

ORDINANCE #22
CITY OF RICE LAKE, MINNESOTA
ZONING ORDINANCE

EFFECTIVE DECEMBER 9, 2024

CITY OF RICE LAKE ZONING ORDINANCE #22
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ARTICLE 1
GENERAL STANDARDS AND ADMINISTRATION

Section 1.1 Title

Zoning Ordinance for City of Rice Lake, Minnesota, otherwise known as Ordinance Number 22.

Section 1.2 Repealer

This ordinance hereby repeals and replaces Ordinance No. 22, approved August 11, 1998, the Zoning Ordinance for City of Rice Lake, and any amendments thereto prior to the date of passage of this ordinance.

Section 1.3 Intent and Purpose

An ordinance establishing comprehensive land use regulations for that portion of City 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 City 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 City, and to recognize and preserve the economic and environmental values of all lands within the City. All public waters within City of Rice Lake, Minnesota, have been given a public waters classification, pursuant to Minnesota Statutes 103G 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 2
GENERAL PROVISIONS

Section 2.1 Application and Interpretation

2.101 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.

2.102 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.

2.103 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.

2.104 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 City of Rice Lake.

2.105 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.

2.106 Road classification system: The road classification system applicable to this Ordinance is available for inspection in the City Hall. Classifications of roads or sections of roads are subject to change from time to time as the result of changes in traffic patterns.

2.107 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 City of Rice Lake, or when the Zoning Official determines such violation exists.

2.108 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 2.2 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 Commission who shall hold a public hearing on the draft environmental review. It shall be the responsibility of the Planning Commission after holding a public hearing to make the final declaration regarding the environmental review.

Section 2.3 [Reserved for Future Use]

Section 2.4 Zoning Map

2.401 District Boundaries Established: Zoning District boundaries are established as shown on the official zoning map for the City of Rice Lake, which is approved and on file in the office of the City Clerk. The Zoning Districts shall include a land use district and a dimensional district.

2.402 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.

2.403 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 2.5 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 use. 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, zooerasty; 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 wholesale 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 of 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”.

Agriculture, Residential - The on-site cultivation or maintenance of plants, or keeping of small domestic animals, intended for personal use, sale on-site, or eventual sale off-site. Typical products of a residential agricultural use include produce, garden crops, flowers, and honeybees. This use category does not include the customary landscaping of yards, keeping of household pets, or the breeding or housing of large breed animals.

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.

Airport Zoning - Safety Zone Boundaries that are set forth by Minnesota Department of Transportation-Aeronautics to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Duluth International Airport, and, furthermore, to limit population and building density in the runway approach areas, thereby creating sufficient open space to protect life and property in case of an accident.

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

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

Automotive Repair Shop - General repair, rebuilding, or reconditioning of engines, motor vehicles, freight trucks or trailers such as, body repair and frame straightening, painting and upholstering, vehicle steam cleaning, and undercoating, but does not include a salvage yard.

Automotive service center - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, and including, as an accessory use, the sale and installation of lubricants, tires, batteries, and similar accessories.

Board of Adjustment - The Board of Adjustment for the City 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 on-site use of landscaping elements, screening devices, and landforms for reduction of the potentially adverse impacts of adjoining, dissimilar land uses.

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.

Campground - An open-air recreation area where temporary shelters, and equipment used to sleep in or on, including but not limited to: buses, station wagons, tents, tent trailers, travel trailers, park trailers, trailers, campers, pick-up campers, boats, motor homes, and recreational vehicles (as defined by Minnesota Statute § 168.002, Subdivision 27 (a) and (b)) that are intended to provide short-term occupancy and not intended as a permanent dwelling unit.
City - The City of Rice Lake, Minnesota.

City Council - The Councilors of the City of Rice Lake.

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, City 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 City of Rice Lake Comprehensive Plan, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare. These uses require approval through the public hearing process by the Planning Commission and City Council 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.

Contractor's yard or building - A yard and / or building used by a general contractor, excavation contractor, landscaping contractor, or building contractor, oil or well drilling contractor or similar contractor, where vehicles, equipment and materials are stored, or where a contractor performs maintenance, shop, or assembly work. If a building is housed on the property, the use may also contain the operational offices of the contractor. All such yards shall comply with fencing and screening requirements. For the purposes of this definition, wholesale or retail sales or temporary job construction sites are excluded.

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.

Driveway - A way not designed or intended to serve as a road, rather a driveway. Provides access for not more than two dwellings or other principal uses to a road. (see Ordinance 38, Standard 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, mixed use - A building which has commercial or office space at grade and one or more dwelling units above.

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.

Dynamic sign - A type of non-static outdoor sign that displays content digitally and is characterized by frequent change or activity.

Engineer - The City of Rice Lake Engineer as appointed by the Rice Lake City Council.

Exterior storage - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building and which are regularly used in the primary use conducted on the premises in Commercial

and Mixed Use zoning districts.

Flag Lot - a lot containing an area shaped like a "flag" which is the portion of the lot where all structures are to be located and an area shaped like a "pole" which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located.

Forest product processing - A use involving mechanical equipment for the purpose of altering timber and timber by-products including, but not limited to the onsite processing and loading of trees or logs onto trucks or skeleton cars. Uses involving mechanical equipment for the purpose of firewood processing, debarking, chipping, milling, and product storage.

Gravel pit - See Borrow pit.

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.

Home business - A use of a non-residential nature conducted entirely within the dwelling unit or accessory building. The home business may employ no more than two (2) people who are not residents of the owner's home. The home business use is clearly incidental and secondary to use of the dwelling for residential purposes and does not include an operational activity that is a nuisance to or otherwise incompatible with the surrounding area. There shall be no outside storage of material or equipment associated with the home business operation.

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 - A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Includes: rooftops, decks, sidewalks, patios, swimming pools, parking lots, concrete, asphalt, gravel driveways, regular pavers, and other similar surfaces.

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 - A use that is allowed for a designated period of time. These uses require approval through the public hearing process, 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.

Institution - A facility or establishment in which people live and receive care, typically in a confined setting such as assisted living, nursing home, hospitals, with or without individual consent; an established organization or corporation (such as a bank or university) especially of a public character.

Junk Yard - Any place where the keeping, scavenging and storage of any goods not enclosed in a building, including but not limited to; electronics, tires, plastics, furniture, scrap, signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

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.

Light Industrial Use – The indoor manufacturing, predominately from previously prepared materials, of finished products or parts including processing, fabrication, assembly, repair, treatment, and packaging of such products and incidental storage, sales, and distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulates that may disturb or endanger neighboring properties.

Livestock - Animals such as horses, cows, pigs, sheep, goats, poultry, dogs and cats, kept for use or profit.

Lodging (boarding) room - A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one lodging room.

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, Impervious - Impervious lot coverage shall be the total land area within a lot that is covered by structures and constructed impervious surfaces. Impervious lot coverage may also be referred to as "Lot Coverage" elsewhere in this Ordinance.

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 City 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 - The maximum horizontal distance between the side lot lines or measured at the minimum required front setback line.

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 City Council. The plan shall include regulations on parking of homes and vehicles, space, landscaping, roads, noise, accessory buildings, snow removal, and a development plan.

Medical or dental clinic - An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

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.

Mobile Storage Structures/Shipping Containers – Any assembly of materials capable of being moved from one location to another, designed to be used without a permanent foundation, with the purpose of storing actual property and not for occupancy by persons, and with one dimension exceeding 10 feet (10'). Such structures shall be considered accessory structures and are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

Motel - See definition of Hotel

Multi-Unit Residential - A zoning district intended to be used in those areas of the City 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.

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.

Nuisance - a condition which: 1) unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable numbers of the public; or 2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or 3) any other act or omission declared by law or this ordinance to be a public nuisance.

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.

Office - A facility where business or professional activities are conducted in an office environment. Where goods are not produced, sold, or repaired. Examples include but are not limited to: administration of business, civic, religious, or charitable organizations, financial services, and radio or television broadcasting stations or studio, insurance, personal loan agencies, professional offices, real estate, travel agency or transportation ticket offices.

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 applicable requirements, regulations, definitions, dimensional standards, and performance standards of this ordinance.

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 Commission of the City 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.

Principal structure - A structure that is used for the primary or predominant focus of activity on a parcel.

Principal use - A use that is the primary or predominant focus of activity on a parcel.

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, City 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.

Reclamation - To restore land in accordance with standards set forth in this Ordinance to a long-term use which is compatible with contiguous land uses.

Recreational camping vehicle - Travel trailers including but not limited to those that telescope or fold down; chassis-mounted campers, buses, station wagons, tent trailers, park trailers, trailers, campers, pick up campers, boats, motor homes, and recreational vehicles that only provide temporary human living quarters for recreational or vacation activities and that are not used as the residence of the owner or occupant, and is either self-propelled or towed on the highways.

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.

Restaurant - A commercial establishment, including but not limited to taverns and brewpubs, where food and beverages are prepared in a ready to consume state, in individual servings or in non-disposable containers, and where the customer is served, and where the customer consumes these foods while seated at tables or counters located and consumed primarily within the principal structure or outdoor seating patio.

Retail Sales - A facility or area for the retail sale of general merchandise, vehicles, or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes but is not limited to: clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, hardware and similar consumer goods.

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.

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.

Septic System – Subsurface Sewage Treatment System as defined and regulated by St. Louis County.

Setback - For the purpose of defining limits within which no building, structure, use, or any part thereof shall be erected or permanently maintained, setback shall mean the minimum horizontal distance from road driving surface centerline, road right-of-way boundaries, property lines, bluffs, ordinary high-water levels, water supply wells, or sewage systems, to the building/use line. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter.

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.

Short Term Rental - Any home, cabin, condominium, or similar building represented to the public as a place where, for compensation, sleeping accommodations are furnished to the public on a nightly or weekly and for less than thirty days basis.

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. Lighting shall be directed downward, and, not be directed upon nearby or adjacent properties and roads.

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.

State-Licensed Cannabis Business – As defined in MN Statute 342 and Rice Lake Ordinance # 59

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 more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile or manufactured homes, signs, earth sheltered homes, and swimming pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures.

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

Supervised living facility - 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.

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

Transportation Terminal - A facility in which a category of uses that includes buses, commercial transportation, and goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.

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.

Vehicle Impound Lot - A place of business which is utilized to take and hold vehicles in legal custody, which are operable, inoperable, licensed or unlicensed.

Vehicle Recycling Facility/Salvage Lot - Any place where more than two (2) vehicles not containing current license plates or not in operable condition, which is maintained, used, or operated for storing, keeping, buying, or selling inoperable, wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts and not enclosed in a building.

Veterinary Clinic - A facility for the medical care and treatment of animals including provision for their overnight accommodation, but does not include kennels, outdoor pens, runs or enclosures.

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.

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

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 City Council to administer the Zoning Ordinance and other land use Official Controls, or authorized representative.

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

Zoning District - An area or areas of the City (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 3
DIMENSIONAL STANDARDS

Section 3.1 General Standards

This Article addresses dimensional standards within the City. All zoning districts in use shall have a dimensional standard from Section 3.201 and a Use District from Article 5. Deviation from the standards found in this Article, upon placement on the Official Zoning Map, shall require a variance approved by the Board of Adjustment. This Article also incorporates standards relating to on-site sewage treatment, road right of way setbacks, significant historic sites, placement and design of roads, 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 Board of Adjustment.

Section 3.2 Lot Dimensions

3.201 Lot Dimension Table: City of Rice Lake hereby establishes the following set of dimensional standards that will be used in all City zoning districts unless a different standard is provided elsewhere in this ordinance.

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 Municipal Sewer	4.5	300’	60%	50’	25’	50’	50’
Industrial Unsewered	4.5	300’	50%	50’	25’	50’	50’
Residential 1	2.5	200'	25%	20'	10'	45'	10'
Residential 1 Municipal Sewer South of Martin Rd	1.0	100’	25%	20’	10’	45’	10’
Shoreland	2.5	200’	25%	20'	10'	45'	10'
Residential 2	1.0	100’	25%	10’	10'	40’	10'
Multi-Unit Residential	Two acres plus 0.1 acre for each unit over five units	200’	30%	30’	20’	30’	20’
Light Industrial Municipal Sewer	2.0	200'	60%	15'	10'	40'	10'
Light Industrial Unsewered	2.0	200’	50%	15’	10’	40’	10’
Public Municipal Sewer	0.5	100’	60%	15’	10’	40’	10’
Public Unsewered	0.5	100	50%	15’	10’	40’	10’
Commercial or Mixed Use Municipal Sewer	0.5	100'	60%	15'	10'	40'	10'
Commercial or Mixed Use Unsewered	0.5	100’	50%	15’	10’	40’	10’

3.202 **Exemptions:** The following utilities owned by the City of Rice Lake are exempt from the Lot Dimension Table requirements.

A. Sanitary Lift Pumping Stations

B. Municipal Water Pumping Stations

3.203 **Setbacks:** See performance standards for setbacks on driveways, signs, and fences.

Section 3.3 Dimensional Standard and River Corridor Width

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

All other river classes	300 feet

Section 3.4 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 3.5 Sanitary System Setbacks and Standards

3.501 **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.

3.502 **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.

3.503 **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 3.6 Road Right-of-Way Setbacks

With the exception noted for accessory structures, all structures shall meet the following setbacks from the road centerline:

Rice Lake Road :	110’
Martin Road, Howard Gnesen Road, Jean Duluth Road, W. Tischer Road, E. Calvary Road:	85’
Minor Collectors & Local Roads:	68’
Private 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 3.7 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 3.8 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 3.9 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 4
NONCONFORMITIES

Section 4.1 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 4.2 Nonconforming Uses

4.201 Specific Standards for Nonconforming Uses

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 statues.

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 4.3 Nonconforming Structures

4.301 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.

Section 4.4 Construction on Nonconforming Lots of Record

4.401 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, 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.

ARTICLE 5
ZONING DISTRICTS

Section 5.1 Intent

The intent of Article 5: Zoning Districts is to establish zoning districts within the City of Rice Lake that correspond with the City's vision, goals, objectives, and policies for growth and development as described in the City's Comprehensive Plan. The zoning district boundaries and rezoning requests shall also relate to the City's Future Land Use Map.

Section 5.2 Establishment of Zoning Districts

The City of Rice Lake is divided into the following base zoning districts as regulated in this article, Article 3 and on the Zoning Map. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards

Rural 1	R1
Rural 2	R2
Residential 1	RES1
Residential 2	RES2
Mixed Use	MIX
Shoreland	SHORE
Commercial	COM
Commercial South	COM-S
Commercial North	COM-N
Industrial	IND
Light Industrial	L-IND
Public	PUBLIC
Closed Landfill Restricted	CLR

The City of Rice Lake is divided into the following overlay zoning districts as regulated in this article and further described within this ordinance:

Multi-Unit Residential	MUR
Planned Unit Development	PUD

Section 5.3 Use Classification

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

Section 5.4 [Reserved for Future Use]

Section 5.5 Zoning Districts

5.501 Rural 1 (R1)

Purpose: The Rural 1 zoning district is intended to accommodate activities compatible with a rural environment, including single-family residential and agricultural uses. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Single-family dwellings
2. Seasonal dwellings
3. Recreational camping vehicles
4. Residential agriculture, excluding livestock
5. Utility facilities
6. Those state-licensed facilities deemed to be a permitted use of single-family residential property as set forth in Minn. Stat. 462.357, Subd. 7

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. A state licensed residential facility serving from 7 through 16 persons or a state licensed day care facility serving from 13 through 16 persons, as set forth in Minn. Stat. 462.357, Subd. 8, provided that:
   a. Side yards are double the minimum requirements established for the district and are screened in compliance with Section 2.3 of this ordinance.
   b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
   c. All signage shall be compliant with the provisions of this ordinance.
   d. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
   e. Adequate off-street parking is provided.

2. Livestock in excess of 30 animal units, provided that the use is clearly incidental and secondary to the use of a dwelling for residential purposes.

3. Small wireless facilities (as defined in Minn. Stat. § 237.162) in a public right-of-way, provided that:
   a. No new wireless support structure shall be greater than 50 feet in height.
   b. No new wireless support structure shall be closer than 5 feet to a curb, driveway, or pedestrian way.
   c. No new wireless support structure shall be more than 5 feet from the side lot line extended to the street.
   d. To the extent possible, all antenna and equipment shall be shrouded and/or camouflaged.
   e. New wireless support structures shall be constructed from earth-tone fiberglass, or other approved industry standard material.

f. All facilities shall use colors to minimize the visual impact when viewed from the public right-of-way and nearby properties, except in instances where the color is dictated by the federal or state authorities.

g. Small wireless facilities shall be served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

h. Equipment enclosures shall be screened from view with landscaping materials.

i. If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.

j. Small wireless facilities shall not be illuminated by artificial means and shall not display lights.

k. The design of utility poles shall be similar in appearance to other poles located in the right-of-way.

All small wireless facilities not within a public right-of-way shall adhere to all other Rice Lake Ordinance requirements.

4. Community Centers

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Automotive/Marine Repair Shop, provided that:
   a. The use is clearly incidental and secondary to the use of a dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the auto body or mechanical repair operation.
   c. The maximum number of employees shall be no more than <u>two (2).</u>
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

2. Contractor yard, provided that:
   a. The use is clearly incidental and secondary to the use of the dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the contractor yard.
   c. The maximum number of employees shall be no more than two (2)**.**
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

3. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

1. Home Business
    a. On-site home business sign
2. Recreational camping vehicles
3. Accessory structures
4. Livestock, up to 30 animal units, provided that the use is clearly incidental and secondary to the use of a dwelling for residential purposes
5. Utility facilities

5.502 Rural 2 (R2)

Purpose: The Rural 2 zoning district is intended to accommodate activities compatible with a rural environment, including single-family residential and agricultural uses. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Single-family dwellings
2. Seasonal dwellings
3. Recreational camping vehicles
4. Residential agriculture, excluding livestock
5. Utility facilities
6. Those state-licensed facilities deemed to be a permitted use of single-family residential property as set forth in Minn. Stat. 462.357, Subd. 7
7. Adult Uses

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. A state licensed residential facility serving from 7 through 16 persons or a state licensed day care facility serving from 13 through 16 persons, as set forth in Minn. Stat. 462.357, Subd. 8, provided that:
   a. Side yards are double the minimum requirements established for the district and are screened in compliance with Section 2.3 of this ordinance.
   b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
   c. All signage shall be compliant with the provisions of this ordinance.
   d. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
   e. Adequate off-street parking is provided.

2. Livestock in excess of 30 animal units, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

3. Small wireless facilities (as defined in Minn. Stat. § 237.162) in a public right-of-way, provided that:
   a. No new wireless support structure shall be greater than 50 feet in height.
   b. No new wireless support structure shall be closer than 5 feet to a curb, driveway, or pedestrian way.
   c. No new wireless support structure shall be more than 5 feet from the side lot line extended to the street.
   d. To the extent possible, all antenna and equipment shall be shrouded and/or camouflaged.
   e. New wireless support structures shall be constructed from earth-tone fiberglass, or other approved industry standard material.

f. All facilities shall use colors to minimize the visual impact when viewed from the public right-of-way and nearby properties, except in instances where the color is dictated by the federal or state authorities.

g. Small wireless facilities shall be served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

h. Equipment enclosures shall be screened from view with landscaping materials.

i. If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.

j. Small wireless facilities shall not be illuminated by artificial means and shall not display lights.

k. The design of utility poles shall be similar in appearance to other poles located in the right-of-way.

All small wireless facilities not within a public right-of-way shall adhere to all other Rice Lake Ordinance requirements.

4. Community Centers

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Automotive/Marine Repair Shop, provided that:
   a. The use is clearly incidental and secondary to the use of a dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the auto body or mechanical repair operation.
   c. The maximum number of employees shall be no more than <u>two (2).</u>
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

2. Contractor yard, provided that:
   a. The use is clearly incidental and secondary to the use of the dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the contractor yard.
   c. The maximum number of employees shall be no more than two (2)**.**
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

3. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

1. Home Business
    a. On-site home business sign
2. Recreational camping vehicles
6. Accessory structures
7. Livestock, up to 30 animal units, provided that the use is clearly incidental and secondary to the use of a dwelling for residential purposes
8. Utility facilities

5.503 Residential 1 (RES1)

Purpose: The Residential 1 zoning district is intended to accommodate a wide range of residential activities on large lots, including single-family and 2-4 unit residential buildings. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Single-family dwellings
2. Residential agriculture, excluding livestock
3. Utility Facilities
4. Those state-licensed facilities deemed to be a permitted use of single-family residential property as set forth in Minn. Stat. 462.357, Subd. 7
5. Attached duplex, triplex, and quad housing units

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. A state licensed residential facility serving from 7 through 16 persons or a state licensed day care facility serving from 13 through 16 persons, as set forth in Minn. Stat. 462.357, Subd. 8, provided that:
   a. Side yards are double the minimum requirements established for the district and are screened in compliance with Section 2.3 of this ordinance.
   b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
   c. All signage shall be compliant with the provisions of this ordinance.
   d. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
   e. Adequate off-street parking is provided.

2. Small wireless facilities (as defined in Minn. Stat. § 237.162) in a public right-of-way, provided that:
   a. No new wireless support structure shall be greater than 50 feet in height.
   b. No new wireless support structure shall be closer than 5 feet to a curb, driveway, or pedestrian way.
   c. No new wireless support structure shall be more than 5 feet from the side lot line extended to the street.
   d. To the extent possible, all antenna and equipment shall be shrouded and/or camouflaged.
   e. New wireless support structures shall be constructed from earth-tone fiberglass, or other approved industry standard material.
   f. All facilities shall use colors to minimize the visual impact when viewed from the public right-of-way and nearby properties, except in instances where the color is dictated by the federal or state authorities.
   g. Small wireless facilities shall be served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.
   h. Equipment enclosures shall be screened from view with landscaping materials.

i. If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.

j. Small wireless facilities shall not be illuminated by artificial means and shall not display lights.

k. The design of utility poles shall be similar in appearance to other poles located in the right-of-way.

All small wireless facilities not within a public right-of-way shall adhere to all other Rice Lake Ordinance requirements.

3. Community center facilities.

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Automotive/Marine Repair Shop, provided that:
   a. The use is clearly incidental and secondary to the use of a dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the auto body or mechanical repair operation.
   c. The maximum number of employees shall be no more than two (2).
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

2. Contractor yard, provided that:
   a. The use is clearly incidental and secondary to the use of the dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the contractor yard.
   c. The maximum number of employees shall be no more than two (2).
   d. Applicant shall provide a site plan that displays:
      v. Distance from all property lines to structures, wells, and sub-surface sewage system
      vi. Parking area(s)
      vii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      viii. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

3. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

1. Home Business
   a. On-site home business sign

2. Recreational camping vehicles
3. Accessory structures
4. Livestock, up to 30 animal units, provided that the use is clearly incidental and secondary to the use of a dwelling for residential purposes
5. Utility facilities

5.504 Residential 2 (RES2)

Purpose: The Residential 2 zoning district is intended to promote a high-quality residential living environment on smaller lots where municipal sewer/water is available. Activity in this zoning district is limited to single-family and duplex residential use. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Single-family dwellings
2. Residential agriculture, excluding livestock
3. Utility Facilities
4. Those state-licensed facilities deemed to be a permitted use of single-family residential property as set forth in Minn. Stat. 462.357, Subd. 7
5. Attached duplexes

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. A state licensed residential facility serving from 7 through 16 persons or a state licensed day care facility serving from 13 through 16 persons as set forth in Minn. Stat. 462.357, Subd. 8, provided that:
    a. Side yards are double the minimum requirements established for the district and are screened in compliance with Section 2.3 of this ordinance.
    b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
    c. All signage shall be compliant with the provisions of this ordinance.
    d. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
    e. Adequate off-street parking is provided.
2. Community center facilities

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory uses:

1. Home Business
    a. On-site home business sign
2. Recreational camping vehicles
3. Accessory structures
4. Livestock, up to 30 animal units, provided that the use is clearly incidental and secondary to the use of a dwelling for residential purposes

5. Utility facilities

5.505 Mixed Use (MIX)

Purpose: The Mixed Use zoning district is intended to provide neighborhood-scaled, pedestrian-oriented, mixed use corridors with a range of residential, retail, service, and office uses compatible with adjacent development. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:
   1. Mixed Use Dwellings
   2. Office
   3. Retail
   4. Medical/Dental/Veterinary Clinic
   5. Salon/Barber/Spa/Fitness Center
   6. Hotel/Motel
   7. Restaurant
   8. Training/Education/Day Care Center
   9. Public Parks and Recreation
   10. State-Licensed Cannabis Business in accordance with Ordinance #59 Section 7

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):
   1. Community center facilities.

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):
   1. Exterior Storage
   2. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory uses:
   1. Utility facilities
   2. On-site signs (excluding dynamic signs)
   3. Accessory structures
   4. Communication towers

5.506 Mixed Commercial

Purpose: The Mixed Commercial Zoning District is intended to provide for varied commercial development along the westernmost section of Martin Rd. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:
   1. Office
   2. Retail
   3. Medical/Dental/Veterinary Clinic
   4. Salon/Barber/Spa/Fitness Center
   5. Hotel/Motel
   6. Restaurant
   7. Automotive repair shop
   8. Contractor yard/office
   9. Indoor storage
   10. Garden Centers/Landscaping
   11. Wholesale
   12. Light Industrial Uses
   13. State-Licensed Cannabis Business in accordance with Ordinance #59 Section 7

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

   1. Exterior Storage

   2. Cannabis Cultivation provided that:

      a. All operations shall be securely fenced and gated utilizing a minimum of 6 ft high fencing with barbed/razor wire along the top

   3. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

   1. On-site signs
   2. On-site dynamic signs
   3. Accessory structures
   4. Utility Facilities
   5. Communication Towers

5.507 Shoreland (SHORE)

Purpose: The Shoreland zoning district is intended to provide a balance between lake and river use and protecting the water resources by allowing uses that are consistent with adjacent land uses and the recreational and natural attributes of the water body. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Single-family dwellings
2. Seasonal dwellings
3. Recreational camping vehicles
4. Residential agriculture, excluding livestock
5. Utility Facilities
6. Those state-licensed facilities deemed to be a permitted use of single-family residential property as set forth in Minn. Stat. 462.357, Subd. 7
7. Attached duplex, triplex, and quad housing units

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. A state licensed residential facility serving from 7 through 16 persons or a state licensed day care facility serving from 13 through 16 persons, as set forth in Minn. Stat. 462.357, Subd. 8, provided that:
   a. Side yards are double the minimum requirements established for the district and are screened in compliance with Section 2.3 of this ordinance.
   b. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
   c. All signage shall be in compliance with the provisions of this ordinance.
   d. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.
   e. Adequate off-street parking is provided.
2. Small wireless facilities (as defined in Minn. Stat. § 237.162) in a public right-of-way, provided that:
   a. No new wireless support structure shall be greater than 50 feet in height.
   b. No new wireless support structure shall be closer than 5 feet to a curb, driveway, or pedestrian way.
   c. No new wireless support structure shall be more than 5 feet from the side lot line extended to the street.
   d. To the extent possible, all antenna and equipment shall be shrouded and/or camouflaged.
   e. New wireless support structures shall be constructed from earth-tone fiberglass, or other approved industry standard material.

f. All facilities shall use colors to minimize the visual impact when viewed from the public right-of-way and nearby properties, except in instances where the color is dictated by the federal or state authorities.

g. Small wireless facilities shall be served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

h. Equipment enclosures shall be screened from view with landscaping materials.

i. If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.

j. Small wireless facilities shall not be illuminated by artificial means and shall not display lights.

k. The design of utility poles shall be similar in appearance to other poles located in the right-of-way.

All small wireless facilities not within a public right-of-way shall adhere to all other Rice Lake Ordinance requirements.

3. Community center facilities.

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Automotive/Marine Repair Shop, provided that:
   a. The use is clearly incidental and secondary to the use of a dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the auto body or mechanical repair operation.
   c. The maximum number of employees shall be no more than two (2).
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

2. Contractor yard, provided that:
   a. The use is clearly incidental and secondary to the use of the dwelling for residential purposes.
   b. The occupant of the residential dwelling on the premises owns and operates the contractor yard.
   c. The maximum number of employees shall be no more than two (2).
   d. Applicant shall provide a site plan that displays:
      i. Distance from all property lines to structures, wells, and sub-surface sewage system
      ii. Parking area(s)
      iii. A no disturbance buffer area from all residential uses, compliant with Section 6.2701 of this ordinance
      iv. Location of heavy equipment and materials storage, which may be limited as a condition of the permit

D. Accessory Uses:

1. Home Business
    a. On-site home business sign
2. Recreational camping vehicles
3. Accessory structures
4. Livestock, up to 30 animal units
5. Residential agriculture
6. Utility facilities

5.508 Commercial (COM)

Purpose: The Commercial zoning district encompasses those parcels designated as commercial prior to December 1, 2020. After that date, no parcel shall be rezoned to commercial and any expansion to an existing commercial zoned parcel will require rezone to the appropriate district according to the City of Rice Lake Comprehensive plan and this Ordinance. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

   1. Commercial retail and service establishments
   2. General warehousing, storage, and wholesaling
   3. Communication Towers
   4. Single family dwelling
   5. State-Licensed Cannabis Business in accordance with Ordinance #59 Section 7

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

   1. Exterior Storage

   2. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

   1. On-site signs
   2. On-site dynamic signs
   3. Accessory structures
   4. Utility Facilities
   5. Communication Towers

5.509 Commercial South (COM-S)

Purpose: The Commercial South zoning district is intended to provide for varied commercial development on the Rice Lake Road Corridor, South of West Tischer Road, which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Office
2. Retail
3. Medical/Dental/Veterinary Clinic
4. Salon/Barber/Spa/Fitness Center
5. Hotel/Motel
6. Restaurant
7. Training/Education/Day Care Center
8. Light Industrial Uses
9. State-Licensed Cannabis Business in accordance with Ordinance #59 Section 7

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

1. Exterior Storage

2. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

1. On-site signs
2. On-site dynamic signs
3. Accessory structures
4. Utility Facilities
5. Communication Towers

5.510 Commercial North (COM-N)

Purpose: The Commercial North zoning district is intended to provide for varied commercial development on the Rice Lake Road Corridor, between West Tischer Road and West Beyer Road, which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

   1. Single-family dwelling
   2. Office
   3. Automotive repair shop
   4. Contractor yard/office
   5. Indoor storage
   6. Garden Centers/Landscaping
   7. Wholesale
   8. Light Industrial Uses

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

   1. Exterior Storage

   2. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:

   1. On-site signs
   2. Accessory structures
   3. Utility Facilities
   4. Communication Towers

5.511 Industrial (IND)

Purpose: The Industrial zoning district encompasses those parcels designated as industrial prior to December 1, 2020. After that date, no parcel shall be rezoned to industrial and any expansion to an existing industrial zoned parcel will require rezone to the appropriate district according to the City of Rice Lake Comprehensive plan and this Ordinance. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses: None

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

    1. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses: None

5.512 Light Industrial (L-IND)

Purpose: The Light Industrial zoning district encompasses those parcels designated as light industrial prior to December 1, 2020. After that date, no parcel shall be rezoned to light industrial. 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. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses:
   1. Light Industrial Uses
   2. Warehousing, storage, retail, and wholesaling
   3. Utility Facilities
   4. Communication Towers

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits): None

C. Interim Uses (Refer to Section 8.4: Interim Use Permits):

   1. Exterior Storage

   2. Other uses not specifically listed in this section, but for which the City Zoning Administrator or Planning Commission of the City has determined that the use is consistent with the intent for permitted uses in this district.

D. Accessory Uses:
   1. On-site signs.
   2. On-site dynamic signs
   3. Accessory Structures. (If greater than 1,000 square feet in area see Section 6.205).
   4. Communication Towers

5.513 Public (PUBLIC)

Purpose: Certain areas within the City of Rice Lake have been designated in the City Zoning Map as "Public". These areas include City property and cemeteries as well as other areas identified for the public use in said Zoning Map. The City Council 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. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

1. Schools
2. Fire Halls
3. Cemeteries
4. Recreational facilities
5. Public Works facilities and public utilities
6. Large Parking Lots
7. Community Centers
8. Communication Towers

B. Accessory Uses:

1. On-site signs
2. On-site dynamic signs
3. Accessory structures
4. Utility facilities
5. Communication Towers

5.514 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. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

    1. Closed Landfill Management

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits) (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 City 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

C. Accessory Uses

    1. On-site signs
    2. Fences
    3. Gates
    4. 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.
    5. Accessory buildings for uses other than the landfill management must be located outside of the Methane Gas Area of Concern.

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.

5.515 Multi-Unit Residential (MUR)

Purpose: This District is intended to be used in those areas of the City 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. Unless otherwise indicated, all uses are pursuant to Article 3: Dimensional Standards and Article 6: Performance Standards.

A. Permitted Uses. The following uses shall be permitted herein, without special application requirements or conditions attached:

   1. Utility facilities

B. Conditional uses (Refer to Section 8.3: Conditional Use Permits):

   1. Multiple family attached housing consisting of from five to twenty-four residential units in one structure, 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. All driveways/parking lots shall accommodate emergency vehicle traffic and turn around.
      d. Fencing and/or screening is in place between the property containing the multi-unit residential building and all abutting residentially-zoned properties (except Multi-Unit Residentially zoned properties) following the standards set forth in Section 6.2701 A of this ordinance.
      e. In addition to the submission requirements set forth in Section 8.302 A, the applicant shall submit a comprehensive site plan, drawn to scale, including, but not limited to:
         i. Proposed name of the development
         ii. Boundary line dimensions, and number of acres per parcel
         iii. Total Impervious Surface per parcel (see Section 2.5, definitions)
         iv. Location, setbacks and dimensions of all proposed driveways, structures, parking, loading spaces, garbage waste area(s)
         v. Significant topographical or physical features of the property
         vi. General grading and drainage plans for the development
         vii. Proposed screening and landscaping
         viii. Playground and recreational areas
         ix. Building floor plans
      h. Review and Action by City Staff and Planning Commission: Upon receipt of a completed application, said plan shall be referred to the following City staff and/or official bodies for the indicated action:
         i. The City attorney for legal review of all documents.
         ii. The City engineer for review of the application and accompanying plans.
         iii. The building official for review of all building plans.
         iv. The Zoning Official or agent for review of all documents for compliance with the intent, purpose and requirements of this ordinance and conformity with the general concept plan and comprehensive plan.

v. The local fire department shall evaluate the development design from a medical, fire and safety criterion.

vi. The planning commission for review and recommendation to the council.

vii. 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.

2. Community center facilities.

C. Interim Uses: None

D. Accessory uses:

1. Utility facilities

5.516 Planned Unit Development (PUD)

Purpose: The purpose of the Planned Unit Development (PUD) District is to offer an alternative zone to permit multiple uses within a single use district, which are at variance with the area zoning requirements. This flexibility can be achieved by waiving provisions of this Ordinance including uses, setbacks, heights and similar regulations. Planned Unit Developments are characterized by central management, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses. All Planned Unit Developments must adhere to the requirements set forth in Article 7 of this ordinance.

A. Permitted uses: None

B. Conditional Uses (Refer to Section 8.3: Conditional Use Permits):

1. Small wireless facilities (as defined in Minn. Stat. § 237.162) in a public right-of-way, provided that:
    a. No new wireless support structure shall be greater than 50 feet in height.
    b. No new wireless support structure shall be closer than 5 feet to a curb, driveway, or pedestrian way.
    c. No new wireless support structure shall be more than 5 feet from the side lot line extended to the street.
    d. To the extent possible, all antenna and equipment shall be shrouded and/or camouflaged.
    e. New wireless support structures shall be constructed from earth-tone fiberglass, or other approved industry standard material.
    f. All facilities shall use colors to minimize the visual impact when viewed from the public right-of-way and nearby properties, except in instances where the color is dictated by the federal or state authorities.
    g. Small wireless facilities shall be served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.
    h. Equipment enclosures shall be screened from view with landscaping materials.
    i. If the proposed facility results in significantly increased sound levels, sound buffers may be required, including but not limited to baffling, barriers, enclosures, walls, and plantings.
    j. Small wireless facilities shall not be illuminated by artificial means and shall not display lights.
    k. The design of utility poles shall be similar in appearance to other poles located in the right-of-way.

    All small wireless facilities not within a public right-of-way shall adhere to all other Rice Lake Ordinance requirements.

C. Interim Uses: None

ARTICLE 6
PERFORMANCE AND ADMINISTRATIVE STANDARDS

Section 6.1 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 or interim 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 principal use, but in designated circumstances, performance standards or a conditional or interim use permit may be required.

Section 6.2 Residential

6.201 [Reserved for Future Use]

6.202 [Reserved for Future Use]

6.203 [Reserved for Future Use]

6.204 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. 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.

B. The required side and rear yard setbacks for the dimensional district are doubled.

6.205 Accessory Structures greater than 1000 square feet: Accessory structures with a floor area of greater than 1000 square feet must meet the following criteria:

A. Side yard setbacks - the minimum required side yard setback shall be determined by the following formula:

1. Divide the square footage of the proposed structure by 1,000.

2. Multiply the required side yard setback of the zoning district by this figure and round to the nearest whole number.

B. Permanent and effective screening from a lakeshore and/or 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 6.3 Intensive Vegetation Removal – Refer to Minnesota Dept of Natural Resources (DNR) standards

Section 6.4 Utility Facilities and Communication Towers

6.401 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.

6.402 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 not be closer than twice the tower height to the nearest structure off of the property.

B. All towers shall be set back from front, rear and side lot lines the height of the tower plus twenty feet.

C. 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.

D. 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 City Council. The removal shall be the joint responsibility of the tower owner or communication provider and landowner.

E. No advertising message shall be affixed to the antenna structure.

F. Antennas shall not be artificially illuminated, unless required by law or by a governmental agency to protect the public health and safety.

Section 6.5 [Reserved for Future Use]

Section 6.6 [Reserved for Future Use]

Section 6.7 [Reserved for Future Use]

Section 6.8 Recreational Camping Vehicle on Lots

A Recreational Camping Vehicle and other camping is permitted on parcels according to the Zoning District which the parcel is located in, (see Section 2.5 Definitions, and Article 5, Zoning Districts), provided the following standards are followed:

A. All recreational vehicles shall be equipped with working carbon monoxide detectors and smoke alarms.

B. No more than one recreational camping vehicle per parcel.

C. The recreational camping vehicle shall not be utilized as a principal dwelling unit.

D. The recreational camping vehicle shall have a current motor vehicle license.

E. All principal setbacks are met.

F. Accessory structures, including but not limited to decks, shall not be allowed on or adjacent to the recreational camping vehicles.

G. Occupancy shall be limited to no more than 150 days of the calendar year.

H. Recreational camping vehicles shall not be utilized as a rental, commercial campsite or campground

Section 6.9 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. 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.

C. New Community Centers constructed after July 1, 2019 shall comply with the screening requirements set forth in Section 6.24 of this ordinance.

Section 6.10 [Reserved for Future Use]

Section 6.11 [Reserved for Future Use]

Section 6.12 Land Alterations Within 300 Feet of Lakes and Rivers - Refer to Minnesota Dept of Natural Resources (DNR) standards

Section 6.13 [Reserved for Future Use]

Section 6.14 Other Structures

6.1401 Principle structures on Riparian Lots: Structure width facing (the water) shall not exceed 40% of lot width.

6.1402 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.

6.1403 [Reserved for Future Use]

6.1404 Detached Platforms on Riparian Lots: 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 6.15 Livestock

A. General: The following standards shall apply in the areas designated for keeping of animals. The following standards shall apply whether they require a permit or not:

1. Administrative Standards: The setbacks and location of animals on any parcel shall meet the following standards:

   a. No animals may be permanently penned (Penned is defined as the confined feeding, breeding, raising or holding of animals.) within the principal structure setback for any zoning district.
   b. Animals shall not be penned within a minimum of 20 feet from any well or per Minnesota Rules Chapter 4725.
   c. Animals shall not be penned within shore or bluff impact zones or on steep slopes.
   d. 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.

1. Waste Disposal and Access to the Shore: Disposal of animal waste and animal access to protected waters (lakes and rivers) shall meet the following standards:

   a. Animal waste shall 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 Commission or the Zoning Official.
   b. Access to the shore shall be allowed for watering purposes only with an approved plan from the United States Department of Agriculture.

3. Number of Animal Units Allowed: The City recognizes that residential and other uses should exist in a manner that promotes and protects the interests of all concerned. The City determines impact by using animal units. The following tables show the animal unit equivalent for each species and the number of animal units allowed per acre. The Zoning Official may determine the animal unit equivalent for animals not listed below:

Animal	Animal Unit Equivalent
Dairy Cow	1.40
Slaughter Steer or Heifer	1.00
Horse	1.00
Swine	0.40
Sheep, Goat, Dog	0.20
Duck, Turkey, Cat	0.02
Chicken	0.01

Number of Acres	Animal Units Allowed
0-2 acres	Only domesticated dogs and cats as pets up to one animal unit total and no more than 20 chickens and no roosters.
> 2 – 4.5 acres	No more than one (1)
> 4.5 – 9 acres	No more than five (5)
More than 9 acres	Nine (9) animal units plus one unit per acre beyond nine acres, to a maximum of Thirty (30) per quarter/quarter or government lot
More than one contiguous quarter/quarter or government lot	Twenty (20) animal units per quarter/quarter or government lot even if the animals are kept on a single parcel

B. Permits Required: See Article 5 of this ordinance for the type of permits required, if applicable. All required state and federal permits shall be obtained for the keeping of animals.

Section 6.16 Driveways, Parking, and Loading

6.1601 Driveways:

A. Each lot where a structure is to be erected, altered in its exterior dimensions, or moved, shall have access to an improved public road by way of private drive or easement of record.
B. Driveways shall be setback 10 feet from the side yard, unless there is an agreement amongst all affected parties or the driveway access permit requires a reduced property line setback.
C. In the case of a flag lot, the driveway shall be setback a minimum of 10 feet from the neighboring property that was not used to create the flag lot and 5 feet from the originating property.
D. Driveways shall not impede on drainage from adjacent properties
E. There shall be sufficient area available for snow storage that will not result in rapid runoff into surface waters or adjacent properties.

6.1602 Parking: Off-street automobile parking or storage space shall be provided on every lot on which any new structure is established. In addition, the following minimum standards shall apply:

A. 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 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.

B. Off-street parking areas for more than five vehicles shall be effectively screened from residential

uses.

C. If enlargement of a structure increases the demand for parking, the number of off-street parking spaces must be increased to meet requirements.

D. If a change in use increases the demand for parking, the number of off-street parking spaces must be increased to meet requirements.

E. 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.

F. 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.

G. The number of accessible parking spaces must be included in the total number of required parking spaces in accordance with the applicable requirements of the Americans with Disabilities Act of 1990 and Minnesota State Building Code and all additional governing codes and applicable laws.

H. Parking areas shall be setback 10 feet from the side yard, unless there is an agreement amongst all affected parties.

I. Parking areas shall not impede drainage from adjacent properties.

J. The total number of required parking and loading spaces is based upon the requirements for the principal use(s) of the parcel. When more than one use occupies the same lot, the number of required spaces is to be the sum of the separate requirements for each use, unless otherwise permitted by the Zoning Official.

K. There shall be sufficient area available for snow storage that will not result in rapid runoff into surface waters or adjacent properties.

L. Commercial, Industrial, Institutional, Multi-Unit Zoning developments are encouraged to utilize one or more of the following materials for construction of parking and loading areas: asphalt, concrete, interlocking brick, pervious pavers, or mortared stone or brick.

M. Parking spaces shall have minimum 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. The number of parking spaces are based on the following standards:

1. Residential dwelling:
   a. Two (2) parking spaces for each unit.
2. Dining, restaurants, supper clubs, taverns and bars:
   a. One (1) parking space for each four seats, based on maximum seating capacity per State fire code.
   b. One (1) parking space for each employee.
3. Industrial, manufacturing or wholesale establishments:
   a. One (1) parking space for each worker, based on peak employment in any one shift.
4. Library, art gallery, museum:
   a. One (1) space for every 300 square feet of gross floor area.
5. Lodging:
   a. One (1) parking space for each room or unit
   b. One (1) parking space for each non-resident employee during peak operation.

6. Medical:
    a. Clinics: One (1) space for every 200 sq. ft. of floor area plus one space for each Doctor and one space for each additional employee.
    b. Nursing home, assisted living, sanatorium, convalescent home or similar institution: One (1) space for every three beds and one space for every employee at peak operating times.
7. Mortuary/crematorium or funeral home:
    a. One (1) space for every two seats.
8. Office buildings:
    a. Minimum of one (1) parking space for each two-hundred square feet of office floor area during peak operation.
9. Public Assembly:
    a. Bowling alley: Three (3) spaces per alley, plus one space for each employee during peak operation.
    b. Dance hall: One (1) space for every fifty square feet of floor space.
    c. Theater, stadium, auditorium, church, or other places of public assembly: One (1) parking space for each four seats, based on maximum seating capacity, and one parking space for each employee during peak operation.
10. Retail:
    a. 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 during peak operation.
11. Service Garages and Manual Car Wash:
    a. Four (4) spaces per service stall

6.1603 Off-street Loading/Unloading: Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for institutional, commercial, industrial, manufacturing or warehousing purposes.

A. 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.

B. Loading spaces shall not impede automobile traffic or pedestrian traffic.

C. Off-street loading/unloading spaces shall be effectively screened from residential uses.

6.1604 [Reserved for Future Use]

6.1605 Drive-Through Stacking Spaces

A. Design:

1. Stacking spaces provided for drive-through uses must be a minimum of nine (9) feet in width, as measured from the outermost point of any service window to the edge of the driveway, and nineteen (19) feet in length.
2. Stacking spaces provided for drive-through uses must be placed in a single line behind the drive-through facility and located so that, when in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.
3. Stacking spaces begin behind the vehicle parked at a last point of service, such as a window or

car wash bay.

B. Every drive-through facility must provide a minimum of two (2) stacking spaces per bay.

C. The number of required stacking spaces may be reduced by the Zoning Administrator if the petitioner presents a study done by a traffic engineer with quantifiable evidence (e.g., comparable information) which demonstrates that a different requirement should be imposed. The approval of a reduced number of stacking spaces applies only to the specific business for which the study was conducted.

6.1606 All required site plans submitted must include the following data:

A. Number, layout and dimensions of all required parking, loading, and stacking spaces

B. Type of surfacing

C. Fire access lanes as required by State Fire and Building Codes

Section 6.17 Placement and Design of Driveways and Parking in Shoreland Areas

6.1701 The following criteria shall apply to all roads, driveways, and parking areas located in shoreland areas as well as the criteria listed in Section 6.16:

A. Design: 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.

B. Setbacks: Roads, driveways, and parking areas must meet ten (10) feet side yard 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 Section 6.612 of this ordinance must be met.

Section 6.18 Large Parking Lots

Parking areas containing parking for 100 vehicles or more shall develop a stormwater runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands.

Section 6.19 Signs

6.1901 Surface Area: The size 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.

A. Only one side of a double sided, or V-type sign shall be utilized in calculating the maximum surface area of the sign.

6.1902 No Permit Required: No permit shall be required for the following outdoor signs:

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 State Statutes, section 173.02, Subd. 6.

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

E. Signs not exceeding 16 square feet in area 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 other events and not exceeding six square feet in area. These signs must be removed within 3 days after the event.

6.1903 Permit Required Non-shoreland: A sign permit shall be required for outdoor signs with the following standards:

A. Size and number: Each use shall be allowed two freestanding on-site signs. Each sign shall not exceed 64 square feet in surface area and shall not exceed 35 feet in height.

B. Location: All freestanding signs shall be set back a minimum distance of ten feet from any right-of-way and shall be the same as the required property line setback for accessory structures of the zone district in which it is located.

C. All other signs shall be limited to those attached to walls, fascia, or painted on the surface of the building. The maximum area of such signs shall be two square feet for every lineal foot of the longest wall on the principal building. No attached sign shall project more than three feet beyond a building or be higher than the roof peak.

D. Illumination:
   1. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle.

   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.

6.1904 Permit Required Shoreland: A sign permit shall be required for outdoor signs located on riparian parcels with the following standards:

A. Size and number: Each use shall be allowed one on-site sign that can be viewed from the public waterway and one on-site sign that can be viewed from the roadway.
   1. The sign facing the water body shall not exceed 32 square feet in surface area and shall not exceed 10 feet in height.

   2. The sign facing the roadway may not exceed 64 square feet and shall not exceed 15 feet in height.

B. Location:
   1. Freestanding signs shall meet the required shoreline setback for principal structures of the lake classification on which it is located.

   2. Signs may be located at a reduced setback from the shoreline provided the sign is attached to a permanent structure.

   3. Setbacks shall be a minimum of 10 feet from the right-of-way and shall be the same as the required side and rear yard setback for accessory structures of the zone district in which it is located.

C. Construction Materials:
   1. Signs shall be painted or stained in an unobtrusive earth toned color and shall be rustic in appearance.

   2. The signs must only convey the location, name of establishment, and the general types of goods or services available.

   3. The signs shall not contain other detailed information such as product brands and prices.

D. Illumination:
   1. Signs shall not be erected or maintained that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of any roadway or public waters, or such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle. Self-illuminated lettering on signage is allowed.

   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.

   4. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. Lighting shall be directed downward, and not directed upon nearby or adjacent properties. This does not preclude use of navigational lights.

6.1905 Permit Required Home Business: A sign permit shall be required for outdoor signs associated with a home business with following standards:

A. Size and number: Shall be limited to one on-site sign not to exceed 16 square feet.

1. 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.
2. Only one side of a double sided, or V-type sign shall be utilized in calculating the maximum surface area of a sign.

B. Location:
   1. Signs may be placed at the entrance of the structure in use for the home business.
   2. All free-standing signs shall be set back a minimum distance of ten feet from any right-of-way and shall meet the required side and rear yard setback for accessory structures of the zone district in which it is located.

C. Illumination: Illuminated signs are prohibited.

6.1906 Dynamic Signs: Dynamic signs may be allowed as an accessory use with the following standards: Size and number: Shall be limited to one on-site sign, the dynamic portion of which shall not exceed 32 square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.

A. Height: The maximum height of a dynamic sign attached to a building shall be 14 feet, or top of wall, whichever is less. A freestanding dynamic sign shall not exceed 25 feet in height from the ground.

B. Location: Dynamic signs shall be subject to the following location restrictions:
   1. A dynamic sign shall be located only in commercial, public, industrial, and light industrial zone districts.
   2. A dynamic sign shall not be visible from public waters.

C. Illumination:
   1. Between sunrise and sunset, the maximum luminance shall be 5,000 nits and between sunset and sunrise the maximum luminance shall be 500 nits.
   2. All signs with a dynamic display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.

D. Image Characteristics and Transition:
   1. Duration of message. The sign message shall remain static for a period of not less than 8 seconds.
   2. The transition from one message to the next shall be direct and immediate, without any special effects.
   3. Dynamic signs shall have a pitch of not greater than 20 millimeters between each pixel.
   4. Special effects, including but not limited to dissolving, fading, scrolling, starbursts and wiping shall be prohibited.

6.1907 Outdoor Signs Not Allowed: The following signs are not allowed:

A. Any sign that 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. Any sign that obstructs or interferes with a driver's view of approaching, merging or intersecting traffic.

C. Any sign that prominently displays the words "stop" or "danger."

D. Any sign that displays messages that are painted or drawn upon rocks, trees, public utility poles, or abandoned buildings.

E. Any sign that is structurally unsafe, or in disrepair.

F. Any sign located in, over, or upon public waters, unless authorized by the appropriate public waters authority.

G. Any sign located within the shore impact zone, unless attached to a permanent structure.

Section 6.20 Fences

The following standards shall apply to all fences:

A. Right-of-way. No fence, hedge or other screening shall be constructed within 10 feet of the right-of-way.

B. Building permit. Fences must follow State Building Code for permits.

Section 6.21 [Reserved for Future Use]

Section 6.22 Vehicle Recycling Facility/Vehicle Impound Lot/Salvage Lot

6.2201 Minimum Standards: Vehicle Recycling Facility/Vehicle Impound Lot/Salvage Lots 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 vehicle recycling facilities/vehicle impound lots/salvage lots 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 vehicle recycling facility/vehicle impound lot/salvage lot 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 City of Rice Lake or disposed of in a manner acceptable to the City and State and Federal regulations.

E. Fencing, berms, and use of natural topography shall be utilized to sufficiently 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 vehicle recycling facility/vehicle impound lot/salvage lot.

F. No delinquent taxes shall be owed on the property.

G. The property owner shall furnish the Rice Lake Fire Department with an updated written list of all flammable and hazardous material stored on the property including amounts, types, and location.

H. Fire breaks and roads shall be approved by the local fire department.

I. A bond or other financial assurances must be provided to the City that is sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The City shall determine the amount and type of assurances.

J. The vehicle recycling facility/vehicle impound lot/salvage lot shall conform to all on-site sewage disposal regulations.

K. The vehicle recycling facility/vehicle impound lot/salvage lot shall conform with all the standards for wells of the State Health Department including the sealing of abandoned wells.

L. All access roads and bridges shall be able to handle traffic generated by the vehicle recycling facility/vehicle impound lot/salvage lot 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 located on a County Highway and by the City Council when located on City roads.

M. No storing of vehicles relating to vehicle recycling facility/vehicle impound lot/salvage lot activity shall take place off the property.

N. Public roads and highways may not be used for parking by the vehicle recycling facility/vehicle impound lot/salvage lot operation.

6.2202 New or Expanded Vehicle Recycling Facility/Vehicle Impound Lot/Salvage Lot: All new or expanded vehicle recycling facilities/vehicle impound lots/salvage lots shall be reviewed as an Interim-use permit. Approval will be determined by the criteria for approval for Interim-uses and the above minimum standards shall be conditions of the permit, if approved.

Section 6.23 Borrow Pits

3.2301 Legal, Nonconforming Borrow Pits: A legal, nonconforming pit may continue to operate as long as the operation does not cease for 365 consecutive days. If operations cease at a legal, nonconforming pit for 365 consecutive days, operations may not resume at such pit.

Section 6.24 Mixed Use, Commercial, Industrial, and Light Industrial Structures and Uses

6.2401 Screening

Purpose and Intent: The purpose of this section is to establish standards for the installation of landscaping by means of buffers and screening to protect the health, safety, ecological, economic value, and general welfare of neighboring residential uses, public streets, and walkways. The screening standards shall apply to all new structures, building expansions, or changes in use in Mixed Use, Commercial, Industrial, and Light Industrial Zoning Districts.

Screening is required for, but not limited to, the following: exterior storage areas, dumpsters, trash enclosures, incinerators, loading docks and/or service areas, mechanical use areas, outdoor and rooftop dining areas, in order

to:

A. Improve the visual quality of commercial, industrial, and light industrial structures and uses from residential uses and public streets

B. Protect and improve property values and privacy

C. Minimize conflicts with utilities, and right-of-way uses

D. Minimize headlight beams shining onto public roads and adjacent properties

E. Limit sight line obstructions and drainage conflicts

F. Improve air quality, water quality, and noise quality according to Minnesota Pollution Control Agency

G. Ensure significant tree canopy shading to reduce glare and heat build-up

H. Enhance the overall aesthetic conditions within the City

I. Ensure compliance with all City, County, and State regulations and ordinances

General: Screening may consist of natural or planted vegetation; berms; and/or fences or walls, and shall effectively screen Commercial, Industrial, and Light Industrial uses or structures and other structures as specifically required by this ordinance from contiguous residential uses, provided that front yards do not have to be screened. Screening must be on the same parcel as the structure or use being screened and shall be the responsibility of the owner to maintain.

A. Screening Standards:
   1. Utilizing and maintaining existing vegetation and natural topography: To the extent possible, existing vegetation and natural topography that is located on the parcel whose use is commercial, industrial, or light industrial can be used as screening.

   2. Planting native vegetation: If existing vegetation and natural topography does not sufficiently screen the commercial, industrial or light industrial use or building, native vegetation consisting of coniferous trees, deciduous trees and native plants shall be used.
      a. Planting screens shall be healthy and hardy, consisting of vegetation native to northern Minnesota climate.
      b. Perimeter buffer screening shall be on the same parcel as the structure or use being screened.
      c. The grade for determining height shall be the grade elevation of the building, parking lot or use for which the screening is providing protection.
      d. Buffer plant material shall be planted in two (2) or more staggered rows.
      e. Tree centers shall not be located closer than five (5) feet from property lines.
      f. Plant spacing shall be specific to the species chosen.
      g. The “American Standard for Nursery Stock” published by the American Association of Nurserymen or an equivalent shall be used as the reference for spacing and planting guidelines as needed.
      h. Shrubs shall be arranged to lessen the visual gaps between trees.

i. Shall not conflict with public plantings, sidewalks, trails, road rights-of-way and utilities, etc.

j. No fence, hedge or other screening shall be constructed within 10 feet of the road right-of-way.

k. Fences and landscaping shall not be located within the traffic sight visibility (as defined by the National Association of City Transportation or equivalent).

3. Construction of a berm:
   a. Is located on slopes equal to or greater than three feet horizontal to one foot vertical (3:1).
   b. An earth berm may be utilized for screening when used in combination with plant material and or fencing.
   c. Earth berms can be allowed for screening when planted with sod, or other suitable plant material to protect the earth berm from erosion so that it retains its height and shape.
   d. No earth berm shall negatively impact neighboring properties and shall be designed to protect water quality.
   e. Earth berms shall preserve existing hydrology and drainage patterns. Land-disturbing activities may not result in any new water discharge points.

4. A fence or wall may be used for screening when the following standards are followed:
   a. A screening fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure, or be constructed of masonry, brick, vinyl, rot resistant treated lumber, or maintenance free composite materials.
   b. Chain link fencing with or without slats is prohibited for any screening purposes.
   c. No fence, hedge or other screening shall be constructed within 10 feet of the right-of-way.
   d. Fences shall follow state Building Code for permits.

5. The perimeter buffer shall be designed to provide screening to a minimum height of six (6) feet, with a year-round minimum opacity of 90 percent.

B. Maintenance of Screening:
   1. It shall be the sole responsibility of the owner to maintain the screening in good repair at all times.

   2. All repairs to the fence, wall, or plantings shall be consistent with the design in regard to location and appearance.

   3. Screening that becomes significantly damaged must be immediately repaired or replaced as soon as the weather allows.

   4. Screening materials that die, become diseased or are significantly damaged must be replaced at the next appropriate planting period with like plantings.

C. The property owner shall comply with City of Rice Lake Land Disturbance Ordinance.

D. The property owner shall comply with all City, County, and State Ordinances.

6.2402 Lighting: Lighting used to illuminate any area, sign, or structure shall be arranged so as to deflect light away from any adjoining residential zone or from public roadways. The source of lights shall be hooded

or controlled in some manner so as not to light adjacent property, public roadways, skyward, or otherwise pose a nuisance.

6.2403 Exterior Retail and Sales areas: Exterior retail sales/display areas shall be maintained in a manner that is safe for pedestrians and traffic.

6.2404 Dumpsters, trash enclosures, and incinerators: Whenever possible, trash enclosures shall be architecturally, and aesthetically integrated into the design of the structure, at the rear of the building, and may not extend into a front yard or side yard setback. Trash enclosures shall be located away from sensitive uses, such as residential uses, pedestrian paths and walkways, parking lots, and dining areas.

6.2405 Loading Docks/Service Areas: Loading docks, truck parking, and other service functions exert visual and noise impacts on surrounding development and residential areas. These areas, when visible from adjoining properties and/or public streets, shall be screened, recessed, enclosed, or incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public roads and shall comply with the screening standards in Section 6.2401.

6.2406 Mechanical - Ground Mounted: Ground mounted mechanical equipment shall be screened with landscaping, fence, or an enclosure that is architecturally compatible with the principal structure, at a height to adequately screen the mechanical equipment and utilities. All screening shall comply with the screening standards in Section 6.2401.

A. All ground mounted mechanical equipment shall be screened so as to mitigate noise according to the standards of the Minnesota Pollution Control Agency.

B. The view of all ground mounted mechanical equipment and related utilities on buildings shall be screened from view.

   1. Screening may include architecturally integrated elements.

   2. Additional screening or landscaping around the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility.

6.2407 Mechanical - Roof mounted: All roof mounted mechanical equipment shall be designed (including exterior color) and located to promote compatibility with the architecture of the principal building and shall comply with the screening standards in Section 6.2401.

A. All roof mounted mechanical equipment shall be screened so as to mitigate noise according to the standards of the Minnesota Pollution Control Agency.

B. Roof mounted mechanical equipment shall be screened from public streets and residential properties with a cornice, parapet, or other architectural feature at a height to adequately screen the equipment and/or utilities.

C. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level and the elevation shall illustrate how the mechanical equipment will be screened.

D. Roof mounted mechanical equipment less than three feet (3') in height may be exempted from

screening requirements.

6.2408 Outdoor and rooftop dining areas: Outdoor and rooftop seating or dining areas shall be incorporated into the building design with the purpose of providing a high-quality functional space and shall comply with the screening standards in Section 6.2401.

A. Outdoor seating and dining areas shall be setback from the road right-of-way by at least ten (10) feet.

B. Outdoor seating and dining areas shall be screened from residential uses by use of planters, walls, fences, landscaping, or other means.

Section 6.25 Solid Waste

6.2501 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 City. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the City unless specifically required by this ordinance.

6.2502 Standard Permit: Solid waste facilities operated by the City 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.

6.2503 All uses shall conform to solid waste rules: All land uses within the City shall comply with all federal, state, and county solid waste regulations and standards.

Section 6.26 Adult Uses (Sexually Oriented Uses)

6.2601 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 be *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.

6.2602 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
   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 6.2602 A 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.

6.2603 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.

6.2604 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 6.2602 and 6.2603 of this Ordinance.

ARTICLE 7
PLANNED UNIT DEVELOPMENT

Section 7.1 Purpose and Applicability

The provisions of this article are generally intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques. A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.

Section 7.2 General Review Process

The creation of a PUD Overlay District requires a Zoning Map Amendment pursuant to Section 8.6: Amendments. In addition, the review process for the creation of a PUD Overlay District involves two phases: review of a PUD – Preliminary Plan (PUD-PP) and review of a PUD- Final Plan (PUD-FP). The following describes each review phase. An applicant has the option to submit an application for a PUD- Final Plan at the same time as an application for a PUD- Preliminary Plan.

Section 7.3 PUD - Preliminary Plan Review Process

A. The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting with the City Clerk-Treasurer.

B. Application for a PUD-Preliminary Plan (PUD-PP) shall be initiated by the property owner or their designated agent. The applicant shall have control of all property in the proposed PUD. Application for a Preliminary Plat shall be submitted in conjunction with the Preliminary Plan when applicable.

C. A complete application shall be submitted to the City Clerk-Treasurer or other Authorized Agent for approval of a PUD- Preliminary Plan. The application shall contain the following information and, when applicable, the information required for a Preliminary Plat per Ordinance # 34, Subdivision:

    1. Legal description of the tract of land
    2. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
    3. Evidence of the financial capability of the applicant to complete the proposed development;
    4. Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;
    5. Three copies of preliminary plans, drawn to a convenient scale, showing the following information:
        a. Land use and development densities;
        b. The size, arrangement, and location of parcels;
        c. The proposed general location of buildings or groups of buildings;
        d. The location of public and private roads;
        e. The location of recreational areas and open space
        f. A general landscaping plan;

g. A general grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage;
h. Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;
i. Identification and / or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;
j. Statistical data on the size of the development, density / intensity of various sub-areas, and expected phasing or staging.
k. A description of the intended organizational structure for a property owner's association, if any; and
l. A subdivision preliminary plat application when applicable.

6. When the proposed development includes provisions for common open space or recreational facilities, a statement must be submitted, describing the provisions that are to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and / or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by – laws of such entity shall be submitted;
7. Copies of restrictive covenants that are to be recorded with respect to property included in the proposed development.
8. When the development is to be constructed in stages of units, 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. When a development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages or units completed or under development bear to the entire development.
9. When deemed necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the development will have upon traffic in the streets and thoroughfares adjacent to and in the proposed development;
10. A statement showing the relationship of the proposed development to the Comprehensive Plan and future land use plan of the City;
11. A statement as to why the proposed development will not cause substantial injury to the value of other property in the neighborhood; and
12. A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.
13. A map of the project including its relationship to the surrounding properties, topography, or other prominent site features;
14. A statement as to why the Planned Unit Development (PUD) zoning is proposed. The statement shall identify reasons why Planned Unit Development (PUD) zoning is preferable to development under standard zoning districts.
15. The Planning Commission or City Council may require other special studies, plans, or additional information that would aid in consideration of the proposed development.

D. The City Clerk-Treasurer or other Authorized Agent shall complete the following tasks:

1. Determine if the application is complete pursuant to Section 8.102: Applications
2. Notice the public hearing pursuant to Section 8.7: Hearing and Hearing Notices
3. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action; and
4. Be sure the review and approval process time frame complies with MN Statute

E. The Planning Commission shall complete the following tasks:

1. The Planning Commission shall hold a public hearing pursuant to Section 8.7: Hearing and Hearing Notices
2. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions or denial to the City Council.

F. City Council Final Action:

1. After reviewing the recommendation of the Planning Commission, the City Council may order a second public hearing before the City Council pursuant to Section 8.7: Hearing and Hearing Notices.
2. The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and the PUD- Preliminary Plan. The ordinance associated with the PUD- Preliminary Plan is an interim zoning classification that does not enable any development until the PUD- Final Plan is approved.
3. Approval, or approval with conditions of the PUD- Preliminary Plan shall require a majority vote of the entire City Council.

Section 7.4 PUD - Final Plan Review Process

A. Application for PUD - Final Plan (PUD – FP) shall be initiated by a property owner or their designated agent. The Applicant shall have control of all property in the proposed PUD. When applicable, application for a Final Plat shall be submitted with the Final Plan application.

B. Application Submittal:

1. A complete application shall be submitted to the City Clerk-Treasurer or other Authorized Agent for approval of a PUD- Final Plan. The application shall contain all the information required for the Preliminary Plan review specified in Section 7.3, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action including, when applicable, a subdivision final plat application as required in Ordinance # 34, Subdivision.
2. The application shall be submitted within twelve (12) months of approval of the PUD- Preliminary Plan. Failure to provide the PUD- Final Plan within twelve (12) months of approval of the PUD- Preliminary Plan shall result in the automatic repeal of the previously approved PUD – Preliminary Plan.

C. The City Clerk-Treasurer or other Authorized Agent shall complete the following tasks:

1. Determine if the application is complete pursuant to Section 8.102: Applications; and
2. Review the PUD – Final Plan. If the PUD- Final Plan is consistent with the PUD – Preliminary Plan, then the Zoning Official or other Authorized Agent shall prepare a report and a recommendation to the Planning Commission that directs the Planning Commission to hold an informational meeting to take their final action on the plan.
3. If the PUD – Final Plan is not consistent with the PUD – Preliminary Plan, then the City Clerk-Treasurer or other Authorized Agent shall prepare a report to the Planning Commission that identifies the discrepancies and directs the Planning Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Plan.
4. Be sure the review and approval process time frame complies with MN Statute.

D. The Planning Commission shall complete the following tasks:

1. If the City Clerk-Treasurer or other Authorized Agent's report identifies that the PUD – Final Plan is substantially consistent with the approved PUD- Preliminary Plan, then the Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council to approve, approve with conditions, or deny the PUD- Final Plan.
2. If the City Clerk-Treasurer or other Authorized Agent's report identifies that the PUD – Final Plan is substantially inconsistent with the approved PUD – Preliminary Plan, then the Planning Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Plan. Following the public hearing, the Planning Commission (considering the approval criteria) shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Plan.

E. City Council Final Action:

1. After reviewing the recommendation of the Planning Commission, the City Council may order another public hearing before the City Council pursuant to Section 8.7: Hearing and Hearing Notices.
2. The City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Final Plan. The ordinance associated with the PUD – Final Plan shall incorporate the Specific Implementation Plan, including any conditions or restrictions that may be imposed by the City Council.
3. Approval, or approval with conditions, shall require a majority vote of the entire City Council.

Section 7.5 Approval Criteria

In determining whether to approve, approve with conditions, or deny a PUD- Preliminary Plan or a PUD- Final Plan, the Planning Commission and City Council shall consider the approval criteria for a Zoning Map Amendment as specified in Section 8.6: Amendments as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

A. Criteria:

1. Consistency with the City of Rice Lake Comprehensive Plan.
2. The extent to which the plan departs from the provisions of this Ordinance otherwise applicable to the subject property, including, but not limited to, density and use, and the reasons why such departures are or are not deemed to be in the public interest.
3. The manner in which the plan does or does not make adequate provisions for public services/utilities, traffic, and recreational amenities.
4. The nature and extent of open space, the reliability and sufficiency of the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities proposed in the plan.
5. The relationship, beneficial or adverse, of the Planned Unit Development project upon the neighborhood in which it is proposed to be established.
6. In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan.
7. In developed areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area.

Section 7.6 Conditions that may be attached to a PUD

The City Council may attach any conditions to the approval of a PUD – Preliminary Plan and / or the approval of a PUD - Final Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:

A. Conditions

1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
2. Control and sequence of development, including when it must be commenced and completed;
3. Control the duration of the use of development and the time within which any structures must be removed;
4. Ensure that development is maintained properly in the future;
5. Designate the exact location and nature of development; and
6. Establish more detailed records by submission of drawings, maps, plats, or specifications.

Section 7.7 Effect of the PUD – Final Plan Approval

The approved PUD – Final Plan, together with the conditions and restrictions imposed by the City Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to the underlying zoning districts shall continue to be applicable where consistent with the PUD – Final Plan.

Section 7.8 Building Permit Restrictions

Building permits for a Planned Unit Development shall not be issued until the PUD – Final Plan is approved by the City Council. No building permit shall be issued for any structure within the PUD – Final Plan until the City Clerk-Treasurer or other Authorized Agent certifies that it conforms to the provisions of the PUD – Final Plan and all other applicable provisions of this Chapter. Any change of the PUD – Preliminary Plan or the PUD – Final Plan prior to approval of the PUD – Final Plan shall be submitted to the City Clerk-Treasurer or other Authorized Agent. If the City Clerk-Treasurer or other Authorized Agent determines that the change constitutes a substantial modification, the applicant or developer will be required to amend the PUD – Final Plan, and if necessary, the PUD – Preliminary Plan, following the review procedures set forth in this article. If in the opinion of the City Clerk-Treasurer or other Authorized Agent, such changes do not constitute a substantial alteration of either of the PUD- Preliminary Plan or the PUD – Final Plan, the change may be accomplished by approval of the City Clerk-Treasurer or other Authorized Agent. Such approved changes or modification shall be documented and recorded in the official file of the City on the Planned Unit Development.

Section 7.9 Expiration

If substantial development progress has not occurred within twelve (12) months of a PUD – Final Plan approval, the City Council, following a Planning Commission recommendation, may revoke the PUD- Preliminary Plan and the PUD – Final Plan approval and revert the site zoning to its previous zoning district classification.

ARTICLE 8
ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW

Section 8.1 General

8.101 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 City of Rice Lake.

8.102 Applications: All land use applications shall be signed by the applicant where required by the City, the applicant shall supply proof of title and the legal description of the property for which the application is requested, consisting of an abstract of title or registered property abstract currently certified, together with any unrecorded documents, demonstrating ownership of the property. If the applicant is not the owner, then the owner must also sign the application.

8.103 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.

8.104 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 8.702 F 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 8.503.

8.105 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 Commission or City Council.

Section 8.2 Enforcement

8.201 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 City Council or the Zoning Official may initiate action to prevent, restrain, correct or abate violations or threatened violations. The City Council may at a later date vote to discontinue proceeding.

8.202 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 City and shall be credited to the General Revenue Fund.

8.203 Refusal to Comply: In the event that an applicant or 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, they 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. They 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. They shall have no more than thirty days from the date of the notification to make appeal to the appropriate body.

8.204 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.

8.205 Enforcement Expenses. Any person or entity found to be in violation of this ordinance shall be liable to the City for all expenses incurred by the City in enforcing this ordinance, including attorneys' fees, court costs, planning consultants' fees, engineering consultants' fees as well as any other out-of-pocket fees paid by the City in enforcing this ordinance. Any such fees not paid by the person or entity after billing by the City may be certified to the County Auditor pursuant to Minn. Stat. § 366.012 to be collected with the property taxes of the property upon which the violation occurred.

8.206 Inspections: All persons involved in land development activity shall allow free access to authorized representatives of the City at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the Official Controls of the City 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 8.3 Conditional Uses

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

8.302 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 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 Commission shall conduct a public hearing on each application.
2. The City Clerk shall cause to be published a notice of the public hearing before the Planning Commission in the official newspaper at least ten (10) days prior to the hearing date. Notices shall be mailed to all owners of all property wholly or partially 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 Commission.

C. General Criteria and Requirements

1. All classes of Conditional Use Permits may be recommended for approval 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 Commission shall recommend denial of any application.

2. A Conditional Use Permit may be granted only upon finding all the following:

    a. The use conforms to the land use or comprehensive plan of the City.
    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 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 City.

3. The Planning Commission and City Council 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 City Council.
2. Within sixty (60) days of receipt of the Planning Commission's recommendation, the City Council may approve or deny the Conditional Use Permit. The City Council shall not approve a Conditional Use Permit unless it meets the criteria and requirements as listed in 8.302 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 City Council 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.

6. 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 City Council.

8.303 Suspension or Revocation. The City Council may revoke a conditional use permit upon the failure of the permittee, owner, operator, tenant or user to comply with the provisions of this ordinance, 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 8.4 Interim Use Permits

8.401 Purpose and Intent. The purpose and intent of allowing interim uses is: to allow a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

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

A. Meet the standards of a conditional use permit set forth in Section 8.302 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 Commission or City Council deems appropriate for permission of the use.

8.403 Additional conditions imposed. In permitting a new interim use or alteration of an existing interim use, the Planning Commission or City Council may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which the Planning Commission or City Council 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.

8.404 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

C. An interim 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 interim use permit, unless a longer time period is approved by the Rice Lake City Council

D. At such time as the interim use has not been used on the property for 365 consecutive days

E. At such time as the City has rezoned the property or amended the zoning ordinance such that the use for which the interim use was granted is no longer a permitted or interim use on such property per the City's zoning ordinance

8.405 Suspension or Revocation. The City Council 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 ordinance, 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 8.5 Variances and Appeals

8.501 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 Commission decisions may be made as provided by law.

8.502 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. Applications seeking a variance from a setback, lot coverage, or maximum or minimum square footage of a structure shall be accompanied by a survey detailing the location of the affected lines, structures, setbacks as well as the square footage of all structures and the entire property if an application seeks a variance from a square footage requirement. Proposed total impervious surface area and total lot area shall be included on the survey when the application seeks a variance from the lot coverage area requirement.
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 City 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 all property wholly or partially 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.

   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:
      i. 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

ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

iii. The variance will not alter the essential character of the locality.

iv. The variance is in harmony with the general purposes and intent of the zoning ordinance.

v. The variance is consistent with the comprehensive plan.

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.

E. Expiration of Variance

1. After any variance or appeal to the Board of Adjustment has been approved the applicant shall have 60 days, after receipt of notice of the decision, to make application for any permit necessary to begin the structure or the use for which the variance or appeal was made. Failure to do so shall result in the expiration of the variance.

2. A variance shall be deemed expired if the structure or use for which the variance was issued is not established within one year of the date of issuance of the variance, unless a longer time period is approved by City Council.

8.503 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 8.6 Amendments

8.601 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 City's Comprehensive Land Use Plan by the procedures set forth in this article.

8.602 Zoning Ordinance Text:

A. An amendment to this Ordinance text may be initiated by the City Council, Citizen, or Planning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report to the City Council in writing.

B. Public hearings on text amendments by the Planning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes Chapter 462, and by the standards set forth in Section 8.7 of this Ordinance.

C. After conducting a public hearing on an Ordinance text amendment, the Planning Commission shall report in writing to the City Council within 30 days of the close of the hearing. Upon filing of a report by the Planning Commission the City Council, in the manner prescribed by Minnesota Statutes, may by ordinance adopt the amendment or any portion thereof as it deems advisable.

8.603 Zoning Ordinance Map:

A. An amendment to the Zoning Map may be initiated by the City Council, the Planning Commission, by the property owner of record, or authorized representative.

B. The Planning Commission shall conduct at least one public hearing on all proposed Zoning Map amendments and report to the City Council in writing within 30 days of the close of the hearing(s).

1. The Planning Commission shall give notice of public hearings for Zoning Map amendments in the manner prescribed in this Article.
2. The Planning Commission's report to the City Council 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 Commission to report to the City Council 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 Commission or upon expiration of the 30-day period, the City Council may by resolution adopt the amendment or any portion thereof as it deems advisable.

D. Once an amendment has been acted upon by the City Council, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of property be heard or considered by the Planning Commission or the City for at least twelve (12) months, unless a determination has first been made by the City Council 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 Commission that all of the following conditions exist:

1. The proposed zoning shall be consistent with the comprehensive plan adopted for the City.
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 landowner.
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 8.7 Hearing and Hearing Notices

8.701 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.

8.702 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 City newspapers.
2. Written notice of public hearings on all text amendments shall be sent to the City 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 City, at least ten days before the hearing. Written notice providing the same information shall be sent to all owners of all property wholly or partially within 350 feet of the affected property and to the applicant.
2. For map amendments initiated by the City Council or Planning Commission, notice shall be given in the manner prescribed in Section 7.02 of this Article except that, in instances of a City 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:

1. Written and published notice of hearing on conditional use permit applications shall be given in the same manner as prescribed in Section 8.702 C 1, except:
2. 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:

1. Written and published notice of hearings on Variance Appeals shall be given in the same manner as prescribed in Section 8.702, 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 City 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.

8.703 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 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 8.8 Planning Commission and Board of Adjustment Re-hearing

8.801 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.

8.802 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.

8.803 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 8.9 New Application After Denial

8.901 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 City Council based on at least one of the following criteria:

A. Once an application has been acted upon by the City Council, the matter shall not be reconsidered, nor shall any additional applications involving the same parcel of property be heard or considered by the Planning Commission or the City 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.

8.902 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 8.10 Permit Revocation

8.1001 Recording Decisions: All decisions made by the Board of Adjustment or Planning 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.

8.1002 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 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 City 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 City 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.

8.1003 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 Commission or the Board of Adjustment may be appealed to District Court.

Section 8.11 Conveyance of Decision

The Zoning Official shall be responsible for implementing and enforcing the decisions of the Planning 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 8.12 Interpretation

8.1201 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 City.

8.1202 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 9
PLANNING COMMISSION

Section 9.1 Creation

The City Council hereby creates a Planning Commission pursuant to Minnesota State Statutes 462.354 and all acts amendatory thereof.

Section 9.2 Membership

9.201 Regular Voting Members: The Planning Commission shall consist of up to seven (7) voting members, who shall be appointed by the City Council as provided in this Ordinance, all of whom shall be residents of the City of Rice Lake.

9.202 Planning Commission Liaison:

A. The city council shall appoint one member of the council to be the primary planning commission liaison. The liaison shall attend the planning commission meetings.

B. The planning commission liaison shall not have the right to vote on issues before the planning commission, except during those meetings where a quorum of the planning commission is not present but for the presence of the liaison, in which case the liaison shall be a voting member of the planning commission on all issues coming before the planning commission.

Section 9.3 Appointments

9.301 Method of Appointment:

A. The City Council shall fill all expired terms prior to the first regularly scheduled meeting of the Planning Commission in January of each year.

B. Appointments shall be made by the City Council to fill any vacancy for the unexpired duration of the term.

9.302 Terms of Office: Each member of the Planning Commission shall be appointed to serve for a period of three calendar years.

Section 9.4 Removal for Cause

The following shall be deemed sufficient cause for the City Council to remove any regular Planning Commission member. The City Council 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 City. The City Council shall make judgment on such matters after receiving a report of the Chair of the Planning

Commission as provided in this section above.

C. Violation by the member of any land use control ordinance adopted by the City 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 9.5 Organization and Procedures

9.501 Officers: The Planning Commission shall elect a chair and vice-chair from among its regular members, to serve a one-year term.

9.502 Rules of Procedure: The Planning 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 City.

9.503 Meeting:

A. The meetings of the Planning Commission shall be held at the call of the chair and at such other times as the Commission in its rules of procedure may specify.

B. All meetings of the Planning Commission shall be open to the public pursuant to Minnesota Statutes.

9.504 Voting:

A. Each regular member, including the chair, 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 Commission shall disclose such interest at such time as the agenda item in question is taken up by the Planning Commission.

9.505 Records: The Planning 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 9.6 Authority and Duties

9.601 Plan Preparation and Review:

A. The Planning Commission shall cooperate with the Zoning Official and other employees of the City in preparing and recommending to the City Council 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 Commission shall review any comprehensive, land use, or other plans, or any official

controls sent to the City 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 City Council.

9.602 Public Hearings

A. The Planning 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 City.

B. The Planning 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 City.

C. On all matters, which are before the Planning Commission for public hearing, the Commission shall report in writing to the City Council.

Section 9.7 Compensation

The voting members of the Planning Commission may be compensated in an amount determined by the City Council.

ARTICLE 10
BOARD OF ADJUSTMENT

Section 10.1 Creation

The City Council hereby creates a Board of Adjustment pursuant to Minnesota Statutes 462.357 and all acts amendatory thereof.

Section 10.2 Regular Voting Members

10.201 Membership: The Board of Adjustment shall consist of five members who shall be appointed by the City Council as provided in this Ordinance, all of whom shall be residents of the City of Rice Lake.

10.202 Board of Adjustment Liaison:

A. The city council shall appoint one member of the council to be the primary Board of Adjustment liaison. The liaison shall attend the Board of Adjustment meetings.

B. The Board of Adjustment liaison shall not have the right to vote on issues before the Board of Adjustment, except during those meetings where a quorum of the Board of Adjustment is not present but for the presence of the liaison, in which case the liaison shall be a voting member of the Board of Adjustment on all issues coming before the Board of Adjustment.

Section 10.3 Appointments

10.301 Method of Appointment: The City Council shall, prior to the first scheduled meeting of the Board of Adjustment, fill all vacancies.

10.302 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 City Council to said meeting date in the next following year.

10.303 Vacancies:

A. Appointments shall be made by the City Council to fill any vacancy for the unexpired duration of the term.

B. Vacancies in regular positions shall be declared by the City Council 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 10.4 Removal for Cause

The following shall be deemed sufficient cause for the City Council to remove any Board of Adjustment member. The City Council shall remove any member upon the occurrence of any of the following conditions as reported to the Board by the Chair 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 City. The City Council shall make judgment on such matters after receiving a report of the Chair.

C. Violation by the member of any land use control ordinance adopted by the City of Rice Lake pursuant to Minnesota State Statutes, and all acts amendatory thereof.

D. The member no longer resides in the City or Rice Lake.

E. Inability to carry out the duties of the Board of Adjustment due to a continuing conflict of interest.

Section 10.5 Organization and Procedures

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

10.502 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 City of Rice Lake.

10.503 Meetings:

A. The meetings of the Board of Adjustment shall be held at the call of the chair 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.

10.504 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.

10.505 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 10.6 Authority and Duties

10.601 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 City of Rice Lake shall first be referred to the Planning 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 ensure 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.

10.602 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.

10.603 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 City 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.

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

Section 10.7 Compensation

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

ARTICLE 11
VALIDITY AND EXEMPTIONS

Section 11.1 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 11.2 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 11.3 More Restrictive Standards

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

ARTICLE 12
FEES

Section 12.1 Collection of Fees

A. 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 City. 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.

B. Such fees, charges, and estimated expenses, as well as an escrow deposit if so required by the Zoning Administrator, shall be collected prior to City action on any application. All such applications must be accompanied by a written agreement between the City and the applicant/land owner (when the land owner and applicant are not the same person or entity, both the land owner and applicant must sign the agreement) whereby the applicant/land owner agrees to pay all applicable fees, charges, and expenses as set forth by City Council resolution, and which allows the City to assess that the following fees, charges, and expenses against the land owner if such monies are not paid within 30 days after a bill is sent to the applicant/land owner.

C. Should a permit, petition, or appeal be denied, the fee shall not be refunded.

D. The fees of Article 12 are only an estimate of the expense the City may incur. The applicant is responsible for any and all fees incurred by the City that result from his/her request. All charges are due and payable upon billing by the City. If the escrow is exhausted, the applicant shall replenish it back to its original amount within 10 days of request by the City. All monies left over in the escrow after completion of processing of the application shall be returned to the party who deposited the escrow, provided all applicable City expenses and fees have been fully paid. The City may refuse to issue a plat if billings for fees and expenses remain unpaid.

E. In the event the applicant or property owner does not reimburse the City within 10 days of billing for any unreimbursed costs the City incurred in processing the applicant(s)/owners(s) request, the City shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012.

Section 12.2 Establishment of Fees

Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of the application, shall be as follows and shall be collected by the Zoning Administrator for deposit in the City's accounts. The City Council may also establish charges for public hearings, special meetings, or other such City Council or Planning Commission actions as are necessary to process application.

City of Rice Lake Zoning Fee and Escrow Schedule

Rezone Application	
Residential	$400.00
Escrow	$100.00
Commercial or Mixed Use	$600.00
Escrow	$500.00
Multi-Unit Residential	$600.00
Escrow	$500.00
Conditional/Interim Use Permit Application	
Residential	$400.00
Escrow	$400.00
Commercial or Industrial or Mixed Use	$600.00
Escrow	$1,000.00
Multi-Unit Residential	$600.00
Escrow	$1,000.00
Variance Application	
Residential	$300.00
Escrow	$200.00
Commercial or Industrial or Mixed Use	$600.00
Escrow	$500.00
Planned Unit Development Application	
Preliminary Plan Application	$1,000.00
Escrow	$20,000.00
Final Plan Application	$1,000.00
Escrow	$5,000.00
Zoning Text Amendment	
Application	$400.00
Escrow	$500.00
Zoning Map	$4.00
Comprehensive land use plan	$21.00

ARTICLE 13
EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City of Rice Lake, St. Louis County, Minnesota, this 9th day of December 2024.

Suzanne Herstad, Mayor

Attest: Toni Blomdahl, Clerk/Treasurer