

ORDINANCE NO. 27
AN ORDINANCE ENACTING REQUIREMENTS
FOR LANDSCAPING INCLUDING OUTSIDE STORAGE,
SCREENING AND LANDSCAPING

Be hereby ordained by the City Council of the City of Rice as follows:

Section 1. Title. This ordinance shall be known as the City of Rice Landscaping Ordinance and will be referred to herein as “this ordinance.”

Section 2. Intent and Purpose. This ordinance is adopted for the purpose of:

1. Promoting orderly and consistent development of residential districts.
2. Establishment of general development performance standards so as to maintain aesthetics and compatibility of adjoining parcels of real estate located in the City of Rice.

Section 3. Regulations Involving Outside Storage, Screening and Landscaping.

Subdivision 1. Outside Storage. All materials, waste, recyclables, debris, supplies and equipment must be stored within a building or structure which is on a permanent foundation, except the following:

- A. Usable laundry equipment (clothes line) in Residential Districts;
- B. Recreational equipment and currently licensed motor vehicles and trailers; or
- C. Temporary storage of construction and landscaping material currently being used on the premises.

Subdivision 2. Landscaping Required. In all zoning districts the lot area remaining after providing for buildings, parking areas, driveways, loading areas, sidewalks or

other structures must be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques. All new uses other than single and two family dwelling units must provide a landscaping plan as part of their site plan review.

Subdivision 3. General Residential Landscaping and Driveway Requirements.

A. Landscaping requirements. No certificate of occupancy shall be issued for any residence until such time as the lot area remaining after providing for driveways, sidewalks, patios, building site and/or other requirements shall be sodded, or seeded and mulched, as follows:

1. The boulevard area of all lots shall be sodded.

i. For purposes of this subdivision, “boulevard” shall mean that area between the edge of the road way surface and the outermost limit of the road right-of-way.

2. All other areas of lots may be either sodded, or seeded and mulched.

3. All residential dwellings of less than four (4) units must contain a minimum of one (1) deciduous tree planted in the front of the dwelling unit of a minimum of two (2) inches in diameter, as measured eighteen inches above ground. All residential dwellings of more than four (4) units must plant a number of trees and in locations deemed practicable by the City based on lot size, location, and available area, which number shall not exceed the number of units.

4. The above requirements must be completed no earlier than April 30th and no later than October 15th of any given year. If landscaping is not completed within said time period, the owner shall provide an escrow of \$3,000 or such other security as

the City may require, and enter an escrow agreement with the City specifying the manner and time in which said landscaping shall be completed as provided in Subdivision 4 of this Ordinance.

B. Driveway Requirements. No final certificate of occupancy will be issued for any residential unit until a driveway providing access from the public right-of-way to the unit has been completed, which must be constructed of concrete, blacktop (asphalt), or other similar hard, durable, dust-free surface designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways. Gravel and crushed granite type surfaces are specifically prohibited. The City's determination shall be final.

1. In the event the driveway required by this Subdivision has not been installed at the time the final certificate of occupancy is requested due to weather, as determined in the sole discretion of the City Engineer, the City may issue a conditional certificate of occupancy, provided the requestor complies with the escrow provisions of Subdivision 4(A) of this Ordinance, and the escrow amount for the driveway shall be \$2,500 cash, or such other security as the City shall require and enters a valid escrow agreement pursuant to Subdivision 4(A) or this ordinance.

Subdivision 4. Certificate of Occupancy. Prior to the issuance of a certificate of occupancy for any newly constructed residential dwelling, the property owner, person, or company requesting the certificate of occupancy shall have installed the improvements to the

property upon which the dwelling is located as required by Subdivision 3 of this Ordinance or in any applicable development agreement.

A. In the event the certificate of occupancy is requested after October 15th and before April 30th of any given year, the City may issue the conditional certificate of occupancy, provided the requestor or property owner:

i. Provides the City with an escrow of such type and in the amount as shall be acceptable to the City, in the City's sole discretion, as described in Subdivision 3 of this Ordinance.

ii. Enters into an escrow agreement with the City to install said improvements by a date certain as specified by the City and which provides the City with the authority to enter upon the property to install said improvements using the money placed in escrow in the event the improvements are not installed by said date. The requestor or property owner shall be responsible for the difference between the escrow amount and the actual cost of installation.

1. If the improvements are those required under Subdivision 3 of this Ordinance, the escrow agreement shall provide that the requestor or property owner must have completed installation by a designated date. In the event the improvements are not installed by this date, the City may undertake to install the improvements pursuant to Subdivision 4(A)(ii) of this Ordinance.

iii. Pays to the City a non-refundable administration fee of \$100.00 for the processing of the escrow and escrow agreement.

B. In the event an escrow amount is paid to the City under this subdivision 4, it will be refunded without interest within thirty (30) days of certification that the improvements have been satisfactorily installed.

Subdivision 5. Topsoil Removal. No person shall strip, excavate or otherwise remove topsoil for sale or for use off premises except (i) in connection with the construction or alteration of a building on the premises or (ii) in connection with excavation or grading incidental to the work on the premises.

Section 4. Conflicting Ordinances. This Ordinance supersedes any inconsistent or conflicting policy, rule or ordinance.

Section 5. Violations. A violation of this ordinance shall constitute a petty misdemeanor and shall be punishable as set forth in Minnesota law.

Section 6. Effective Date. This Ordinance shall become effective upon its passage and publication.

Dated this ____ day of _____, 2007.

CITY OF RICE

By _____
Bonnie Scheel, Rice City Clerk

By _____
Michael Fiedler, Mayor