

Section 4 RULES AND DEFINITIONS

Subdivision 1: RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules:

1. The singular includes the plural and the plural includes the singular.
2. The present tense includes the past and the future tense. The future tense includes the present.
3. The word "shall" is mandatory and the word "may" permissible.
4. A word or term appearing in the text of this Ordinance shall be interpreted as to its meaning in accordance with the definitions contained in this section.

Subdivision 2: DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herein defined:

1. Accessory Apartment: A separate dwelling unit contained within an existing single family structure, to be occupied by another individual(s) as a separate, complete housekeeping unit, subject to the permit procedures and criteria of Section 10, Subdivision 19. The existence of separate cooking facilities shall distinguish an accessory apartment from the renting of rooms for lodging purposes.
2. Accessory Building: A subordinate building or structure on the same lot, or immediately adjacent lot, or part of the main building, exclusively occupied by or devoted to a use incidental to the main use.
3. Accessory Use: A use subordinate to the principal use on the same lot, or immediately adjacent lot, and customarily incidental thereto.
4. Alley: A public right-of-way which affords a secondary means of access to abutting Property.
5. Antenna: Equipment located on the exterior of, or outside of any building or structure and used for transmitting or receiving telecommunications.
6. Automobile Repair Shop: A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment. Salvage and junk shall not be kept, stored or worked on in an auto repair shop. Vehicles which have been involved in a car accident transferred to the owner of the premises or an affiliate or entity with which the owner regularly works with shall not be stored or worked on in an auto repair shop.
7. Automobile wrecking or Junkyard: A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old or used or second-hand material of any kind, including used motor vehicles, machinery,

and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment. This shall further include a lot or yard where licensed and/or unlicensed motor vehicles which have been involved in an accident and are being repaired to what is commonly called a "repairable" are kept for the purpose of repairing the same and ultimately selling said vehicle to a third party. This shall not prohibit the keeping of one (1) the unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements with a farm in the agricultural district.

8. Basement: Any floor level below the first story in a building, except that a floor level in a building having only on floor level shall be classified as a basement unless such floor level qualifies as a first story (see page 13) as defined herein.
9. Boarding House: Any dwelling other than the motel or hotel where, by pre-arrangement, meals or lodging are provided for five (5) or more persons.
10. Boundary Lines: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the zoning map.
11. Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind; when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.
12. Buildable Area: That part of the lot remaining after required yards have been provided.
13. Building Height: The vertical distance from the "grade" to the highest point of the roof surface.
14. Building Principal: A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
15. Camping, Trailers: Camping trailers shall mean any of the following:
 - a. Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
 - b. Pick-up coach means a structure designed to be mounted on a truck chassis for use a temporary dwelling for travel recreation and vacation.

- c. Motor-home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.
- d. Camping trailer means a folded structure, mounted on wheels and designed for travel, recreation and vacation uses.
16. Carport: A structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.
17. Cellar: That portion of a building having more than half of the clear floor-to-ceiling height below the average grade of the adjacent ground. It shall not be included in arriving at the total gross floor area.
18. Clear-cutting: The removal of an entire stand of trees.
19. Clinic: A clinic for the purpose of this ordinance is a public or proprietary institution providing diagnostic, therapeutic, or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.
20. Community Services: Those essential services, primarily sewer and water systems, which are intended to service a group of buildings or building lots within an unincorporated area; and which are owned and maintained by the owners of the benefiting property. Such essential services shall meet County and State of Minnesota standards, and shall be installed as required by this Ordinance.
21. Conditional Use: A use which because of unique characteristics, cannot be classified as a permitted use in a particular district. After due consideration, in each case, of the impact of such upon neighboring land and of the public desirability for the particular use at the particular locations, a Conditional Use Permit may be granted.
22. Condominiums: The legal arrangement in which a dwelling unit in an apartment building or residential development is individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all the individual owners. Condominium ownership provides design flexibility and the sharing of responsibility through the use of common open spaces that are in addition to private open spaces.
23. Day Care Facility: A facility as defined under M.S. 245.782, Subd. 5.
24. Dog Kennel: (Check with Animal Licensing Ordinance) Any premise where more than two (2) dogs over six (6) months of age are kept.
25. Dwelling: Any building or portion thereof which contains not more than two dwelling units.
26. Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family.

27. Efficiency Dwelling Unit: A dwelling unit containing only one habitable room.
28. Easement: A grant by the owner of land to a person or persons or to the general public for a specific use of said land.
29. Essential Services: The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.
30. Farm, General: An area of at least five (5) acres, or an area eligible for protection under the Green Acres Act on which crops and/or livestock are grown or fed for the purpose of preparing livestock or crops for sale or use as feed. A general farm may be engaged in two or more aspects of the growing and raising of crops and/or livestock provided that no horses, cows, hogs, sheep, goats, swine, other livestock or fur bearing animals shall be permitted on tracts of five (5) to twenty (20) acres in size except by a conditional use permit as hereinafter provided.
31. Farm, Intensive: A farm on which the major source of revenue of the farm comes from the raising and selling of livestock or livestock products subject to the conditions stated herein. Any of the following items may be considered as sufficient reason for classification as an intensive livestock farm by the Governing Body:
- 1.) Near complete concentration in one aspect of livestock raising, with any other use accessory to the principal use.
 - 2.) The use of force feeding or confinement raising of livestock.
- For the purpose of this Ordinance, intensive livestock farming operations of the industrial type mentioned above shall include the raising of the following types of livestock, subject to the conditions stated above; cattle, swine, poultry, or any other type of livestock.
32. Farmstead: Property on which structures and a farm dwelling are located for management, storage, and general farm operation.
33. Feed Lot: An enclosure for the feeding of poultry or livestock which is not normally used for pasture or crops and in which animal wastes may accumulate.
34. Floor Area Gross: The sum of the gross horizontal areas of all floors of all buildings on any lot as measured from the exterior faces of exterior walls or from the center line of the walls separating two buildings. In particular, the gross floor area of a building or buildings shall include basements and stairwells at each story, floor space used for mechanical equipment (with structural headroom of seven feet, six inches or more) attic space (providing structural head room of seven feet, six inches or more), and interior balconies and mezzanines.
35. Floor-Area-Ratio: A quotient which expresses the total gross floor area as a multiple of the total area of the lot. The quotient is determined by dividing the gross floor area of all buildings as measured from exterior walls on any

lot by the area of that lot.

36. Frontage: The width of a lot or building site measured on the line separating it from the public street or way. (For the purpose of this Ordinance, the front line of corner lots shall be considered to be the shortest street line.)
37. Garage, Private: A garage with a capacity of not more than four (4) power-driven vehicles for storage only, and which is erected as an accessory to a dwelling. Space to store up to two (2) passenger vehicles may be rented to non-residents.
38. Garage Public: Any premises, except those described as a private garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
39. Gasoline Service Station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair, or similar servicing thereof.
40. Governing Body (Council): A group of persons elected by voters of the City to govern the public affairs thereof.
41. Grade: (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.
42. Hardship: Means that property in question cannot be put to a reasonable use under the conditions of the official controls; the plight of the landowner is due to circumstances unique to his land and not created by any person. Economic consideration alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.
43. Home Occupations: Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises. A home occupation shall be limited to one person plus one assistant who may or may not reside in the dwelling. Such home occupation shall not require internal or external major alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, no exterior signs except as allowed in the sign regulations for the zoning district in which the home occupation is located; there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include but are not limited to the following: art studio, beauty

shop, dressmaking, special offices of a clergyman, lawyer, physician, dentist, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling occupied by the same; and teaching with musical instruments, dancing, and other instruction limited to one (1) pupil at a time.

44. Industrial Solid Waste: Non-hazardous, non-toxic waste material resulting from an industrial operation. It shall not include garbage, refuse and other discarded materials, animal waste, fertilizer, or solid or dissolved material from domestic sewage.
45. Industrial Storage and Disposal Facility: A facility permitted by the Minnesota Pollution Control Agency or its regulatory successor for the disposal of non-hazardous and non-toxic industrial solid waste.
46. Loading Space: A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.
47. Lodging Room: A room rented as sleeping quarters, but without cooking facilities. Each room which provides sleeping accommodations shall be counted as one (1) lodging room.
48. Lot: A parcel of land, abutting on or having access to a public street, being a lot designated in a recorded plat or a parcel occupied by a principal building upon the effective date of this Ordinance, or being a parcel of record of sufficient size to provided the yards required by this Ordinance.
49. Lot Area: The area of a horizontal plane within the lot lines.
50. Lot, Buildable: A buildable lot is that square footage required by this Zoning Ordinance for a particular zone.
51. Lot, Corner: The lot situated at the junction of, and abutting on two (2) or more streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.
52. Lot, Coverage: The part of percentage of the lot occupied by buildings or structures, including accessory building structures.
53. Lot, Depth: The mean horizontal distance between the front and rear lines of a lot.
54. Lot, Frontage: The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.
55. Lot, Interior: A lot other than a corner lot.
56. Lot Key: The first lot of a block.
57. Lot Line: A property boundary line of any lot held in single or separate

ownership: except that 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.

58. Lot Width: The mean horizontal distance between the side lot lines of a lot.
59. Manufactured Home: "Manufactured Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein: except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter and which meets the Manufactured Home Builders Code promulgated pursuant to M.S. 727.31, Subdivision 3. (No manufactured dwelling may be moved into the city of Rice that does not meet the Manufactured Home Builders Code as defined above.)
60. Manufactured Home Park: Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
61. Motel, Motor Court or Hotel: A motel, motor court or hotel is a business comprising of a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.
62. Municipality: The governmental unit or area described in and governed by the provisions of this Ordinance. The term shall include unincorporated as well as incorporated areas.
63. Non-Conforming Use: A use lawfully in existence on the effective date of this Ordinance but not conforming to the regulations for the district in which it is situated except as modified elsewhere in this Ordinance.
64. Nursery, Day: A building in which more than five (5) children under kindergarten age are cared for more than four (4) hours per day for pay.
65. Off Sale Liquor Store: Any retail store in which liquor is sold in original packages for consumption off or away from the premises where sold.
66. Ordinary High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
67. Parking Space: An area as defined in Section 26 of this Ordinance, exclusive of access or maneuvering area, to be used exclusively as a temporary storage

space for one (1) private motor vehicle.

68. Permitted Use: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.
69. Person: Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, who are responsible for the violation.
70. Premises: A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.
71. Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of 100 year recurrence interval.
72. Regulatory Flood Protection Elevation: A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
73. Rest Home, Nursing Home: The terms "Rest Home," "Nursing Home," and "Boarding Care Home" shall mean a building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
74. Rezoning: The changing of any parcel or parcels from one zoning district to another through procedures established by this chapter.
75. Right-Of-Way: Land dedicated and publicly owned for use as a street, alley, or walkway.
76. Salvage Yard: (Recycling Center) An area where used, waste, discarded or salvaged material are disassembled, including but not limited to scrap iron, and other metals, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included.
77. Satellite Dish Antenna: A parabolic shaped antenna (including all supporting apparatus) located on the exterior of, or outside of, any building or structure and is used for receiving telecommunications, television. or radio signals.
78. School: An accredited institution for learning, providing primary and secondary instructions.
79. Setback: The minimum horizontal distance between a building and right of

way line or property line.

80. Shoreland: The land located within the following distances from public water
(a) 1,000 feet from the normal high water mark of a lake, pond, or flowage;
(b) 300 feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances.
81. Sign: A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.
82. Sign, Area Identification: A free standing sign or pylon which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center consisting of three or more separate business concerns, or an industrial area consisting of three or more structures.
83. Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.
84. Sign, Directional: A sign erected on public or private property which bears the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.
85. Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity or in color at all times when such sign is in use.
86. Sign, Illuminated: Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
87. Sign, Institutional: A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
88. Sign, Off-Premises Advertising: A sign which directs attention to a business, commodity, service or entertainment conducted. sold or offered elsewhere than on the premises.
89. Sign, Pylon: A ground sign erected upon a single post or posts or shafts that converge at a common base with the posts not more than fifteen feet apart with the display portion mounted on top thereof at least twelve (12) feet above the surface of the street adjacent to the property on which the sign is located.

90. Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.
91. Stand, Roadside: A structure used only for the display and sale of products with no space for customers within the structure.
92. Story: That portion of a building included between the surface of any floor and the surface of the floor next above; the space between the floor and ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story.
93. Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than 8 feet below grade, as defined herein, at any point.
94. Structure: Any permanently constructed or erected thing requiring location on the ground or attached to something located on the ground.
95. Structural Alteration; Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders, etc. Roofs or exterior walls included. Incidental repairs shall not be considered as alterations.
96. Tower: Any pole, spire, or structure, or any combination thereof, to which an antenna is attached, or which is designated for an antenna to be attached, and all supporting lines, cables, wires and braces.
97. Townhouse: An owner-occupied single family dwelling utilizing a cluster of row arrangement where each dwelling has its own private entrance, and, except for end dwelling, have two or more common walls.
98. Use: The purpose for which land is zoned or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.
99. Utility Building: A non-permanent structure on the same lot, or immediately adjacent lot, for the storage of domestic supplies. Utility building may be located not less than ten (10) feet from a lot line of an abutting lot in an R-1 district. Utility buildings shall not exceed two hundred twenty (220) square feet, and shall be located in the rear yard of the lot.
100. Variance: A modification of the literal provisions of this Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of the variance are:
 - a.) Undue hardship;
 - b.) Unique circumstances; and
 - c.) Applying to individual property.

A variance is not justified unless all three elements are present in the case. District boundary lines, zoning, property use or non-conforming use restrictions shall not be revised or amended by granting a request for variances.

101. Yard: An open space on a lot which is unoccupied and obstructed from its lowest level to the sky/ except as otherwise permitted in this Ordinance.
102. Yard, Front: A yard extending along the full width of the front lot line between side lot lines and from the abutting front street right-of-way to the front building line in depth. Except that the front yard on a corner lot shall be that side fronting a street which has the least dimension. (See definition #61).
103. Yard, Rear: That portion of the *yard* on the same lot with the principal building located between the rear building line and the rear lot line and extending the full width of the lot.
104. Yard, Side: That portion of the yard along a side lot line between the front and rear yards and between the side building line and side lot line.