

Section 10 GENERAL REQUIREMENTS

The Provisions of this Ordinance shall be subject to such exemptions, additions, or modifications as herein provided by the following regulations and terms.

Subdivision 1: ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS (R-1, R-2, R-3)

1. No accessory building, other than a garage, shall be located within any yard other than the rear yard.

2. Accessory buildings shall not exceed fifteen (15) feet in height. Attached accessory building shall conform with all the setback regulations as set forth in this Ordinance. Detached accessory buildings shall be located in the rear yard and shall have a rear yard setback of not less than five (5) feet. Garages, detached and constructed in rear yards adjacent to an alleyway, shall have a side and rear yard setback of not less than five (5) feet. Detached garages constructed on corner lots shall have a side yard setback of fifteen (15) feet on the intersecting street.

3. All accessory buildings shall have the same exterior material as, and be homogeneous in design, to the principal structure.

4. No lot may have more than two (2) detached accessory buildings.

5. The maximum total aggregate square footage for all of the detached buildings on a lot which is less than 2.5 acres in size shall be 800 square feet and the maximum total aggregate square footage for all of the detached buildings on a lot which is 2.5 acres or greater in size shall be 1,500 square feet.

Subdivision 2: SETBACK EXEMPTIONS

The following shall not be considered as encroachments on setback requirements:

Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters and the like provided they do not project more than two (2) feet.

Subdivision 3: FENCES

3.1 Fences, Hedges in Residential Districts

3.1-1 Corner lots - No fence, structure, building, hedge or planting shall rise over four feet (4') in height above the level of the public sidewalk within twenty feet (20') of any street right-of-way corner, ten feet (10') of any front property line where it will interfere with traffic or pedestrian visibility across the driveway, alley or street.

3.1-2 Front yard* - Maximum Height - four feet (4'); Setback zero feet (0').

3.1-3 Side yard* - Maximum Height - six feet (6'); Setback zero feet (0').

3.1-4 Rear yard* - Maximum Height - six feet (6'); Setback zero feet (0').

3.1-5 Alley* - Maximum Height - six feet (6'); Setback two + half foot (2-1/2') when property abuts any alley.

* Except as noted under Sections 3.1-7 and 3.1-8 below.

3.1-6 Fences that are provided for tennis courts shall be allowed a maximum height of twelve feet (12'). The fence shall not exceeded twenty-five percent (25%) opacity.

3.1-7 Maximum height of fences or hedges shall be eight feet (8') in the front, rear or street side yard, except for situations as noted under Section 3.1-1 above, if all of the following conditions are present:

3.1-7.1 Location of fence or hedge is adjacent to a principal or minor arterial street.

3.1-7.2 Access to property is prohibited from the principal or minor arterial street.

3.1-7.3 Location on the property where the fence or hedge is located functions as the rear yard of the property.

3.1-8 Maximum height of fences shall be four feet (4') in the front yard, except for situations as noted under Section 3.1-1 above, if all of the following conditions are present:

3.1-8.1 Access to the property is prohibited from the street where the fence or hedge is located.

3.1-8.2 Location on the property where the fence or hedge is located functions as the rear yard of the property.

3.1-9 Trees shall not be regulated as a fence or hedge, except for situation as noted under Section 3.1-1 above.

Subdivision 4: OBSTRUCTION OF VIEW

On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street or public way by obscuring the view, and shall be placed within the property line, so as not to obstruct the line of sight with respect to oncoming traffic.

Subdivision 5: CONFORMANCE WITH MUNICIPAL THOROUGHFARE PLAN

No building permit shall be issued and no structure shall be placed in such a way as to interfere with the future construction of streets or roads as shown on the street plan as such plan exists or is amended or adopted in the future.

Subdivision 6: REMOVAL OF TOPSOIL & APPEARANCE OF LAND

1. No person shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on said premises and excavation or grading incidental thereto, except as provided elsewhere in this Ordinance.

2. In all districts, the lot area remaining after providing for off-street parking, sidewalks, driveways, building sites and other requirements, shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or treatment generally used in landscaping within one year of the issuance of the building permit. If the aforementioned planting and maintenance is not completed within said one year period, the City may enter upon the property and complete planting. The cost of such planting by the City plus an additional 20% shall be billed to the owner of the lot. If not paid, the city will certify said charge to the County for collection with its property taxes to be paid on said lot.

Subdivision 7: BUILDING RELOCATION

To maintain a high standard of residential development, and to protect such areas from deleterious affects, relocated buildings from within the municipality limits or from other areas shall meet the following specified requirements:

- a. Each location of a relocated building shall require a conditional use permit from the governing body and all such buildings shall conform with and be situated in a properly zoned area in accordance with all the provisions of this Ordinance and the building code.

- b. Application for a permit to move a building shall be accompanied by a written approval of a majority of the property owners located within a radius of one hundred (100) feet of the lot upon which the building is to be placed.
- c. The application for a permit to move a building may be granted or denied by the governing body.
- d. The Planning Commission shall report to the Council whether the structure will be compatible with other development in the area. If the Council concurs with the decision of the Planning Commission that a structure would depreciate the area into which it is to be moved, the Council may withhold issuance of a permit for such relocation. The Building Official shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures. These requirements do not apply to construction of sheds or other temporary structures to be located on a lot for eighteen (18) months or less. The relocated structure shall conform to the State of Minnesota Building Code.

Subdivision 8: HOME OCCUPATIONS

The purpose of this subdivision is to regulate home occupations through specific standards and procedures so that they may be conducted in residential areas without jeopardizing the health, safety, and welfare of the surrounding neighborhood.

- 1. Permitted home occupations must conform to the following performance standards:
 - a. They shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling (including garage); not more than 20% of buildings on the lot of the total floor space may be used for such purpose.

- b. No person not residing on the premises shall be employed in the performance of such occupation.
 - c. This use shall not include exterior display or signs except as are permitted by the sign regulations for a residence district.
 - d. There shall be no exterior storage of equipment or materials used in permitted home occupations.
 - e. No structural alterations or enlargements shall be made for the sole or primary purpose of conducting the home occupation.
 - f. No traffic shall be generated by such home occupations in greater volumes than would be normally found in a similar residential neighborhood.
 - g. Any needed parking generated by the conduct of such home occupation shall be met off the street on a dust free surface, and other than in a required front yard.
 - h. There shall be no detrimental effect to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance from the home occupation detectable to the normal senses off the lot or premises.
 - i. Any waste disposed of in the sewer system shall not create or cause a greater volume than that which is normally generated by a similar residential dwelling in the district.
2. The following are home occupations not requiring a permit from the Zoning Administrator that must still conform to the performance standards:
- a. Dressmaker, seamstress, tailor
 - b. Artists, sculptors, authors, composers
 - c. Home crafts such as model-making, rug weaving, lapidary work
 - d. Photo developing or processing
 - e. Music, art or dancing teachers with no more than one pupil at a time
 - f. Secretarial services
 - g. Office facilities of ministers, rabbis, priests, or members of the religious order
 - h. Office facilities of salespersons, sales representatives, or manufacturers

representatives who utilize phone, mail or off premise customer contacts

- i. Other uses deemed similar to the above by the Zoning Administrator.
3. The following are permitted home occupations which, because of greater potential for conflict with surrounding residential neighborhoods, are required annually to obtain a permit from the Zoning Administrator showing conformity with the performance standards. The applicant shall pay a fee as set by the City Council. As a condition of granting a permit the Zoning Administrator may require an inspection of the premises. Upon denial of a permit, the applicant may appeal to the City Council.
- a. Office facilities of physicians, dentists, or other licensed medical practitioners
 - b. Office facilities of lawyers, architects, engineers, Realtors, insurance agents, brokers, contractors and members of similar professions who receive clients on premises
 - c. Printing shops
 - d. Barber or beauty shops
 - e. Upholstering
 - f. Carpentry work
 - g. Repair of non-motorized bicycles, small electrical appliances, typewriters, cameras or other similar small items
 - h. Other uses deemed similar to the above by the Zoning Administrator.
4. Permitted home occupations shall not include any of the following:
- a. The operation of any wholesale or retail business unless it is entirely conducted by mail or phone and does not include the sale, shipment or delivery of merchandise on the premises
 - b. Any manufacturing business
 - c. Any schools, excluding nursery schools, with organized classes of more than one pupil at a time
 - d. Repair of internal combustion engines, body shops, machine shops, welding, or other services that requires equipment other than that normally found in dwellings

- e. Animal hospital or pet shops
- f. Clinics, hospitals, or mortuaries
- g. Renting or painting of vehicles, trailers, or boats.

Subdivision 9: APPROVAL OF GOVERNING BODY

All plans for the improvement, development, alteration or expanded use of any property situated in any district other than the RR or the R-1 District shall be examined and approved by the governing body prior to the issuance of any permit whatsoever.

Subdivision 10: PUBLIC HEARINGS/FEES

All public hearings referred to in this Ordinance shall be held by the governing body after notice of the time and place of such hearing has been published in accordance with the legal requirements of the municipality. In all cases, the governing body may act upon a majority vote of all of its members. All public hearings held by the Planning Commission shall conform with the procedure set forth in this Ordinance.

All application fees shall be set by council resolution. Such resolution may provide a standard application fee and fees for special meetings or hearings. This additional fee may fluctuate in order to cover the expenses for the individual meeting.

Subdivision 11 LAND SUBJECT TO FLOODING

All development or redevelopment of land, which is located within the flood plain, shall occur in conformance with the Rice Flood Plain Management Ordinance.

Subdivision 12: HEIGHT EXEMPTIONS

Height limitations as set forth in this Ordinance shall not apply to church spires, cupolas, water towers, observation towers, flag poles, chimneys, smoke stacks, radio and television towers, grain elevators and similar construction unless, in the opinion of the Building Official, such construction might be dangerous or in other ways detrimental to surrounding property in which case a special permit by the governing body shall be required.

Subdivision 13: BUILDING LINE ESTABLISHED BY DEVELOPMENT

In platted areas, where buildings have been constructed having front yard setbacks different from those described as minimum in this Ordinance and said construction extends over thirty percent (30%) or more of one block, the setback line will be assumed to have been established and subsequent construction shall not be required to provide a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of proposed structure or, if there are residences upon only one side, then beyond the straight line projected from the front of the nearest residences, and no new building or portion thereof shall have a front yard more than 20 feet deeper than the established building line. However, this subdivision shall not be interpreted to require a front yard of more than fifty (50) feet. Where the street is curved the line shall follow the curve of the street rather than a straight line.

Subdivision 14: SOLAR COLLECTORS

Solar collectors shall adhere to the setback requirements of the District in which they are placed. When placed on the roof of structures, solar collectors shall be subject to the height requirements of the District in which they are located, when considering a variance for the placement of solar collectors, state law M.S.A. (462.357 Subdivision 6) stipulates that sufficient solar access may be considered as a legitimate hardship.

Subdivision 15: WINDMILLS

Windmills shall require a conditional use permit as provided in this Ordinance.

Subdivision 16: ESSENTIAL SERVICES

Essential services shall be permitted as authorized by state law and other ordinances of the municipality, it being the intention that such are exempt from the application of this ordinance.

Subdivision 17: CORNER LOTS

In residential districts where the rear yard boundary line of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer or further back from its side lot line (long side) or its front yard (short side) as the required minimum front yard setback (30') or the setback established by existing structures. In the case of a narrow corner lot where compliance with would give an impracticable depth to a structure or building, the City Council may permit the construction of such structure as near to the side street lot line as will give a practicable depth after the matter has been considered by the city's planning Commission and they have given their recommendation to the City Council.

Subdivision 18: ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS

Intent: The purpose of this subdivision is to establish provisions for the installation of antennas, satellite dish antennas, and towers so that owners may enjoy the benefits of such structures without detriment to the health, safety, aesthetics, to property values of others, these antennas shall be allowed to be placed in a position to receive useable signals. Useable signals shall constitute signal strength capable of providing receiver quality equivalent with reception from local commercial stations or cable television.

1. All structures regulated under this subdivision shall meet the same location and setback requirements as other accessory structures in the same district.
2. Antennas and satellite dish antennas may be placed on the roof of a building in accordance with the Uniform Building Code requirements and accepted engineering standards.

3. The distance of any supportive device shall be at least ten feet from the property line.
4. Not more than one antenna shall be allowed in any single family residential district lot. More than one antenna may be allowed if the property owner holds a valid amateur radio license and is using the antennas for experimentation or non commercial use.
5. In residential districts no ground mounted tower shall be in excess of fifty (50) feet in height. Towers mounted on a building or structure shall not exceed over twenty-five (25) feet above the highest point of the roof of the building or structure.
6. In all residential districts, antennas shall be located and designed to reduce visual impact from surrounding properties and public streets.
7. If a useable signal is not obtainable under the provisions of this Ordinance, the applicant may request a variance.
8. Commercial Use of Towers and Wireless Antennas

The following are the requirements for Commercial use of towers and wireless antennas:

- A. A report from a Registered engineer which:
 - 1- Describes the tower and antenna height and design including a cross section and elevations;
 - 2- Documents the height above grade for all potential mounting positions for co-located antennas;
 - 3- Describes the towers capacity, including the number and type of antennas that it can accommodate;
 - 4- Includes the Engineer's stamp and registration number;
 - 5- Towers shall meet the setbacks of the underlying zoning district with the exception of the industrial zoned districts, where towers may encroach into the rear setback area, provided the rear property abuts another industrial zoned property and the tower does not encroach upon easements, and the distance to the nearest residential property line is equal to two times (2x) the height of the tower. In all other zoned areas, the engineer, in writing, will certify that if said tower would collapse, said tower will fully collapse onto property which is owned by same party that has located the tower on said property;
 - 6- No guy wires

shall be used; 7-When lighting is used, including when lighting is required by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto surrounding property; 8-Non-climbable fencing shall enclose the area on which the commercial use antenna tower owner engage in any activity that violates these standards or endangers the public health, safety, welfare, and/or causes interference to existing reception systems, the City may require the abatement of said tower from its current site. The city will provide notice to the commercial use antenna tower owner of the violations, and provide an opportunity for the owner to address the City Council regarding the proposed action. The City may require immediate abatement in the case that there is an immediate public health threat.

- B. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.

Subdivision 19: ACCESSORY APARTMENTS

1. The purpose of this subdivision is to permit the installation of no more than one accessory apartment in an existing single family dwelling. Because this opportunity is allowed in neighborhoods with established utility systems, parking, traffic patterns and architectural character, the installation and use of accessory apartments must be strictly controlled to avoid physical, health, safety, economic, and aesthetic impacts. By allowing only those accessory apartments that are in compliance with all of the performance standards of this section, the health and safety of occupants and the character and quality of existing neighborhoods will be protected.
2. Permit Procedures:
 - a. Application Procedures. No one shall install an accessory apartment without first having obtained a permit from the Zoning Administrator. Application for the permit shall be made on forms designated by the Zoning Administrator and shall be accompanied by

a permit fee as set by the City Council. Within ten (10) working days of application, the Building Official shall inspect the property to determine whether the proposed accessory apartment meets building code standards. Within thirty (30) days of application, after reviewing the building inspector's report and the application, the Zoning Administrator shall deny or approve the application for an accessory apartment based upon conformance with the performance standards. The decision to issue or deny the permit may be appealed to the City Council.

- b. Permit Renewal. The permit shall be renewed yearly and a permit renewal fee, as set by the council, paid. Permit renewal may be conditional upon an inspection.
 - c. Revocation of Permits. Violation of the performance standards shall be grounds for the revocation of the permit. Notice of intent to revoke the permit shall be sent (by certified mail) by the Zoning Administrator to the permit holder. The notice shall state the grounds for revocation and the date, at least ten days after the notice is sent, when the City Council shall consider revocation. Operation of the accessory apartment shall cease within 60 days from the date of revocation by the City Council.
3. Performance Standards.
- a. All remodeling for the addition of the accessory apartment shall be on the inside of the structure. Exceptions to this condition will be made only if the applicant submits exterior elevation drawings determined by the Zoning Administrator to be architecturally compatible with the adjacent structures and consistent with the Zoning Ordinance.
 - b. In addition to the normal parking required for the dwelling unit, there shall be at least one additional paved off-street parking space per accessory apartment dweller.
 - c. Detached garages shall not be converted to living spaces.
 - d. Both the principle and accessory structure must meet the standards of the Uniform Building Code.

- e. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for temporary absences.
- f. House numbers shall be placed on the structure to indicate that the structure has more than one dwelling unit.
- g. The accessory apartment must at all times be kept in conformity to all state and local codes and ordinances.
- h. The accessory apartment shall occupy no more than 50% of the total dwelling space.

Subdivision 20: DWELLING UNIT RESTRICTIONS

- 1. The purpose of this subdivision is to maintain neighborhood property values and otherwise promote health, safety, order and general welfare while providing for manufactured homes in safe, attractive, residential neighborhoods with all urban services and desired amenities as other residential dwellings.
- 2. Single family detached dwelling units, which shall include manufactured homes meeting the regulations of this subdivision, shall be governed by the following regulations:
 - a. All dwellings shall be anchored by being placed on a permanent concrete or treated wood foundation (solid for the complete circumference of the dwelling) that meets the requirement of the State Building Code.
 - b. Dwelling shall have a minimum width for the main portion of the structure of not less than twenty four (24) feet as measured across the narrowest portion. No dwelling shall have a ground floor space of less than nine hundred and sixty (960) square feet.
 - c. The pitch of the main roof shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run (or shall have a pitched main roof). The roof shall be covered with shingles or tiles, excluding sheet roofs of corrugated or ribbed metal, and have eaves of not less than six inches.

- d. Dwelling units shall have exterior siding of a conventional exterior dwelling type material. Any metal siding would have horizontal edges and overlap in sections no wider than twelve (12) inches. Sheet metal siding is not permitted. All units shall have exterior siding from within six (6) inches of the grade and two (2) inches of concrete.
3. No single family manufactured home shall be located outside of a manufactured home park (or a RR District) unless it is in compliance with this subdivision and with Sections 327.31 - 327.35 of Minnesota Statutes and the requirements of this Ordinance.
4. In the event of a denial of a building permit based on the requirements in the subdivision the matter may be referred to the governing body. The governing body may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. The governing body shall have the additional power to require appropriate screening to the extent that such screening sufficiently ameliorate deficiencies of any design or construction.