Final Plan:

1. Purpose: The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. The final plan shall serve in conjunction with other Town code provisions as the land use regulation application to the PUD. The final plan is intended only to add detail to, and to put in final form, the information contained in the development stage plan and shall conform to the development stage plan in all respects.
2. Schedule:
 - a. Upon approval of the development stage plan, and within the time established in subsection D6 of this section, the applicant shall file with the Zoning Official a final plan consisting of the information and submissions required in subsection 2700.3C of this chapter for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by Town staff.
 - b. Within thirty (30) days of its approval, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the county recorder or registrar of titles. The applicant shall provide the Town with a signed copy verifying county recording within forty (40) days of the date of approval.
3. Building And Other Permits: Except as otherwise expressly provided herein, upon receiving

notice from the Zoning Official that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable Town code provisions, all appropriate officials of the Town may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and Town code provisions which are applicable to the permit sought have been satisfied.

4. **Limitation Of Final Plan Approval:** Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit, and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this ordinance, and other Town code provisions, applicable in the district in which it is located. In cases involving PUD rezoning, the council shall forthwith adopt an ordinance repealing the PUD and all PUD approvals and reestablishing the zoning and other Town code provisions that would otherwise be applicable. The time limit established by this subsection E4 may, at the discretion of the council, be extended for not more than one year.
5. **Inspections During Development:**
 - a. Following final plan approval of a PUD, or a stage thereof, the Zoning Official shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
 - b. If the Zoning Official finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the Town shall: by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it deems necessary to compel compliance with the final plans as approved; or shall require the landowner or applicant to seek an amendment to the final plan.

**ARTICLE VIII
ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW**

Section 1 General

1.01 Zoning Official's responsibilities: This Ordinance shall be administered by the Rice Lake Zoning Official, who shall provide assistance to any applicant in preparing an application, advise the applicant as to the provisions of this Ordinance and shall conduct an inspection program.

Responsibility for administration of the Wetland Conservation Act rests with St. Louis County.

1.02 Voiding of Permits issued in error: Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Zoning Official to notify the property owner upon discovery of an erroneous application.

1.03 Administrative determinations: Administrative determinations are to be made by the Zoning Official as questions arise. Should a question or problem arise concerning an approved Variance, Conditional Use Permit, Land Use Permit, or an existing use or structure, any person may request a review of the matter by the Zoning Official. Such a request shall be in writing and shall detail the problem and location of the subject property, if applicable.

A. The Zoning Official shall investigate the matter and report back to the party making the request within a reasonable period of time and take the appropriate action.

B. Any person taking exception to the Zoning Official's determination may appeal to the Board of Adjustment, by letter, in the manner described in Section 7.02F of this Article without the necessity of appealing directly to District Court.

C. Any person wishing to appeal the decision of the Board of Adjustment may appeal to District Court in the manner described in Section 5.03, of this Article.

1.04 Notification to the Department of Natural Resources: The DNR shall be notified a minimum of ten days prior to public hearings relating to the following activity in Shoreland Districts: Preliminary Subdivision Plats, Rezoning, Amendments to Official Controls, Land Use and other plans, Conditional Uses, Administrative Determinations, Variances and other permits involving hearings before the Planning and Zoning Commission or Town Board.

Section 2 Enforcement

2.01 Investigations: The Zoning Official shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and, if compliance is not obtained within a reasonable period of time, shall report such violations to the Attorney, who shall take appropriate and immediate action on the matter.

Rice Lake may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The Town Board or the Zoning Official may initiate action to prevent, restrain, correct or abate violations or threatened violations. The Town Board may at a later date vote to discontinue proceeding.

2.02 Misdemeanor penalty: Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the Town and shall be

credited to the General Revenue Fund.

2.03 Refusal to Comply: In the event that an applicant or his authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements imposed upon the proposed or established use or structure as a condition of granting the permit for said use or structure, he shall be notified by the Zoning Official in writing by mail or in person of those requirements that have not been complied with (for purposes of computation of time, notification is complete upon mailing), in which:

- A. He shall have no more than thirty days from the date of the notification to satisfy said requirements or be subject to the revocation of said permit; or
- B. He shall have no more than thirty days from the date of the notification to make appeal to the appropriate body.

2.04 Citations: The Zoning Official or Law Enforcement may issue citations for violations of this Ordinance.

A. Citations shall contain the following information:

- 1. The name and address of the person charged with a violation or the owner or person in charge of the premises at which the violation occurs.
- 2. The date and place of the violation.
- 3. A short description of the violation followed by the section of the Ordinance violated.
- 4. If the citation is to be prosecuted criminally, the date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such person's arrest.

B. Whenever any representative of the Zoning Official discovers a violation of this Ordinance, they may issue a citation to the person alleged to have committed the violation.

C. The citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance. The citation shall be issued to the person charged pursuant to Minnesota Rules of Criminal Procedure.

2.05 Inspections: All persons involved in land development activity shall allow free access to authorized representatives of the Town at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the Official Controls of the Town of Rice Lake. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Zoning Official shall have the authority to take appropriate legal actions, or to suspend review of a permit, or to revoke a permit.

Section 3 Conditional Uses

3.01 Planning Commission Approval Process: The Planning Commission shall consider and recommend approval or disapproval of any conditional use to the Town Board following a public hearing on the application.

3.02 Application, Hearings, Criteria, Decisions, and Conditions:

- A. Applications

1. An application shall be filed with the Zoning Official on a form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Planning and Zoning Commission in its rules of procedure.
2. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use.
3. The application shall be accompanied by the required fee.
4. The Zoning Official shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within ten days of the decision.

B. Public Hearing and Notice

1. The Planning and Zoning Commission shall conduct a public hearing on each application.
2. The Town Clerk shall cause to be published a notice of the public hearing before the Planning and Zoning Commission in the official newspaper at least ten (10) days prior to the hearing date. Notices shall be mailed to all owners of property within three hundred-fifty (350) feet of the parcel included in the request not less than ten (10) days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with the notice requirements was made.
3. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Planning and Zoning Commission.

C. General Criteria and Requirements

1. All classes of Conditional Use Permits may be recommended for approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a conditional use is a special use not generally appropriate within the zoning district, the applicant bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Planning and Zoning Commission shall recommend denial of any application.
2. A Conditional Use Permit may be granted only upon finding all of the following:
 - a. The use conforms to the land use or comprehensive plan of the Town.
 - b. The use is compatible with the existing neighborhood.
 - c. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the zoning district.
 - d. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.
 - e. No conditional use permit shall be granted for a use not listed as a conditional use in the zoning district wherein the land is located.
 - f. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the Town.
3. The Planning Commission and Town Board shall consider the following when processing a conditional use permit:

- a. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity.
- b. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- c. The conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- d. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
- e. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
- f. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result.
- g. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
- h. The conditional use will promote the prevention and control of pollution of the ground and surface waters, including sedimentation and control of nutrients.

D. Decisions

1. The Planning Commission shall conduct a public hearing on the application and make recommendations to the Town Board.
2. Within sixty (60) days of receipt of the Planning Commission's recommendation, the Town Board may approve or deny the Conditional Use Permit. The Town Board shall not approve a Conditional Use Permit unless it meets the criteria and requirements as listed in section Article VIII, Paragraph 3.02 C 2.
3. After a Conditional Use Permit is granted, a certified copy of the decision shall be filed with the County Recorder or Registrar of Titles. It shall be the responsibility of the Zoning Official to carry out this provision.

E. Conditions and Restrictions

1. The Planning and Zoning Commission may impose such conditions or restrictions as it deems necessary to protect the public interest including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics.
2. When appropriate, restrictive covenants may be entered into regarding such matters.
3. The Conditional Use Permit shall be reviewed annually.
4. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed.
5. A Conditional Use Permit shall expire if the approved use is discontinued for a period of one year.

3.03 Suspension or Revocation. The Town Board may revoke a conditional use permit upon the failure of the permittee, owner, operator, tenant or user to comply with the provisions of this Code, state or federal laws or regulations, or any condition established at the time of approval of the conditional use permit. A suspension or revocation of a conditional use permit must be preceded by written notice to the permittee

and a hearing. The notice must provide at least ten days' notice of the time and place of the hearing and must state the nature of the violations.

Section 4 Interim Use Permits:

4.01 Purpose and Intent. The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while a permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the planning and zoning commission/board of adjustment, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the comprehensive plan; provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural and design standards of existing uses and development.

4.02 General standards. An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Article VIII, Section 3.02 C.
- B. The use is allowed as an interim use in the respective zoning district and conforms to zoning regulations.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional unreasonable costs on the public if it is necessary for the public to take the property in the future.
- E. The user agrees to any conditions that the planning and zoning commission or Town Board deems appropriate for permission of the use.

4.03 Additional conditions imposed. In permitting a new interim use or alteration of an existing interim use, the planning and zoning commission or Town Board may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which the planning and zoning commission or Town Board consider necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not be limited to; requiring that certain interim uses be reviewed and extended periodically to ensure the use is still compatible with surrounding uses and is compliant with all other conditions placed on the original interim use application.

4.04 Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever first occurs:

- A. The date or event specified in the permit;
- B. A violation of the conditions under which the permit was issued.

4.05 Suspension or Revocation. The Town Board may suspend or revoke an interim use permit upon the failure of the permittee, owner, operator, tenant or user to comply with the provisions of this Code, state

or federal laws or regulations, or any condition established at the time of approval of the interim use permit. A suspension or revocation of an interim use permit must be preceded by written notice to the permittee and a hearing. The notice must provide at least ten days' notice of the time and place of the hearing and must state the nature of the violations.

Section 5 Variances and Appeals

5.01 General:

- A. Applications for variances from the terms of this Ordinance, or appeals from any order, requirement, decision or determination made by the Zoning Official shall be made to the Board of Adjustment.
- B. Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state.
- C. Appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Zoning Official of any order, requirement, decision or determination made by him.
- D. An appeal stays all proceedings in furtherance of the action appealed, unless the Board of Adjustment certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
- E. Appeals from Planning and Zoning Commission decisions may be made as provided by law.

5.02 Applications, Hearings, Decisions, and Criteria:

A. Applications

- 1. An application for a variance shall be filed with the Zoning Official on a proper form provided for that purpose. Appeals shall be filed in a manner prescribed by the Zoning Official.
- 2. Application forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.
- 3. The application shall be accompanied by the required fee.
- 4. The Zoning Official shall reject, and refuse to refer to the Board of Adjustment any application not accompanied by the required fee or by other materials and information as required by this Ordinance.

B. Hearings

- 1. The Board of Adjustment shall conduct a public hearing on each variance or appeal.
- 2. The Board of Adjustment shall set a reasonable time for the hearing of the variance or appeal.
- 3. The Town Clerk shall cause to be published a notice of the public hearing before the Board of Adjustment in the official newspaper at least ten (10) days prior to the hearing date. Notices shall be mailed to all owners of property within 350 feet of the parcel included in the request not less than ten (10) days prior to the hearing. Failure to give such notice or defects or errors in the notice shall not invalidate the proceedings, provided a good faith attempt to comply with the

notice requirements was made.

4. Such hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Board of Adjustment.

C. Criteria for Decisions

1. The Board of Adjustment shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.
2. Variances
 - a. Variances shall not allow a use not provided for in a zoning district.
 - b. Variances shall run with the land and are transferable with the real estate.
 - c. Variances may be granted when the applicant establishes:
 - 1) There are practical difficulties in complying with the zoning ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance. Economic considerations alone do not constitute practical difficulties; and
 - 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - 3) The variance will not alter the essential character of the locality.
 - d. The Board of Adjustment may impose conditions in the granting of a variance, provided such conditions are directly related to and bear a rough proportionality to the impact created by the variance.
 - e. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
 - f. It shall be the burden of the applicant to demonstrate sufficient practical difficulty to sustain the need for a variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any variance.

3. Appeals

The Board of Adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed 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.

D. Decisions

1. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.
2. The Board of Adjustment shall render its decisions in writing stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.
3. A certified copy of an approved order issued by the Board of Adjustment acting upon any variance or appeal shall be filed with the County Recorder or Registrar of Titles for record. The order shall include a legal description of the property involved. It shall be the responsibility of the Zoning

Official to carry out this provision.

After any variance or appeal to the Board of Adjustment has been approved the appellant shall have 60 days, after receipt of notice of the decision, to make application to the Zoning Official for any permit necessary to begin the structure or the use for which the variance or appeal was made.

5.03 Appeals from Board of Adjustment Decisions: All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within 30 days, after the receipt of notice of the decision, to the District Court of the County on questions of law and fact.

Section 6 Amendments

6.01 General: This Ordinance, and the Zoning Map, may be amended whenever the public health, safety, and general welfare would best be served by such amendments, in accord with the Town's Comprehensive Land Use Plan by the procedures set forth in this article.

6.02 Zoning Ordinance Text:

- A. An amendment to this Ordinance text may be initiated by the Town Board, Citizen, or Planning and Zoning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report to the Town Board in writing.
- B. Public hearings on text amendments by the Planning and Zoning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes Chapter 462, and by the standards set forth in Sec. 8 of this Article.
- C. After conducting a public hearing on an Ordinance text amendment, the Planning and Zoning Commission shall report in writing to the Town Board within 30 days of the close of the hearing. Upon filing of a report by the Planning and Zoning Commission the Town Board, in the manner prescribed by Minnesota Statutes, may by ordinance adopt the amendment or any portion thereof as it deems advisable.

6.03 Zoning Ordinance Map:

- A. An amendment to the Zoning Map may be initiated by the Town Board, the Planning and Zoning Commission, by the property owner of record, or authorized representative.
- B. The Planning and Zoning Commission shall conduct at least one public hearing on all proposed Zoning Map amendments and report to the Town Board in writing within 30 days of the close of the hearing(s).
 1. The Planning and Zoning Commission shall give notice of public hearings for Zoning Map amendments in the manner prescribed in this Article.
 2. The Planning and Zoning Commission's report to the Town Board shall contain a statement of the evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.
 3. Failure of the Planning and Zoning Commission to report to the Town Board within the herein-prescribed time shall be deemed to be recommendation for approval by the Commission of the proposed amendment.
- C. Upon the filing of a report by the Planning and Zoning Commission or upon expiration of the 30-day

period, the Town Board may by resolution adopt the amendment or any portion thereof as it deems advisable.

- D. Once an amendment has been acted upon by the Town Board, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of property be heard or considered by the Planning and Zoning Commission or the Town for at least twelve (12) months, unless a determination has first been made by the Town Board that a significant change in circumstances has occurred that justifies reconsidering the zoning of such parcel prior to the expiration of the twelve-month period
- E. **Criteria for Zoning Map Amendments.** Amendments to the Zoning Map shall be recommended for approval only upon the finding by the Planning and Zoning Commission that all of the following conditions exist:
 - 1. The proposed zoning shall be consistent with the comprehensive plan adopted for the Town.
 - 2. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the land owner.
 - 3. Beyond a public need being evident, there shall be a showing that the public interest would be best served by rezoning the property in question rather than other property in the community.
 - 4. In the case of down zoning, which is the changing of a zoning district from a higher or more intensive use to a lower or less intensive use, the proposed zoning shall allow the property owner a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.

Section 7 Hearing and Hearing Notices:

7.01 General: As prescribed in this Ordinance, public hearings shall be held before any Zoning Ordinance text amendment, Zoning Map amendment, Conditional Use Permit, Variance Appeal, or other Appeal may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

7.02 Hearing Notices:

- A. Notice shall be given to the public for each required public hearing as prescribed in this section.
- B. **Zoning Ordinance Text Amendments**
 - 1. Notice of public hearings regarding Zoning Ordinance text amendments shall be published in the official Town newspapers.
 - 2. Written notice of public hearings on all text amendments shall be sent to the Town of Rice Lake.
- C. **Zoning Ordinance Map Amendments**
 - 1. For map amendments initiated by petition of the property owner, notice of the time, place, and purpose of the hearing shall be given by publication in a newspaper of general circulation in the Town, at least ten days before the hearing. Written notice providing the same information shall be sent to all property owners of record within 350 feet of the affected property and to the applicant.
 - 2. For map amendments initiated by the Town Board or Planning and Zoning Commission, notice shall be given in the manner prescribed in Section 7.02 of this Article except that, in instances of

a town amendment resulting from the recent completion of a comprehensive plan or plan amendment, written notice shall be sent to property owners of record.

D. Conditional Use Permits

Written and published notice of hearing on conditional use permit applications shall be given in the same manner as prescribed in Section 7.02C1, except:

For all Conditional Use Permit applications written notice shall be sent to property owners of record within 350 feet of the affected property.

E. Variance Appeals

Written and published notice of hearings on Variance Appeals shall be given in the same manner as prescribed in Section 8.02, except that, for all Variance Appeals, written notice shall be sent to property owners of record within 350 feet of the affected property.

F. Other Appeals

1. When an appeal is taken from any order, requirement, decision or determination of the Zoning Official, if such appeal is regarding the application of this Ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in this Ordinance.
2. When such appeal affects the interpretation and application of this Ordinance in general, and not to specific properties, notices shall be published in the official newspaper of the Town at least ten (10) days before the hearing, and shall be sent to the applicant.
3. Notice shall also be provided to the Zoning Official.

7.03 Hearing Procedures: Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance, and of the rules of procedure of the Planning and Zoning Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

Section 8 Planning Commission and Board of Adjustment Re-hearing

8.01 Responsibility of the Zoning Official:

The Zoning Official may determine and place on the agenda of either the Planning Commission or Board of Adjustment a matter that has been previously heard by either body. The basis for such rehearing shall be the following:

- A. An irregularity in the proceedings of either body whereby the Official determines that the person requesting the rehearing was deprived of a fair hearing and that if the irregularity had not taken place the decision making body would have likely made a different decision.
- B. Misconduct of a member of the decision making body.
- C. Material evidence newly discovered which with reasonable diligence, could not have been found and produced at the hearing and that would have likely resulted in a change in the final outcome of the decision.
- D. Errors of law occurring at the hearing and objected to at the time of the hearing.

E. Conditions have changed requiring a re-examination of the original conditions of a permit.

8.02 Re-hearing Denial: The Zoning Official shall not order a rehearing when a building or land use permit has been issued on the proposed activity.

8.03 Re-hearing Procedure: All re-hearings shall be scheduled as soon as reasonably possible and, once scheduled, no building or land use permit may be issued for the proposed activity. All hearings shall follow the same procedures as was required by the original permit. The Board of Adjustment or Planning Commission after the close of a public testimony may take the following action:

- A. Affirm the previous decision.
- B. Adjust conditions placed on the previous decision.
- C. Reverse the decision.

Only members of the decision making body who were present for the original decision may vote on the re-hearing action. If less than a quorum of the Planning Commission or a quorum of the Board of Adjustment are eligible to vote on the matter there shall be a new application on the proposal.

Section 9 New Application After Denial

9.01 Basis for a new application: The Zoning Official may permit a new application for a project previously acted upon by the Board of Adjustment or Planning and Zoning Commission based on at least one of the following criteria:

- A. Once an application has been acted upon by the Town Board, the matter shall not be reconsidered, nor shall any additional applications involving the same parcel of property be heard or considered by the Planning and Zoning Commission or the Town for at least twelve (12) months.
- B. The new application is determined by the Zoning Official to be significantly different from the earlier application.
- C. New State, Federal, or local regulations are in effect, which would alter the review of the application by the decision-making body.
- D. Development pattern of the area has changed in a manner, which would alter the findings made by the decision-making body.
- E. The decision-making body in its original decision stated terms for reapplication.

9.02 No new application: No new application will be permitted if the intent of the applicant is to cause numerous hearings on a similar issue in order to either disrupt the review process, obtain a new vote based on a perceived difference in the decision-making body, or cause property owners and interested citizens to have to attend numerous hearings.

Section 10 Permit Revocation

10.01 Recording Decisions: All decisions made by the Board of Adjustment or Planning and Zoning Commission must be recorded. No building permit will be issued until the conditions stated in the approval are implemented by the applicant. It shall be the responsibility of the Zoning Official to determine if the conditions for permit issuance are being implemented. If the conditions are not being implemented and no building permit is issued, no revocation of a permit is required prior to commencing

appropriate legal action to compel compliance.

10.02 Inactive Permits

- A. If no application for a building permit has been applied for within one year of conditional use or variance approval, or if no building permit is needed and the applicant does not establish the conditional use, such permit may be revoked if the following takes place:
1. The Zoning Official shall inspect the property and report to the Board of Adjustment or Planning and Zoning Commission as to the state of the property, the issuance of any building permits, and the progress on any building permits issued.
 2. In the case of a conditional use permit, the Planning Commission shall set a date for a public hearing to consider whether the conditional use permit shall be revoked for non-use. Said public hearing shall be properly noticed in the official Town newspaper and via mailed notice to the applicant and as may be required by State statute. After hearing from the Zoning Official and allowing the applicant and the public to comment, the Planning Commission shall make a determination of whether the conditional use permit has been used within the prior 365 days. If it has not been so used, the conditional use permit shall expire. If it shall have been used within the prior 365 days, the conditional use permit shall remain valid.
 3. In the case of a variance, the Board of Adjustment shall set a date for a public hearing to consider whether the variance shall be revoked for non-use. Said public hearing shall be properly noticed in the official Town newspaper and via mailed notice to the applicant and as may be required by State statute. After hearing from the Zoning Official and allowing the applicant and the public to comment, the Board of Adjustment shall make a determination of whether the variance has been used within the prior 365 days. If it has not been so used, the variance shall expire. If it shall have been used within the prior 365 days, the variance shall remain valid.
- B. All conditional use permit and variance termination notices shall be recorded in the County Recorder's Office.
- C. A conditional use shall automatically expire if such conditional use is discontinued for 365 consecutive days.

10.03 Permit Noncompliance: Upon issuance of a building permit for a variance, conditional use, performance standard or any other permit, the Zoning Official shall monitor compliance with the terms of the permit. If the Zoning Official determines that a violation has taken place, notification shall be given to the applicant of the nature of the violation and the steps needed to correct it. If the Zoning Official determines that corrective steps are either not possible, or that the applicant is unwilling to take such steps, the permit may be revoked. Appeals of a revocation order shall be made to the Board of Adjustment. The Zoning Official may, in lieu of revocation, refer the issue to the originating decision-making body for a determination and action. The originating body shall hold a public hearing on the issue in the same manner as the original permit. The body may find that the violation did not take place or was not material to compliance with the intent of the permit, or it may alter the terms of the permit conditions, or it may revoke the permit. Revocation decisions by the Planning and Zoning Commission or the Board of Adjustment may be appealed to District Court.

Section 11 Conveyance of Decision:

The Zoning Official shall be responsible for implementing and enforcing the decisions of the Planning and Zoning Commission or Board of Adjustment. The Zoning Official may refer an issue to the original decision-making body for an interpretation and that body may restate the conditions in a manner that clarifies the original decision.

Section 12 Interpretation:

12.01 Omissions. All uses not explicitly set forth in this ordinance have been intentionally omitted and are prohibited uses. Only those permitted uses, conditional uses, accessory uses and interim uses set forth in this ordinance may be implemented in the Town.

12.02 Most Restrictive Section Applies. In the event two or more provisions apply to the same activity, use, restriction, or definition, the more restrictive provision shall apply.

**ARTICLE IX
PLANNING COMMISSION**

Section 1 Creation

The Town Board hereby creates a Planning and Zoning Commission pursuant to Minnesota State Statutes 462.354 and all acts amendatory thereof.

Section 2 Membership

2.01 Regular Voting Members

- A. The Planning and Zoning Commission shall consist of up to seven (7) voting members, who shall be appointed by the Town Board as provided in this Ordinance, all of whom shall be residents of the Town of Rice Lake.
- B. One voting member shall also be a member of the Board of Adjustment.

2.02 Ex-officio Members: The following Town officers or employees or their representatives are hereby designated as ex-officio, non-voting members of the Planning and Zoning Commission:

- A. Town Board Supervisors
- B. Town Attorney
- C. Town Zoning Official
- D. Town Clerk/Secretary for Planning and Zoning

Section 3 Appointments

3.01 Method of Appointment:

- A. The Town Board shall fill all expired terms prior to the first regularly scheduled meeting of the Planning and Zoning Commission in May of each year.
- B. Appointments shall be made by the Town Board to fill any vacancy for the unexpired duration of the term.

3.02 Terms of Office: Each member of the Planning and Zoning Commission shall be appointed to serve for a period of two calendar years.

Section 4 Removal for Cause

4.01 Reasons for removal: The following shall be deemed sufficient cause for the Town Board to remove any regular Planning and Zoning Commission member. The Town Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board.

- A. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any 12 month period.
- B. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board shall make

judgment on such matters after receiving a report of the Chairman of the Planning and Zoning Commission as provided in this section above.

- C. Violation by the member of any land use control ordinance adopted by the Town pursuant to Minnesota State Statutes and all acts amendatory thereof.
- D. Non-resident status.
- E. Inability to carry out the duties of the Commission due to a continuing conflict of interest.

Section 5 Organization and Procedures

5.01 Officers: The Planning and Zoning Commission shall elect a chairman and vice-chairman from among its regular members.

5.02 Rules of Procedure: The Planning and Zoning Commission shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the Ordinances of this Town.

5.03 Meeting:

- A. The meetings of the Planning and Zoning Commission shall be held at the call of the chairman and at such other times as the Commission in its rules of procedure may specify.
- B. All meetings of the Planning and Zoning Commission shall be open to the public pursuant to Minnesota Statutes.

5.04 Voting:

- A. Each regular member, including the chairman, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting, due to a potential conflict of interest, shall also extend to discussion. Testimony, however, may be offered.
- B. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Planning and Zoning Commission shall disclose such interest at such time as the agenda item in question is taken up by the Planning and Zoning Commission.
- C. Ex-officio members of the Planning and Zoning Commission shall not have the right to vote on any issues before the Planning and Zoning Commission with exception of alternate appointed members who may only vote when less than 7 regular members are in attendance at a meeting.

5.05 Records: The Planning and Zoning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 6 Authority and Duties

6.01 Plan Preparation and Review:

- A. The Planning and Zoning Commission shall cooperate with the Zoning Official and other employees of the Town in preparing and recommending to the Town Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto.

- B. The Planning and Zoning Commission shall review any comprehensive, land use, or other plans, or any official controls sent to the Town for review by any local unit of government, any council of governments, or any regional, state or federal agency and shall report thereon in writing to the Town Board.

6.02 Public Hearings

- A. The Planning and Zoning Commission shall hold all required public hearings for comprehensive plans and amendments thereto, official controls and amendments thereto, all conditional use permit applications, all subdivision platting proposals, and other matters as may be prescribed by Ordinances of this Town.
- B. The Planning and Zoning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other ordinances of this Town.
- C. On all matters, which are before the Planning and Zoning Commission for public hearing, the Commission shall report in writing to the Town Board.

Section 7 Compensation:

The voting members of the Planning and Zoning Commission may be compensated in an amount determined by the Town Board.

**ARTICLE X
BOARD OF ADJUSTMENT**

Section 1 Creation

The Town Board hereby creates a Board of Adjustment pursuant to Minnesota Statutes 394.27 and all acts amendatory thereof.

Section 2 Regular Voting Members

2.01 Membership:

- A. The Board of Adjustment shall consist of not less than three or more than five residents of the Town of Rice Lake who shall be appointed by the Town Board as provided in this Ordinance, all of whom shall be residents of the Town of Rice Lake.
- B. One member shall also be a member of the Rice Lake Planning and Zoning Commission.

2.02 Ex-Officio Members: The following Town officers or employees or their representatives are hereby designated as ex-officio, non-voting members of the Board of Adjustment.

- A. Town Board Supervisors
- B. Town Attorney
- C. Town Zoning Official
- D. Town Clerk/Secretary

Section 3 Appointments

3.01 Method of Appointment: The Town Board of Supervisors shall, prior to the first scheduled meeting of the Board of Adjustment, fill all vacancies.

3.02 Terms of Office:

- A. Except as provided below, each member of the Board of Adjustment shall be appointed to serve for a period of two years.
- B. Each year shall be presumed to run from the date of the Annual meeting of the Town Board to said meeting date in the next following year.

3.03 Vacancies:

- A. Appointments shall be made by the Town Board of Supervisors to fill any vacancy for the unexpired duration of the term.
- B. Vacancies in regular positions shall be declared by the Town Board under any of the following conditions:
 - 1. Death of a member.
 - 2. Resignation of a member.

3. Removal of a member for cause as provided in this Ordinance.

Section 4 Removal for Cause

The following shall be deemed sufficient cause for the Town Board to remove any Board of Adjustment member. The Town Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by the Chairman of the Board of Adjustment.

- A. Failure of the member to attend one-third of the regularly scheduled Board of Adjustment meetings in any 12-month period.
- B. Attendance at several regular or special Board of Adjustment meetings for such a short length of time as to render the member's services of little value to the Town. The Town Board shall make judgment on such matters after receiving a report of the Chairman.
- C. Violation by the member of any land use control ordinance adopted by the Town of Rice Lake pursuant to Minnesota State Statutes, and all acts amendatory thereof.
- D. Non-resident status.
- E. Inability to carry out the duties of the Board of Adjustment due to a continuing conflict of interest.

Section 5 Organization and Procedures

5.01 Officers: The Board of Adjustment shall elect a chairman and vice-chairman from among its members.

5.02 Rules of Procedure: The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the statutes of the State of Minnesota and the ordinances of the Town of Rice Lake.

5.03 Meetings:

- A. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment in its rules of procedure may specify.
- B. All meetings of the Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

5.04 Voting:

- A. Each voting member shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.
- B. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment shall disclose such interest at such time as the agenda item in question is taken up by the Board of Adjustment.

5.05 Records: The Board of Adjustment shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 6 Authority and Duties

6.01 Variances

- A. The Board of Adjustment shall have the authority to order the issuance of variances from the terms of any official control, including restrictions placed on non-conformities.
- B. Requests for variances from the Subdivision Platting Regulations of the Town of Rice Lake shall first be referred to the Planning and Zoning Commission for a recommendation to the Board of Adjustment.
- C. The Board of Adjustment shall have the authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.
- D. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and protect adjacent properties and public interests.
- E. To hear request for variances from the literal provisions of the ordinance and to grant such variances only when the applicant has met the requirements of state statute and it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance.

6.02 Other Appeals

- A. 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 enforcing any ordinance or official control adopted pursuant to Minnesota Statutes.
- B. 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.
- C. Appeals shall be taken to the Board of Adjustment within forty-five (45) days of receipt of notice from the Zoning Official of any order, requirement, decision, or determination made by him/her.

6.03 Public Hearings

- A. The Board of Adjustment shall conduct public hearings on all variance appeals and other appeals brought before it.
- B. The Board of Adjustment shall set a reasonable time for hearings of all appeals and give due notice thereof to the applicant and the officer from whom the appeal is taken and to the public as prescribed by Minnesota Statutes and applicable ordinances of the Town of Rice Lake.
- C. Decisions by the Board of Adjustment shall be rendered on all appeals within thirty-five (35) days from the date the public hearing is closed.
- D. The reasons for the decision of the Board of Adjustment shall be stated in writing.
- E. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination or in granting any permit, shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days after receipt of notice of the decision, to the District Court in the County in which the land is located, on questions of law and fact.

6.04 Other Duties and Authority: The Board of Adjustment shall have such other duties and authorities as are prescribed by proper ordinances of the Town of Rice Lake.

Section 7 Compensation:

Members of the Board of Adjustment may be compensated in an amount determined by the Town Board of Supervisors.

ARTICLE XI
VALIDITY AND EXEMPTIONS

Section 1 Severability:

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 2 Impact Upon Other Property:

Should this Ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect the validity or constitutionality of this Ordinance as applied to other properties or uses.

Section 3 More Restrictive Standards:

More restrictive Federal, State, and or County regulations or standards shall take precedence over the provisions of this Ordinance.

ARTICLE XII

FEES

Section 1

- A. The Board of Supervisors shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions, and appeals. The fee schedule resolution shall be attached to all copies of this Ordinance which are distributed to the public. The schedule of fees may be altered or amended by Town Board resolution. The schedule of fees and penalty fees may be altered by Town Board resolution.
- B. No applications for a zoning permit, conditional use permit, planned unit development permit, or any other required permit, nor any petition to amend the Zoning Ordinance Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued, or granted unless and until all required fees have been submitted in full by means of cash, check, or money order to the Zoning Official. Receipt of fees shall be subject to their collections by the Town. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.
- C. Should a permit, petition, or appeal be denied, the fee shall not be refunded.