

Chapter 507 Specific Development Standards

507.01 Purpose

The standards in this Chapter are established to provide supplemental regulations to address the unique characteristics of certain land uses.

507.02 Applicability

The standards in this Chapter apply to the uses listed below within the zoning districts in which they are allowed, whether the uses are permitted or conditional. The standards in this Chapter shall apply in addition to the general criteria for conditional uses in §503.05, and all other applicable regulations.

507.03 Standards for Residential and Related Uses

A. Single-family detached dwelling –

1. **HC and LI Districts.** Single-family detached dwellings in the HC and LI Districts shall be limited to those existing at the time of adoption of this Ordinance.
2. **Minimum dwelling unit size in all districts.** All single-family dwelling units except temporary farm residences shall be a minimum of 960 square feet in area and 16 feet in width.

B. Accessory temporary farm dwelling. See §507.10, Structures Accessory and Temporary to Permitted Uses

C. Single-family attached dwelling. Single-family attached dwellings in the Shoreland and Agricultural Districts shall be limited to those approved as part of a Planned Unit Development (PUD) or Plat.

1. **Maximum 8 units.** A maximum of eight units shall be permitted within a single building.
2. **Minimum frontage.** Townhouse dwellings shall be located on lots in such a way that each individual unit has a minimum of fifteen (15) feet of street frontage.
3. **Garages and parking.** If the garage door faces the street, it shall occupy no more than 50 percent of the façade.
4. **Entrance location.** The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
5. **Open space.** Common open space for use by all residents or private open space adjacent to each unit shall be provided.

D. Multifamily dwelling. Multifamily dwelling units in the Shoreland and Agricultural Districts shall be limited to those approved as part of a Planned Unit Development (PUD) or Plat.

1. **VMU District.** Within the VMU District, new multifamily dwelling units are permitted above the first floor of any mixed-use building with commercial uses, offices, studios, or other permitted nonresidential uses on the ground floor.
2. **Village Extension PUD.** Within a Village Extension Planned Unit Development (PUD), multifamily buildings may be permitted in conjunction with other housing types, with densities and dimensional standards to be determined through the PUD review and approval process.

E. Mixed-use building

1. **Utilities.** Centralized utilities shall be utilized if they are available.
2. **Entrance.** The primary entrance shall be located on the façade fronting a public street; an additional entrance may be provided on the rear or side façade.
3. **Location of dwelling units.** Dwelling units shall be located above or behind the commercial or office space, and shall maintain a separate entrance located on the front or side facade and accessible from the primary abutting public road.

F. Facility for supervised residential program

1. **Capacity.** License capacity shall not exceed six (6) persons for a supervised residential program listed as a permitted use in Table 508-1. A conditional use permit is required for supervised residential programs exceeding six (6) persons.
2. **Licensing.** The facility shall meet all state and federal license requirements.
3. **In a dwelling.** The facility must be located within an existing single-family detached dwelling or, if a new facility, in a dwelling meeting the density provisions of this Ordinance.
4. **HC and LI Districts.** Within the HC and LI Districts, the use must be located within an existing single-family detached dwelling.

507.04 Standards for Agricultural and Related Uses

- A. **Farm production.** In the RR and VMU Districts, farm production involving livestock is limited to one (1) animal unit per acre, up to a maximum of ten (10) animal units, and shall comply with the provisions of the Rice County Feedlot Ordinance.
- B. **Feedlot.** All feedlots shall comply with the provisions of the Rice County Feedlot Ordinance, and if required, regulations of the Minnesota Pollution Control Agency.
- C. **Agriculturally-oriented business**
 1. **Definition.** Agriculturally-oriented businesses shall be limited to the following:
 - a. Sales, handling and storage of agricultural supplies such as grain, feed, and fertilizer;
 - b. Agricultural equipment sales, storage and repair;
 - c. Processing of agricultural products, including custom meat processing;
 - d. Livestock sales barns and accessory facilities
 - e. Commercial indoor storage within existing farm buildings
 - f. Production of ethanol and bio-diesel
 2. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.
 3. **Outdoor storage.** Outdoor storage areas shall be screened from adjacent residences.
 4. **Custom meat processing.** All custom meat processing activities, including animal slaughter, shall take place within a completely enclosed building with adequate soundproofing and odor control and will meet all federal and state requirements for humane slaughter and meat inspection.
- D. **Animal manure composting site that accepts manure transported from off-site**
 1. **Defined as a feedlot.** This use is defined as a feedlot for the purpose of this Ordinance, and shall meet all the provisions of the Rice County Feedlot Ordinance, and if required, regulations of the Minnesota Pollution Control Agency.
 2. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required.
- E. **Aquaculture, fish farm.** This use is defined as a feedlot for the purpose of this Ordinance, and shall meet all the provisions of the Rice County Feedlot Ordinance, and if required, the Minnesota Pollution Control Agency.

- F. **Agricultural Tourism Business, permitted.** An agricultural tourism business may be permitted in the Agricultural or Urban Reserve Districts on an agricultural use property, meeting the following requirements:
1. The Agricultural Tourism Business is clearly incidental and subordinate to the agricultural use of the property.
 2. The onsite Agricultural tourism business occurs no more than 6 times per year.
 3. There is adequate provision for parking of vehicles so that there is not parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be a minimum of 40 feet from all property lines and appropriately screened from neighboring properties.
 4. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
 5. Outside activities must be completed during daylight hours. Inside activities must be completed by 10:00 pm.
 6. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State, Local Standards.
 7. Non-agricultural celebration events, not exceeding two consecutive days per event, shall be limited to the following: wedding ceremonies, receptions, non-profit benefits and fundraisers, reunions, retirement celebrations, graduations, birthdays, barn dances, harvest festivals and food/product/produce tasting and sales events.
 8. The permitted Agricultural Tourism Business shall not host an event having more than 250 visitors onsite.
 9. All non-agricultural buildings used for the public must meet building code requirements for the intended use as determined by the Rice County Building Official.
- G. **Agricultural Tourism Business, conditional.** An agricultural tourism business may be a conditional use in the Agricultural or Urban Reserve District on an agricultural use property, in the General Development, Recreational Development and Natural Environment Shoreland Districts on agricultural use property that has an agricultural property tax classification, meeting the following requirements:
1. The Agricultural Tourism Business is clearly incidental and subordinate to the agricultural use of the property.
 2. There is adequate provision for parking of vehicles so that there is not parking on public roads and adequate setbacks from adjacent properties are maintained. Parking areas must be a minimum of 40 feet from all property lines and appropriately screened from neighboring properties.
 3. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
 4. Any on-site preparation and handling of food or beverages must comply with all applicable Federal, State, Local Standards.
 5. Non-agricultural celebration events, not exceeding two consecutive days per event, shall be limited to the following: wedding ceremonies, receptions, non-profit benefits and fundraisers, reunions, retirement celebrations, graduations, birthdays, barn dances, harvest festivals and food/product/produce tasting and sales events, and craft/vintage/secondhand item sales events.
 6. All non-agricultural buildings used for the public must meet building code requirements for the intended use as determined by the Rice County Building Official.

507.05 Standards for Commercial Recreation Uses

A. **General standards for commercial recreation uses.** All commercial recreational uses listed in Table 508-1 shall meet the following requirements:

1. **Liability insurance required.** Operators of commercial recreation uses shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.
2. **Days and hours of operation.** The conditional use permit application shall specify the days and hours of operation. The County may limit the days and hours of operation as a condition of the permit, and may attach additional reasonable requirements to the use.
3. **Licensing and site plan required.** Rural business licensing and site plan approval shall be required. Site plans shall indicate all proposed recreation areas, sanitary facilities, storage areas, parking, signs, landscaping and other information needed to assess the impacts of the operation.
4. **Vehicles.** No unlicensed or inoperable vehicles or vehicle parts shall be stored on-site.

B. **Campground, private**

1. **Location limited.** The campground shall be located in an area the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 or less.
2. **Caretaker or attendant required.** A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the park, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his appointed representative.
3. **Mobile homes prohibited.** No mobile homes shall be allowed in campgrounds.
4. **Year-round residential use prohibited.** Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.
5. **Recreation area standards.** Recreation areas within campgrounds shall meet the following standards:
 - a. **Picnic areas.** Picnic areas shall include suitable toilets or privies, and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with all applicable state standards.
 - b. **Swimming areas.** Natural swimming areas, where provided, shall be located on lakes and streams suitable for human contact recreation as defined by the Minnesota Department of Natural Resources, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located away from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with all applicable standards.
6. **Setbacks.** The following setbacks shall be met in private campgrounds:
 - a. **Recreational camping vehicles and accessory structures.** Recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Accessory structures shall comply with this setback.
 - b. **Setbacks from property boundaries.** Recreational camping vehicles shall be set back at least twenty-five (25) feet from any road right-of-way and at least ten (10) feet from other park boundary lines.

- c. **Shoreland District setbacks shall be met.** Recreational camping vehicles, and structures, including accessory structures, shall meet all the setback requirements for structures as specified in Chapter 516, Shoreland District.
 - 7. **Sanitation facilities.** Sanitation facilities shall be provided according to the standards of the Rice County Sewage and Wastewater Treatment Ordinance.
- C. **Flying field for radio-controlled flying aircraft**
 - 1. A site plan shall indicate take-off area and area designated for flying, showing that this area meets the minimum setback and buffer requirements.
 - 2. There shall be a 1,000 ft. buffer behind the take-off area for the flying aircraft, extending to the nearest residence.
 - 3. There shall be a one half (1/2) mile buffer extending from either side and in front of the take-off area for the flying aircraft to the nearest residence.
 - 4. The residence of the owner of the land upon which the facility is operating is exempt from the preceding requirements 2 and 3.
 - 5. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.
 - 6. It shall be the responsibility of the operator or club to supervise all flying and club activities.
- D. **Go-cart track, miniature golf.** The site shall have access to a paved road.
- E. **Golf course, country club, driving range**
 - 1. The facility shall be located in an area the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 or less.
 - 2. The site shall have access to a paved road.
- F. **Gun (rifle, shotgun or pistol) or archery range, outdoor.** National standards for such facilities shall be complied with, and shall include the following as a minimum:
 - 1. For outdoor gun ranges:
 - a. No outdoor shooting range shall be allowed within 500 feet of an existing residence, measured from the property line of the range site, without the permission of the existing residents.
 - b. A backstop having a minimum height of twenty (20) feet with a top width of at least four (4) feet and side berms having a minimum height of eight (8) feet shall be required unless significant terrain features exist that would take their place. Berms shall meet all the following criteria:
 - i. The berm shall be provided with a horizontal bullet catcher and ricochet catcher.
 - ii. A minimum depth of one (1) foot of clean fill shall be placed on the front side of the berm.
 - iii. The berm shall have a minimum compaction of 90% laboratory dry density and the base a compaction of 95 % laboratory dry density.
 - c. A horizontal bullet catcher and a ricochet catcher may be required where natural terrain is utilized for a range instead of a backstop berm or side berm.
 - d. For skeet and trap shooting, a 300 yard shot fall zone to the front and sides of the range as measured from the center of the firing stations, shall be provided. This area shall be contained wholly within the property on which the range is located, or on property leased by the facility or covered by signed agreement of adjacent property owners.
 - e. Use of the facility shall be restricted to club members, guests, and participants in club sanctioned events.

- f. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use by the club.
 - g. Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences.
2. For Archery ranges:
- a. No outdoor shooting range shall be allowed within 200 feet of a downrange existing residence or within 100 feet of an existing residence to the sides of the shooting areas, distances as measured from the property line of the range site, without the permission of the existing residents.
 - b. A backstop shall be provided of sufficient size and density to control projectiles for allowed shooting, or a safety buffer area of at least 1/2 the distance of the longest target distance shall be provided.
 - c. A 40 foot safety buffer area shall be provided between the shooting lanes and property lines.
 - d. Access to the shooting areas shall be controlled through fencing, posted regulations or other methods. Signage shall be posted at range boundaries.
 - e. Rules of operation shall be posted at the entrance to the range and in other areas applicable to the site.
 - f. Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences.
- G. **Gun or archery range, indoor.** All shooting shall be done within an enclosed building, subject to all federal, state and local standards.
- H. **Hunting club, private**
- 1. The perimeter of the property shall be fenced.
 - 2. Shooting shall not occur within 500 feet of a residence.
 - 3. Where a residence is located within 500 feet of the perimeter of a hunt club a second fence shall be constructed delineating the 500 foot separation distance.
 - 4. Entry to the site shall be by controlled access.
 - 5. Firearms shall be limited to shotguns.
 - 6. Use of firearms shall be limited and controlled so that no danger or damage shall occur outside the perimeter of the property.
- I. **Organized motor sports.** This use category includes ATV trails, motorcycle tracks or trails, truck trails and tractor pulling but not auto or other vehicle racing, tracks or events.
- 1. The majority of the land occupied by the use shall be land with a Crop Equivalency Rating (CER) of 65 or less.
 - 2. Erosion control plans for trails may be required.
 - 3. Tracks or trails shall be located at least 500 feet from existing residences.
 - 4. Noise standards shall comply with Minnesota Rules Chapter 7030.
- J. **Paint ball course**
- 1. Related equipment and structures shall be in compliance with all applicable local, state and federal regulatory standards.
 - 2. The shooting areas shall be set back as follows:
 - a. From property line: 100 feet
 - b. From road right-of-way: 100 feet
 - 3. Setbacks may be increased if the travel distance of the paintballs is greater than 100 feet.

4. Noise standards shall comply with Minnesota Rules Chapter 7030.
5. Paint and balls used shall be non-toxic and of a type non-harmful to the environment.
6. Screening of the facility from neighboring homes shall be required.
7. No mobile homes or travel trailers shall be allowed on the course

K. Riding and boarding stable

1. The facility shall be at least five (5) acres in size.
2. The majority of the land used for trails shall be forest land, or land with Crop Equivalent Ratings of 65 or less.

L. Ski slope, snowboarding, tubing or sledding hills, private. See General Standards for Commercial Recreation

M. Soccer Club Area, Private. Use may include indoor/outdoor practice, training and game facilities for soccer, meeting the following requirements:

1. The perimeter of the property shall be clearly defined with fencing and/or vegetation.
2. Screening of the parking area from neighboring homes shall be required.
3. Entry to the site shall be by controlled access.
4. All structures and equipment shall be in-compliance with all applicable local, state and federal standards.
5. Caretaker or attendant required. A responsible attendant or caretaker shall be in charge of the site during all on-site activities, and the duties of said attendant or caretaker shall be to maintain records of the area, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the area, or their appointed representative.
6. Suitable and adequate restroom facilities shall be provided on-site.
7. Hours of operation: The hours of operation shall not have an adverse impact on adjacent property owners.
8. At no time shall there be more than 250 (two-hundred fifty) persons on-site.

N. Water-oriented commercial recreation

1. **Parking areas.** Parking areas and structures must be screened from adjacent lots, roadways and as viewed from the lake or stream.
2. **Watercraft mooring.** Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
3. **Signs and lighting.** Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following standards:
 - a. **Signs on public waters.** No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Planning Director.
 - b. **Signs within shore impact zone.** Signs may be placed, when necessary, within the shore impact zone only if they meet the following requirements:
 - i. They shall be designed and sized to be the minimum necessary to convey needed information
 - ii. They shall convey only the location and name of the establishment and the general types of goods or services available
 - iii. They shall not contain other detailed information such as product brands and prices
 - iv. They shall not be located higher than (10) feet above the ground
 - v. They shall not exceed thirty-two (32) square feet in size

- vi. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters
- 4. **Lighting within shore impact zone.** 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. This does not preclude use of navigational lights.
- 5. **Boat rides, dinner tours.** Commercial uses such as boat rides, dinner tours and on-board vendors are allowed only as a part of shore-based surface water-oriented commercial use.
- 6. **Commercial uses without water-oriented needs limited.** Commercial uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

507.06 Civic, Educational and Institutional Uses

A. Day care center

- 1. All necessary permits and/or licenses shall be obtained from all applicable government agencies.
- 2. When a day care facility is proposed in a church or school building originally constructed for use as a church or school, the use shall be treated as a permitted accessory use.

B. Religious institution. This class of uses includes churches, chapels, temples, mosques, etc., including cemeteries and normal accessory buildings. Any living quarters shall meet the residential requirements of this ordinance.

- 1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
- 2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.

C. Campground, public. Standards for public campgrounds shall be the same as those established for private campgrounds in §507.05 B.

D. Public and private schools and related facilities

- 1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
- 2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.

507.07 Commercial and Industrial Uses

A. Adult entertainment. In addition to the general requirements for uses in the LI District as set forth in Chapter 515, the following specific development standards shall apply to adult entertainment uses:

- 1. **Separation requirements.** Adult entertainment uses shall be located the following minimum distances from the listed uses that are present at the point in time at which the adult entertainment use is permitted:
 - a. Five-hundred (500) feet from residential, day care, public parks or playgrounds, religious institutions or educational institutions as measured in a straight line from the entrance to

the structure where the adult entertainment use occurs to the nearest property boundary of the listed use

- b. Five-hundred (500) feet from another adult entertainment use as measured in a straight line between the closest property boundary points
- 2. **Maximum building size.** The maximum size of a structure where an adult entertainment use occurs shall be no larger than ten-thousand (10,000) square feet.
- 3. **Signs and window displays**
 - a. Sexually explicit matter shall not be displayed on signs, window displays, or the exterior of any structure.
 - b. Signs shall conform to the sign regulations in §505.14.
- 4. **Hours of operation.** The hours of operation shall not have an adverse impact on adjacent property owners.
- 5. **No alcohol.** Alcoholic beverages shall not be consumed or sold anywhere within the structure housing a permitted adult entertainment use.
- 6. **Exterior colors.** The colors of the exterior of structures where adult entertainment uses occur shall be muted and blend with surrounding structures, and shall not be neon, bright or multi-colored.
- 7. **Annual license inspection.** Adult entertainment uses shall comply with the Rural Business Licensing requirements in §505.11, and shall have an annual on-site inspection by the Zoning Administrator. A fee covering the cost of the annual inspection shall be paid by the owner of the land on which the adult entertainment use occurs.

B. Agricultural based therapeutic service uses

- 1. The use must be on a parcel of at least 40 acres.
- 2. Majority of the land must have a Crop Equivalency Rating of 65 or less
- 3. Permanent residence shall not exceed the density allowed in the quarter-quarter section.
- 4. Use shall be limited to therapeutic use for health challenged children and their family.
- 5. Transit services must be provided.
- 6. Centralized dining facilities shall be required.
- 7. Site must remain in a least 50% agricultural crops or livestock.
- 8. Screening to neighboring residences shall be provided.

C. Auto and recreational equipment and vehicles; sales and repair

- 1. The sale or rent of motor vehicles, trailers, campers, boats and other items that are not kept entirely within the building shall require an approved open sales lot.
- 2. Any outside sales or storage areas adjacent to a residential district or residential use, shall be screened by a solid fence at least six (6) feet in height and additional landscaping, or by equivalent evergreen vegetation.
- 3. All repairs shall be performed within a completely enclosed building.
- 4. Outdoor speakers shall not be audible beyond the property boundary.

D. Auto - Service station, Auto repair, and Auto body repair

- 1. Any canopy, weather protection, pump island or building shall meet the minimum required building setback specified for the district.
- 2. A minimum twenty-five (25) feet landscaped yard shall be provided along all abutting public rights-of-way lines, except where approved driveways occur.

3. Wherever a service station abuts a residential lot, a solid screen not less than six (6) feet in height shall be erected and maintained along the side and rear property line that abuts the residential lot.
4. All goods offered for sale, other than those generally required for the operation and maintenance of motor vehicles, shall be stored, sold and displayed within a building, with the exception of beverage and snack food vending machines.
5. All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces, in compliance with §505.13, Parking Standards.
6. All vehicles parked or stored on the site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or junk vehicles is prohibited.
7. A car wash facility, either attached or detached from the principal structure, may be permitted as an accessory use, meeting the standards for car wash in this Chapter.
8. All repairs shall be performed within a completely enclosed building.
9. Venting of odors, gas and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors.
10. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

E. Bed and breakfast facility

1. The facility shall be located in a single-family detached dwelling.
2. An application shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) family members. Bedrooms in excess of those needed by the resident family may be rented on a daily basis to guests.
3. No more than two (2) adult guests shall be allowed per bedroom.
4. All dwellings shall comply with the Rice County Sewage and Wastewater Treatment Ordinance.
5. The facility shall maintain a guest register open to inspection by the County.
6. Guest stay shall be limited to seven (7) days.
7. The applicant shall meet all applicable County, State and Federal regulations.
8. The operator shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.

F. Car wash, free-standing or accessory

1. Adequate stacking space for vehicles shall be provided.
2. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
3. Vacuum and drying facilities shall be located in an enclosed structure or at a sufficient distance from any residential use to minimize the impact of noise.

G. Contractor's yard with outdoor storage. In the VMU District, outdoor storage areas shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet (6') in height.

H. Convenience fuel and goods

1. No vehicular sales or service other than dispensing of motor fuel is permitted
2. A car wash facility, either attached or detached from the principal structure, may be permitted as an accessory use. If permitted, the car wash facility shall meet the standards for car wash in §507.07 E.

3. In the HC District, no more than four (4) tractor-trailer parking spaces shall be provided.
- I. **Extraction or excavation of materials and minerals.** This use as defined in this Ordinance includes all excavation, extraction of materials and minerals, open pits and impounding of waters. The establishment or enlargement of such a use shall require a conditional use permit (see §505.15 for exceptions.)
1. **Conditional Use Permit Required.** Excavation or extraction shall not occur unless the owner of the land where excavation or extraction is proposed, or the operator and landowner together, obtains a conditional use permit meeting the general requirements in Chapter 503 and the following specific provisions:
 - a. **Application requirements.** A map of the proposed pit or excavation shall be prepared by a professional engineer or land surveyor and filed with the application showing the confines or limits thereof, together with a plan indicating the topography and overall condition of the site after extraction is completed. A similar map may be required in regard to the proposed container for impounded waters.
 - b. **Topsoil removal.** The mining of topsoil for permanent removal from the property is prohibited.
 - c. **Required conditions.** No conditional use permit shall be issued unless, at a minimum, the following conditions are included:
 - i. An annual review of the site by the Zoning Administrator
 - ii. A fee shall be paid by the applicant at the time the application is submitted in an amount to cover the costs of the number of annual reviews required by the permit; the number to be determined by the length of the permit.
 - iii. Provide a plan for phasing excavation so that no greater area than a ten (10) acre cell is open at any time
 - iv. Provide a plan for reclaiming areas as new phased cells are opened
 - v. Provide a plan specifying the amount and location of excavated materials to be stockpiled on site for any length of time
 - vi. Fencing of any pit or excavation
 - vii. During operation, fence, properly guard, and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks
 - viii. Properly drain, fill or level any excavation, after created, so as to make the same safe and healthful as the Board shall determine
 - ix. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted
 - x. Restrict runoff from the site to lake, rivers, streams or adjacent properties
 - xi. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct
 - xii. Provide a plan for dust and noise control during operations
 - xiii. Provide adequate signage for public safety, such as “Trucks Hauling” signs
 - xiv. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition
 - xv. Stockpile topsoil for use in reclamation
 - xvi. Grade site after extraction is completed so as to render it usable, replace topsoil, seed where required to avoid erosion and an unsightly mar on the landscape
 - xvii. Structures, storage of excavated materials or topsoil, and the excavation edge shall be setback at least 300 feet to any protected water
 - xviii. At the time of site closure banks shall be sloped at a minimum of 4:1
 - d. **Bonding required.** As a condition of granting the permit, the County Board shall require the owner, user or applicant to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the County, conditioned to pay the

County the cost and expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the County Engineer; and conditioned further to comply with all the requirements of this Ordinance and the particular permit, and to pay any expense the County may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

- e. **Duration of permit.** The duration of the conditional use permit shall not exceed five (5) years.
- f. **Renewal.** As a condition of renewal of a conditional use permit for excavation or extraction, the applicant must provide evidence of an active operation during the prior permit period.

J. Flea market or auction site, permanent

- 1. The use shall not include auctions of livestock.
- 2. The site shall be served by a paved road of sufficient capacity to serve the traffic that the use will generate.

K. Kennel, commercial, where dogs or other domestic pets are raised for sale, boarded or trained

- 1. All animal kennels shall provide indoor facilities having adequate heating, ventilation, and lighting.
- 2. All animal kennels shall provide outdoor facilities having shelter from the elements, sunlight, rain, snow, and cold weather.
- 3. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
- 4. Each large adult animal shall be provided with a separate fenced run of at least thirty-six (36) square feet that shall be located at least one hundred (100) feet from any property line.
- 5. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the County describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
- 6. Facilities must obtain all required State and Federal licenses or operational permits.

L. Limited Industrial Uses, permitted. A limited industrial use may be permitted meeting the following requirements:

- 1. **Definition.** Limited industrial uses are low impact uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which, given proper controls, have little or no adverse effect on surrounding properties. Limited industrial uses generally do not involve processing of raw materials or production of primary materials. Limited industrial uses include the production, processing or storage of the following:
 - a. Apparel, textiles, and fabrics;
 - b. Electronic and electrical equipment, components and accessories;
 - c. Foods and food products, not including distilling or live slaughter;
 - d. Household goods and appliances;
 - e. Measuring, analyzing and controlling instruments;
 - f. Medical and optical goods and technology;
 - g. Novelty items, musical instruments, sporting and athletic equipment and other personal goods;

- h. Office and commercial equipment, furniture, and fixtures;
 - i. Pharmaceuticals, health and beauty products;
 - j. Printing and publishing operations, including distribution;
 - k. Signs, including electric and neon signs and other advertising devices;
 - l. Fabricated metal products, such as, cans, shipping containers, cutlery, handtools and general hardware;
 - m. Fabricated plastic and rubber products, except tires and inner tubes;
 - n. Household, industrial and commercial machinery and equipment such as engines and turbines, farm , lawn and yard equipment, heating, cooling and refrigeration equipment and machine tools;
 - o. Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating;
 - p. Paper and paperboard products, except no pulp, paper or paperboard mills;
 - q. Woodworking, lumber and wood products, not including saw mills.
2. **Square footage.** Square footage of primary and accessory structures related to the use do not exceed 100,000 square feet.
 3. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 5,000 gallons per day.
 4. **EAW/EIS.** The limited industrial use and/or property does not require an environmental assessment worksheet or an environmental impact statement (mandatory or discretionary).
 5. **Site plan and licensing required.** Rural business licensing and site plan approval shall be required; site plans shall indicate all structures proposed, designated parking areas, new and existing wells; wastewater treatment and stormwater controls.
 6. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
 - a. Accessory structures and outdoor storage may be permitted as long as cumulatively do not exceed 50% of the gross floor space of the principal building(s).
 - b. The accessory structures do not exceed the height of the principal building(s) and meet the building materials standards as set forth in the urban reserve industrial district.
 - c. Outdoor storage is screened from Interstate 35, County Highways and offsite residences. Screening shall be approved materials or natural plantings that achieve 90% opacity within 2 years.
- M. **Limited Industrial Uses, conditional.** A limited industrial use may be conditional use meeting the following requirements:
1. **Definition.** Limited Industrial uses, conditional, shall be as defined above in 507.07 L.1.
 2. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 10,000 gallons per day.
 3. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
 - a. Accessory structures and outdoor storage may be conditionally permitted if cumulatively exceed 50% of the principal building(s) but no more than 70% of the gross floor space of the principal building(s).

N. Limited manufacturing, including light assembly and packing

1. Vehicular access points shall create a minimum of conflict with through traffic movement.
2. Equipment or materials shall be completely enclosed in a permanent structure, with no outdoor storage.
3. The hours of operation will not have an adverse impact on adjacent property owners.

O. Liquefied Petroleum (Propane) Gas Distribution Services.

1. Liquefied Petroleum Gas means any material having vapor pressure not exceeding that allowed for commercial propane that is composed predominately of propane hydrocarbons, either by itself or as a mixture, but for purposes of this ordinance does not include: propylene; butane (normal butane or isobutene); and butylenes. Propane is that gas as defined by the United States Energy Information Administration or its successor agency.
2. Liquefied petroleum gas distribution service includes any person or business engaged in:
 - a. the storage of liquefied petroleum gas tanks or cylinders awaiting use, resale, exchange, minor repair, or any other services;
 - b. the filling of liquefied petroleum gas tanks or cylinders; or
 - c. the minor repair and distribution of liquefied petroleum gas tanks or cylinders manufactured under specifications of the United States Department of Transportation;
3. Onsite retail sales of propane shall be prohibited.
4. An operator of a liquefied petroleum gas distribution service shall comply with the following Statutes, Rules, Regulations, and Standards, and any subsequent amendments:
 - a. Minnesota Statute Chapter 299F;
 - b. Minnesota Rules, part 7511.3800;
 - c. To the extent not amended by this Ordinance or by Minnesota Rules, part 7511.3800, the standards found within National Fire Protection Association (NFPA) 58;
 - d. 29 CFR 1910.110 – Storage and handling of liquefied petroleum gases; and
 - e. All other applicable air emission and hazardous waste Statutes, Rules, Regulations, and Standards.
5. A person, other than the owner as defined in Minn. Stat. §299F.40, subd. 2(c), and those authorized by the owner, may not sell, fill, refill, remove gas from, deliver, permit to be delivered, or use in any manner any liquefied petroleum (propane) gas container or receptacle for any gas or compound, or for any other purpose.
6. Storage of liquefied petroleum gas tanks shall be setback at least 200 feet from any public right-of-way and any non-owner/operator residence.
7. Prior to operation, the operator of the liquefied petroleum gas distribution service shall show compliance with this Ordinance and the incorporated Statutes, Rules, Regulations, and Standards.

P. Motels and hotels

1. Vehicular access points shall create a minimum of conflict with through traffic movement.
2. The facility shall maintain a guest register open to inspection by the County.
3. Guest stay shall be limited to fourteen (14) days.
4. The applicant shall meet all applicable County, State and Federal regulations.
5. The operator shall carry liability insurance, and shall provide proof of such insurance to Rice County upon request.

Q. Printing and publishing

1. Vehicular access points shall create a minimum of conflict with through traffic movement.
2. In the VMU and HC Districts, equipment or materials shall be completely enclosed in a permanent structure, with no outdoor storage.
3. The hours of operation will not have an adverse impact on adjacent property owners.

R. Recycling or composting facilities, landfills, soil reclamation, County, municipal or institutional

1. Composting operations shall employ a tested waste processing system and all composting operations shall occur within a completely enclosed building.

S. Restaurant, café. Drive-through facilities shall be permitted only in the HC District, and shall meet the following standards:

1. The use shall have direct access to a paved road.
2. The public address system, if provided, shall not be audible from any residential parcel.
3. Adequate stacking space shall be provided.

T. Retail sales, general. Within the VMU and HC Districts, no outdoor storage or sales shall be permitted, except for temporary “sidewalk sales” events.

U. Salvage yard. Salvage yards are limited to legal existing operations. A new conditional use permit shall be required for the continuance of such operations. The storage area shall be completely screened with an opaque fence of acceptable design a minimum of six (6) feet high, and additional landscape materials.

V. Septage Storage, up to 50,000 gallons

1. Septage storage shall be limited to no more than 50,000 gallons.
2. Septage storage shall be located on an approved registered land application site or a contractor’s yard.
3. Only domestic septage from residences may be stored at the location.
4. Storage shall not be located in an area mapped as a 1% or 0.2% flood hazard area.
5. Storage shall be setback 100-ft from property lines and Road Right of Ways.
6. Storage shall be setback 500-ft from any residence.
7. Storage shall be setback 200-ft from all wells and wetlands.
8. A reclamation plan and bond shall be required.
9. A septic permit must be obtained for installation and an operating permit issued to a MPCA licensed SSTS maintainer must be valid at all times.
10. Failure to maintain a valid operating permit will require the tank to be removed and the conditional use permit terminated.
11. Only the licensed maintainer business issued the operating permit may store septage on the site.

W. Temporary asphalt plant, highway construction yard and equipment placement.

This use includes temporary operations such as a bituminous plant, sand and gravel washing plant, ready mix plant, gravel crusher or contractor’s yard for highway construction.

1. Equipment placement shall be for a period not to exceed eight (8) months, unless approved as part of an extraction or excavation of materials and minerals conditional use permit.
 2. Erosion control and stormwater management plans may be required.
 3. A performance bond shall be required for site restoration and road repair.
- X. **Truck stop.** Within the HC District, truck stops shall be limited to those in existence at the time of adoption of this Ordinance. Any expansion of existing facilities shall require a new conditional use permit and compliance with the following standards:
1. Vehicular access points shall create a minimum of conflict with through traffic movement.
 2. All parking and vehicle storage areas shall be paved.
- Y. **Veterinary clinic.** All activities shall take place within a completely enclosed building with soundproofing and odor control. Outdoor operations of kennels are prohibited in the VMU.
- Z. **Warehousing, shipping and inside storage facilities, permitted.**
1. **Square footage.** Square footage of primary and accessory structures related to the use do not exceed 100,000 square feet.
 2. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 5,000 gallons per day.
 3. **EAW/EIS.** The limited industrial use and/or property does not require an environmental assessment worksheet or an environmental impact statement (mandatory or discretionary).
 4. **Site plan and licensing required.** Rural business licensing and site plan approval shall be required; site plans shall indicate all structures proposed, designated parking areas, new and existing wells; wastewater treatment and stormwater controls.
 5. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
 - a. Accessory structures and outdoor storage may be permitted as long as cumulatively do not exceed 50% of the gross floor space of the principal building(s).
 - b. The accessory structures do not exceed the height of the principal building(s) and meet the building materials standards as set forth in the urban reserve industrial district.
 - c. Outdoor storage is screened from Interstate 35, County Highways and offsite residences. Screening shall be approved materials or natural plantings that achieve 90% opacity within 2 years.
- AA. **Warehousing, shipping and inside storage facilities, conditional.**
1. **Sewage Discharge.** The limited industrial use has an estimated sewage design flow of less than 10,000 gallons per day.
 2. **Accessory Structures & Outdoor Storage.** In general all production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed primary building(s), except the following:
 - a. Accessory structures and outdoor storage may be conditionally permitted if cumulatively exceed 50% but no more than 70% of the gross floor space of the principal building(s).

507.08 Public Service and Utility Uses

A. Communication tower, primary or accessory

1. The tower shall be a monopole structure.
2. The maximum height allowed, including all antennas and other attachments, shall not exceed two-hundred (200) feet, except publicly-owned towers may exceed the maximum height.
3. Towers shall be set back no less than twenty-five percent (25%) of the tower height or the tower fall zone, whichever is greater, with a minimum setback of twenty feet (20'). No guyed wires shall be allowed.
4. Lights and/or flashing equipment shall not be permitted unless required by State or Federal agencies.
5. Signage shall not be allowed on the tower other than what is required for safety.
6. The applicant must provide proof from a professional licensed engineer that the equipment will not interfere with existing communications for public safety services.
7. Rice County shall hire, and be reimbursed for actual costs by the applicant, a professional licensed engineer to verify that the equipment is not able to be located on any existing towers or building/utility structures within a one (1) mile radius of the proposed location for any of the following reasons:
 - a. The necessary equipment would exceed the structural capacity of the existing tower or building.
 - b. The necessary equipment would cause interference as to significantly impact the usability of the existing tower or building.
 - c. The existing towers or building/utility structures within one (1) mile search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably.
 - d. The applicant, after a good faith effort, is unable to lease space on an existing or approved tower or building.
8. The tower must be constructed to accommodate co-location antennas being placed at varying heights on the tower.
9. The tower shall have an exterior finish that minimizes off site visibility and is corrosive resistant.
10. The site shall be surrounded by a security fence six feet (6') in height with a lockable gate.
11. Equipment and structure shall be designed or screened from view by suitable landscaping as to reflect and complement the architectural character of the surrounding neighborhood.
12. All obsolete or unused tower and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted by the County Board of Commissioners. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities and the landowner shall be responsible for the removal of facilities and restoration of the site.
13. The applicant shall submit a plan illustrating all anticipated future location sites for communication towers and/or communication devices/apparatus.
14. The applicant must verify through testing by a professional licensed engineer that the emissions from the tower meet FCC regulations. This will be certified to the County within one (1) year of commencement of the operation of the tower.

B. Wind energy generation facilities and towers

1. Towers and all related equipment shall be in compliance with all applicable local, state and federal regulatory standards.
2. Wind generation facilities and towers with a rated capacity 40-Kilowatts or less shall have a total height of no greater than two-hundred feet (200-ft).
3. All towers supporting generation units with a rated capacity of more than 40 Kilowatts shall be of a monopole type (self-supporting, tubular) and shall be no more than 300 feet in height.
4. Rotor blades shall not exceed a height of 500 feet from the ground.
5. The tower shall be set back as follows:

From:	Setback
Non-owned residence	1.25 times the total height of the unit
Property line	The lesser of the total unit height or the engineered fall zone
Road Right of Way	1.25 times the total height of the unit

6. No lighting shall be permitted other than that required by Federal requirements.
7. All connecting power lines shall be buried underground.
8. Tower and facilities shall be designed to minimize their visual impact.

507.09 Uses Accessory and Temporary to Permitted Uses

- A. **Home day care.** Home day care may serve up to a maximum of fourteen (14) persons in a single-family residence, as licensed by the State of Minnesota.
- B. **Home occupation, permitted.** A home occupation may be permitted in any district where residential uses are permitted, meeting the following requirements:
 1. The occupation shall be conducted only by person(s) residing in the dwelling.
 2. The home occupation shall be incidental and subordinate to the use of the property for residential purposes.
 3. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 4. One non-illuminated sign no more than four (4) square feet in size and attached to the principal building may be provided.
 5. Entrance to the home occupation is from within the structure, and no exterior evidence of the business is evident.
 6. The home occupation shall not result in increased usage of the septic system.
 7. One (1) additional parking space shall be provided for the use of clients, deliveries, etc.
 8. One commercial vehicle and/or one trailer up to fourteen feet in length, associated with the business is allowed on-site with the permitted home occupation.

- C. **Home occupation, conditional.** A home occupation that exceeds any of the standards for permitted home occupations may be allowed as a conditional use in any district where residential uses are permitted, meeting the following requirements:
1. No more than one (1) person other than person(s) residing in the dwelling shall be employed in conjunction with the home occupation.
 2. The home occupation may be conducted in an accessory building or attached garage [not exceeding 2,000 square feet of gross floor area.
 3. An outside entrance may be provided.
 4. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 5. One non-illuminated sign no more than sixteen (16) square feet in size may be provided.
 6. No equipment or processes used in the home occupation shall create noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.
 7. Rural business licensing shall be required as provided for in §505.11.
- D. **Outdoor storage.** In all commercial and industrial districts, open storage of materials within any structure setback area shall be prohibited. Where allowed, outside storage shall be located or screened so as not to be visible from any residential district or public road. Underground gasoline storage may be allowed as accessory to a permitted commercial or industrial use.
- E. **Room and board facilities.** Facilities shall be located within a principal residence and shall serve a maximum of two individuals; a separate kitchen for this purpose is prohibited.

507.10 Structures Accessory and Temporary to Permitted Uses

- A. **Antennas.** Satellite dish antennas and other antenna devices are permitted subject to the following requirements:
1. Antennas shall be in compliance with all state and local building and electrical code requirements.
 2. Verification that the structural design and installation has been approved by a professional engineer shall be provided to the County.
 3. Antennas shall be limited to one per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location.
 4. No advertising message shall be on the antenna structure.
 5. Antennas shall comply with setback requirements for principal structures and shall not be located between the principal structure and a public street.
 6. No antenna shall be located within a shore impact zone or a bluff impact zone.
 7. Antennas shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground-mounted antennas and materials compatible with those utilized on the exterior of the building for roof-mounted antennas.
 8. Antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line.
 9. Antenna height shall be no more than sixty (60) feet as measured from the ground at the base of the structure.

- B. **Detached garages.** Detached garages shall conform to the requirements for the district in which they are located.
- C. **Seasonal roadside stands for sale of farm products**
1. No more than one stand per farm shall be permitted.
 2. Adequate off-street parking shall be provided.
 3. Merchandise shall be limited to agricultural products or manufactured goods produced by individuals having a residence or farm within Rice County.
- D. **Temporary farm dwelling.** The purpose of the temporary farm dwelling is to provide living accommodations for farm workers, health care workers assisting farm residents, or ailing parents or children.
1. Applicant shall provide either a signed statement identifying that the farming activity requires additional farm workers or a signed doctor's certificate that verifies that the persons needing care suffer from health problems that would necessitate constant supervised care and attention.
 2. The conditional use permit shall remain valid if a verified statement or signed doctor's statement has been filed with the Planning and Zoning Department once every three (3) years.
 3. The dwelling shall be limited to a mobile home, which shall be maintained as highway ready, and shall be removed when no longer needed as a residence. Highway ready shall mean having the mobile home on wheels or having the internal jacking system attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks. The mobile home shall have no permanent structural additions attached.
 4. The dwelling shall be accessory to the primary residence on the farm.
 5. The dwelling shall be deemed the second dwelling unit for the quarter-quarter section.
 6. The dwelling shall be a minimum of fourteen (14) feet wide and minimum 672 square feet in area and shall meet current Department of Housing and Urban Development Code for mobile homes, or bear a seal and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance.
 7. The dwelling shall meet all minimum building setbacks, shall be properly anchored, and shall be setback a minimum of fifty (50) feet from the primary residence on the parcel.
 8. The conditional use permit shall automatically terminate and the unit shall be removed when title transfers or a Contract for Deed is recorded unless the transfer occurred between family members.
 9. The dwelling shall comply with the Rice County Sewage and Wastewater Treatment Ordinance.

- E. **Water-oriented accessory structures in GDS and RDS Districts.** Each riparian lot in a GDS or RDS District may have one water-oriented accessory structure not meeting the structure setback in Chapter 516, Table 516-1 if the water-oriented accessory structure complies with all of the following provisions:
1. **Height.** The structure must not exceed ten (10) feet in height, exclusive of safety rails. Detached decks must not exceed eight (8) feet above grade at any point.
 2. **Size.** The structure cannot occupy an area greater than one hundred (100) square feet
 3. **OHWL setback exceptions.** The structure shall be setback at least fifty feet (50') from the ordinary high water level (OHWL) unless:
 - a. A permanent physical feature (e.g., roadways, bluffs) prohibits such 50-foot minimum placement, in which case the structure may be located less than fifty (50) feet from the OHWL, but no less than ten (10) feet from the OHWL and placed at a structurally feasible location furthest from the OHWL; OR
 - b. The minimum side yard setback is increased to be at least 40% of the lot width, in which case the water-oriented structure may be located at a minimum setback of ten (10) feet from the OHWL; OR
 - c. The water-oriented accessory structure may be located at a minimum ten (10) foot side yard setback, and a minimum ten (10) foot OHWL setback if both adjacent property owners, at the time of building permit application, agree in writing to the location of the structure.
 4. **Screening.** The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 5. **Not for habitation.** The structure or facility must not be designed or used for human habitation.
- F. **Temporary Meteorological Test Towers.** Temporary Meteorological test towers and equipment are allowed for up to one-year and up to a height of 200-feet.
- G. **Other structures – Storage shed.** Storage sheds shall conform to the requirements set forth in the district in which they are located.