

Chapter 505 General Regulations

505.01 Purpose

The purpose of this Chapter is to provide regulations of general applicability for property in unincorporated areas of Rice County, to promote the orderly development of use of land, to protect the natural environment, and to minimize conflicts among land uses. General regulations must be met before a land use permit is issued.

505.02 Applicability

The regulations set forth in this chapter apply to all structures and all land uses, except as otherwise provided in this Ordinance. The provisions of this Chapter shall be applied to all zoning districts, and shall be in addition to the requirements in any specific zoning district. A permit shall not be issued unless provisions are made for meeting the applicable general regulations in this Ordinance and other County ordinances.

505.03 Permits Required

- A. Permits are required for the following:
 - 1. Any change in use
 - 2. New, altered, moved or replaced structures
 - 3. Signs
 - 4. Installation or alteration of a sewage treatment system
 - 5. Shoreland alterations not exempted in §506.11 A. 3.
- B. Permits shall only be approved if they comply with this Ordinance and other County ordinances, where applicable.
- C. Alterations to wetland areas shall require review from the Rice County Soil and Water Conservation District.
- D. It shall also be the responsibility of the applicant to adhere to local, state and federal rules and to obtain all required permits.

505.04 Site Suitability Required

Land in all districts shall be suited to the purpose for which it is to be used. Development shall not be allowed on a parcel or lot if it is not suitable for the proposed use unless appropriate remediation has been approved. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider the following factors:

- A. Susceptibility to flooding
- B. Existence of wetlands
- C. Soil and rock formations with severe limitations for development
- D. Severe erosion potential
- E. Slopes greater than eighteen percent (18%)
- F. Inadequate water supply or sewage treatment capabilities
- G. Near-shore aquatic conditions unsuitable for water-based recreation
- H. Existence of endangered or threatened species
- I. Important fish and wildlife habitat
- J. Presence of significant historic sites

- K. Any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the County

505.05 Applicant Responsibility

The applicant for any permit under this Ordinance shall assume all responsibility for any adverse effects created pursuant to permits granted under this Ordinance. Owners and applicants are jointly and severally required to ensure compliance with all applicable provisions of this Ordinance.

505.06 Protection for Farming Practices

All agricultural uses in Rice County occurring on parcels of a minimum of ten (10) acres and being conducted in compliance with the terms of this Ordinance and other applicable local, state and federal regulations shall have the right to continue regardless of the fact that there may have been changes in the surrounding character of the area.

505.07 Significant Historic Sites

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

505.08 Airport Overlay Requirements

Uses and structures in Rice County may be within an airport overlay area and shall comply with the provisions of the Rice County Airport Overlay Ordinance, including but not limited to height and use restrictions.

505.09 Essential Services

Essential services as defined by this Ordinance may have an effect upon County and city land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The proposed location of all such essential services in any zoning district shall be filed with the County prior to commencement of any condemnation action or construction by the owner.

- A. **Procedures for local distribution service.** Any application for a building permit or conditional use permit for essential services, i.e. services such as power, gas or fuel for immediate local distribution to the general public within the County, shall follow the following procedure:
 1. The applicant shall file with the County Engineer an application for such permit accompanied by maps indicating the location, alignment and type of service proposed.
 2. Following review of the application and accompanying data the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
 3. The County Engineer may require in conjunction with the issuance of such permit that:
 - a. The applicant submit as-built drawings of the essential service after construction.
 - b. The applicant construct the essential service to take into consideration contemplated widening, regrading or relocation of a county highway or county state aid highway.
 - c. The cost of moving the utilities for any public roadway expansion shall be borne by the utility company.
 4. Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications at the earliest opportunity.
- B. **Procedures for large facilities.** Transmission services, i.e., utility service such as high voltage (75 KV or greater), electrical power or bulk gas or fuel being transferred from station to station and not intended for en-route consumption shall follow the following procedure:

1. The owner shall file an application for a building permit or conditional use permit for essential services with the Planning Director and County Engineer, including maps indicating the location, alignment and type of service proposed as well as an Environmental Assessment Worksheet indicating areas of conflict and solutions to such environmental conflicts as shall be required.
 2. The Planning Director and County Engineer shall forward the maps and data to the County Planning Commission along with their recommendations relating to the relationship to urban growth, land uses, highways, environment, recreation and park areas.
 3. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board.
 4. The Board of County Commissioners shall consider the maps and accompanying data and recommendations and shall approve, deny or request modifications to the proposal.
 5. The County shall act upon all applications within forty-five (45) days of receipt by the Planning Director and Engineer.
- C. **Fees.** A filing fee shall be charged for each application for essential services with the amount of such application fee to be determined by the County Board.

505.10 Lot and Yard Controls

All lots, structures and uses shall conform to the lot and yard controls specified below.

- A. **Area regulations.** No lot shall be reduced in size below the minimum required for the proposed use in the zoning district where the lot is located.
- B. **Measurement of lot width.** Lot width for the purpose of complying with minimum lot width requirements shall be measured at all building setback lines.
- C. **Minimum front yard setbacks from roads.** As measured from the edge of the right-of-way, or planned right-of-way.(i)
- D. **Encroachments into yards.** The following encroachments into required setbacks are permitted:
 1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 2. In structures existing as of the date of adoption of this Ordinance, the following encroachments are permitted:
 - a. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - b. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such landing or porch.
 - c. A ramp for access to the dwelling by handicapped individuals.
 - d. The abovementioned architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
 3. A wall, fence or hedge may occupy part of the required front, side or rear yard, but shall not be located in the shore impact zone, bluff impact zone or in an area that interferes with road

i . Amended December 2004

safety or maintenance as determined by the road authority. The wall, fence or hedge must be able to be maintained from within the property boundaries.

E. Accessory Buildings and Structures

1. **Attached accessory buildings.** If an accessory building is attached to the main building, or within ten feet (10') of the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building.
2. **Detached accessory buildings.** A detached accessory building shall not be located in any required setbacks, and shall be located at least ten (10) feet from the main building.
3. **Storage use.** Mobile/Manufactured homes and semi trailers are not to be used as storage structures.

F. Double frontage lots. On a double frontage lot, including corner lots, the required front yard shall be provided on both streets. Any remaining yards shall be considered side yards.

G. Protection of clear-view sight triangle. The required front yard of a corner lot shall be unobstructed above a height of thirty (30) inches above the road edge running for a distance of twenty-five (25) feet from the intersection of the road right-of-ways.

H. Height exceptions. In all districts except in the Wild and Scenic River District, height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following structures:

- a. Public monuments
- b. Flag poles
- c. Cooling towers
- d. Grain elevators
- e. Church spires, belfries or domes which do not contain usable space
- f. Water towers
- g. Chimneys or smokestacks
- h. Forest fire watch towers

I. Height of fences. Fence allowed under this Ordinance shall not exceed six feet (6') in height except as a requirement of a conditional use permit.

505. 11 Rural Business Registration

All existing and new businesses operating in any zoning district shall be registered for the purpose of maintaining health, safety and general welfare in Rice County. The following provisions apply to rural business registration:

- A. **Permitted home occupations.** Registration provisions do not apply to activities that meet the definition of permitted home occupations.
- B. **Filing requirement.** All business operations shall be required to file. Business operations are broadly defined and include any commercial, industrial, manufacturing, processing, mining, agriculturally-oriented businesses, educational, charitable, service, or hospitality activities regardless of business organizational type. Agricultural uses as defined in Chapter 502 are not subject to rural business licensing.
- C. **When required.** The owner of the land on which an existing business operates shall be required to file a Rural Business Registration form with the Rice County Zoning Administrator by no later than July 14, 2005.

- D. **New businesses.** Business operations that begin after the adoption of this Ordinance shall be required to file a Rural Business Registration form and obtain all other permits required under this Ordinance.
- E. **Business of Record status.** Businesses that file a complete Rural Business Licensing Form shall qualify as a Business of Record and receive the exemptions specified in §504.03 B.
- F. **Information required.** The Rural Business Licensing Form shall be provided by Rice County Zoning Administrator and shall require information on:
 - 1. Name, address, and phone number of landowner
 - 2. Name, address, and phone number of business operator
 - 3. Date of application
 - 4. Type of business use, and date the business began operations on the property
 - 5. Date business operation initially began
 - 6. Structure the business occupies, including any outside storage
 - 7. A site plan of the business uses and parking on the property in relation to roads and other non-business structures
 - 8. Sewage and wastewater disposal practices
 - 9. Types, amounts and locations of storage of hazardous materials
 - 10. Number of employees
 - 11. Off-street parking
 - 12. Approximate vehicle trips generated per day, including employees, shipping and deliveries
 - 13. Signage
- G. **Purpose.** Licensing requirements are for health, safety and general welfare informational purposes. Rice County will work to educate business owners on current zoning, traffic control, materials handling and other health and safety requirements.
- H. **Update.** Information on the Rural Business License Forms shall be updated annually by the business owner.
- I. **Conformance to ordinance.** New proposed businesses, or licensed business that propose a change in use or propose an addition or expansion shall be required to conform to the provisions of this Ordinance.
- J. **Failure to file.** If an owner of land on which a business operates fails to file a Rural Business License Form, the business shall be subject to all requirements of this Ordinance for rural businesses as if it were a newly proposed business.

505.12 Driveway and Road Access and Standards

- A. **Permit required.** A permit shall be required for all new driveways or changes in driveway use.
- B. **Approval of location.** The location of direct access for a driveway to any County road shall be approved by the Rice County Engineer and Planning Director prior to any development of the property in question, and shall conform to the following:
 - 1. Access to township roads shall be regulated by Township Boards.
 - 2. Primary access shall be to the road of lesser classification.
 - 3. Access points shall be kept to a minimum and shared when possible.
 - 4. Closure of field accesses and existing driveways may be required with a change to a more intensive use of the property.

- C. **Appeal procedure.** The decision of the Rice County Highway Engineer and Planning Director shall be final subject to appeal to the Board of Adjustment.
- D. **Access to state highways.** No new driveway shall have direct access to any state highway without the prior approval of the State of Minnesota Highway Engineer of the district where the highway is located.
- E. **Appeal procedure for state highway access.** The decision of the district engineer may be appealed to Commissioner of the Minnesota Department of Transportation.
- F. **Residential driveway standards.** All dwellings, in any zoning district, shall provide an access driveway with an all-weather driving surface, constructed as follows.
 - 1. Less than two hundred feet. All access driveways that are less than two hundred (200) feet long shall be constructed to provide the following:
 - a. An unobstructed driving surface at least twelve (12) feet wide; and
 - b. A driving surface of Class 1 material, or approved aggregate substitute, that is at least three (3) to four (4) inches thick.
 - 2. Two hundred feet or more. All access driveways that are two hundred (200) feet long or longer shall be constructed to provide the following:
 - a. An unobstructed driving surface at least twelve (12) feet wide;
 - b. A driving surface of Class 1 material, or approved aggregate substitute, that is at least three (3) to four (4) inches thick;
 - c. An unobstructed minimum forty-five (45) foot turning radius at the end of the driveway near the dwelling, or a turnaround that can accommodate a vehicle with a forty-five (45) foot turning radius, said radius to be constructed with the same driving surface as provided at (2) above.
 - 3. The access driveway shall be improved to the established standard to insure access for emergency vehicles and shall otherwise be continuously maintained. The driveway shall be constructed prior to the issuance of an occupancy permit.
- G. **Nonresidential driveways and frontage roads.** Driveways serving nonresidential properties shall be constructed in compliance with the Access Guidelines in the Rice County Transportation Plan and the following.
 - 1. Development of a frontage road may be required by the Board of Commissioners to provide access to commercial or industrial properties. The frontage road shall be designed and constructed to accommodate future development along the roadway.
- H. **Driveway separation distances.** Separation distances between driveways shall be consistent with the Access Guidelines adopted by Rice County. Driveway accesses shall be combined or shared wherever feasible in order to reduce the number of accesses to State, County or Township roads. No more than three (3) accesses shall be permitted from any residential plat. Additional accesses will require the creation of an internal access street meeting County and Township requirements.
- I. **New roads.** New roads serving residential plats or other development sites shall only be created under the following conditions:
 - 1. Any new road shall be constructed to County or Township standards at the sole cost of the subdivider.
 - 2. Access points for new roads shall meet the Access Guidelines adopted by Rice County.
 - 3. New roads shall require the approval of the County Board and the affected Township.

505.13 Parking Standards

All parking, driveway and loading areas hereafter constructed or maintained shall conform to the provisions of this Section and any other ordinances of Rice County.

- A. **Location of parking facilities; shared parking.** Required on-site parking shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one or more buildings or uses in the VMU, HC, LI or URI districts, meeting the following requirements:
 - 1. The total number of spaces for the uses on the site may be reduced below the requirements for each separate use if the uses are complementary in their hours of use and traffic generation, as determined by the County Planning Director and Engineer.
 - 2. Parking shall be located a maximum of three hundred (300) feet from the use(s) it serves.
- B. **Reduction and use of parking and loading space.** On-site parking facilities existing at the effective date of this Ordinance or created hereafter shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent or for any other purpose that would interfere with parking as intended.
- C. **Sale of parking areas.** Property that constitutes required off street parking area may not be separated, through sales or other means, from the property containing the principal use for which the parking area is required, unless a legally binding agreement acceptable to the County is executed.
- D. **Computing requirements.** In computing the number of such parking space required, the following rules shall govern:
 - 1. "Square feet" shall refer to the gross floor area of the specific use.
 - 2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Planning Director.
- E. **Minimum size regulations.** Each automobile space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than eighteen (18) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- F. **Construction and maintenance.**
 - 1. On site parking areas and driveways shall be improved with a durable surface.
 - 2. Asphalt or concrete shall be used to surface the parking areas and driveways in the VMU, HC ,LI or URI districts unless exempted by the Rice County Board of Commissioners.
 - 3. Parking areas and driveways shall have curbs where needed to protect required yards, direct traffic or to control surface water runoff.
 - 4. Water accumulation and runoff from buildings, parking areas and driveways in the VMU, HC LI or URI districts shall be accommodated on site through the use of rain gardens, natural retention features or similar techniques. The volume and rate of runoff to neighboring properties shall not be increased, or water quality diminished. For all uses except single family residential, drainage plans shall be reviewed by the Rice County Soil and Water Conservation District. These requirements shall also apply to all open sales lots.
 - 5. Adequate areas for snow removal and storage shall be provided outside of required parking spaces.
 - 6. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
 - 7. Directional signs indicating entrances and exits to on-site parking areas are encouraged. Directional signs shall not bear any business name or be used for advertising.

G. Setbacks. On-site parking and loading facilities shall be subject to the following setbacks:

1. In the HC, LI and URI districts, parking or loading spaces shall be set back at least twenty (20) feet from any road or highway right-of-way, and from the boundary of any residential or agricultural districts.
2. In the VMU district, parking or loading spaces shall be set back at least ten (10) feet from any road or highway right-of-way, and from the boundary of any residential or agricultural use.

H. Required number of on-site parking spaces. On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as specified in the following table:

Land Use	Required Spaces
Residential dwelling unit	2 per dwelling unit
Religious institution, place of assembly	1 per 3 seats in main seating area
School, grades K-12	2 per classroom plus 1 per 3 students of legal driving age, based on capacity
Automobile service station	4 plus 2 per service bay
Commercial outdoor recreational use	As determined by conditional use permit
Commercial indoor recreational use	1 per 250 square feet public area
Limited production and processing	1 per employee on largest shift, or 1 per 800 square feet *
Lodging	1 per guest room plus 1 per employee on largest shift
Office or service business	1 per 400 square feet*
Outdoor sales lot	1 per 2,000 square feet outdoor sales area*
Retail business	1 per 250 square feet*
Restaurant, café,	1 per 100 square feet customer seating area*
Storage, wholesale or warehouse use	1 per employee on largest shift, or 1 per 2,000 square feet *

* The parking area shall be increased by 20 percent if parking stalls are not paved and striped.

I. Loading areas. Off-street loading space shall be provided for any nonresidential use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and which will have a gross floor area of five thousand (5,000) square feet or more.

1. Loading areas shall be provided according to the following minimum standards:
 - a. The off-street loading requirement for buildings with less than 20,000 square feet gross floor area may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area, and access to it shall not conflict with automobile or pedestrian circulation within the site.
 - b. Buildings with 20,001 to 50,000 square feet gross floor area shall provide a minimum of one (1) loading space.
 - c. Buildings with 50,001 to 100,000 square feet gross floor area shall provide a minimum of two (2) loading spaces.
 - d. Buildings with 101,000 or more square feet gross floor area shall provide one (1) additional loading space per each additional 50,000 square feet gross floor area.
2. All loading spaces and driveways shall be surfaced with asphalt or concrete.

J. Screening of parking and loading areas.

1. All parking and loading areas in commercial or industrial districts shall be effectively screened from adjoining residential or agricultural districts by a wall, solid fence, earthen berm or densely planted compact vegetation at least six (6) feet in height within two (2) years of planting.

505.14 Sign Regulations

All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs, shall conform to the following provisions:

- A. **Permit required.** No sign shall be erected unless the owner of the land on which the sign will be placed obtains a land use permit.
- B. **Billboards prohibited.** Off-premise signs, more commonly known as billboards, shall be prohibited.
- C. **Sign types – where allowed.** Wall signs and monument signs are allowed in any zoning district. Pylon signs are allowed only in the HC and LI districts.
- D. **Number per lot.** A maximum of one (1) large sign, or two (2) small signs that combined do not exceed the maximum size as specified in E. below, per lot shall be permitted in all districts except HC, LI and URI Districts. In HC, LI and URI Districts a maximum of one (1) sign, not exceeding the maximum size as specified in §505.14E, below, per frontage is allowed.
- E. **Maximum size.** The maximum size of a permitted sign is as follows:
 1. In the HC, LI and URI districts, maximum size is one hundred and twenty-eight (128) square feet for each of two allowed sign faces, or for wall signs, ten percent (10%) of the area of the building wall on which the sign is located.
 2. In all other districts, maximum size is as follows:
 - a. For residential uses and permitted home occupations, four (4) square feet for each of two allowed sign faces.
 - b. For conditional home occupations, sixteen (16) square feet for each of two allowed sign faces.
 - c. For all other uses, thirty-two (32) square feet for each of two allowed sign faces.
 3. If two sign faces are proposed, they shall be immediately behind the other appearing to be two sides of a single sign and the faces shall not be at an angle to each other.
- F. **Maximum height.** Monument signs shall not exceed twelve (12) feet in height above the average grade at the base of the sign. No part of a pylon sign shall exceed thirty (30) feet in height above the average grade at the base of the sign. No building-mounted sign shall extend above the roof of the building. Ground mounted signs are encouraged instead of building-mounted or pylon signs.
- G. **Illumination.** If a sign is externally illuminated, the illumination shall be directed only on to the sign and the light source shall not be visible from neighboring properties.
- H. **Safe condition.** No sign shall be permitted that shall in any way endanger the health or safety of the general public.
- I. **Clean area.** All areas surrounding a permitted sign shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Planning Director, shall be cause for revocation of the existing sign permit and removal of the sign.
- J. **Temporary signs.** Signs of a temporary nature that do not exceed twelve (12) square feet in area shall be exempt from the permitting requirement. Temporary signs may be displayed for a period not to exceed thirty (30) days, on a maximum of four (4) occasions per year.

- K. **Removal for roadway construction.** Signs shall be removed by the sign owner at no expense or claim of damage to any governmental unit, if necessary for the construction, reconstruction or relocation of any public roadway.
- L. **Limits on location.** The following limits on location apply to all signs, permitted and temporary:
 - 1. No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall be permitted within the right-of-way of any public road.
 - 2. All permitted signs shall be located outside of the required sight triangle, as specified in §505.10 G, and shall maintain a twenty (20) foot setback from all property lines.

505.15 Extraction of Materials and Minerals, Open Pits and Impounding of Waters

All excavation or extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall require a conditional use permits meeting the standards in §507.07 H, with the following exceptions:

- A. Excavations or extractions ancillary to the construction of any permitted use or structure
- B. Excavations not exceeding four hundred (400) cubic yards.
- C. Excavations for the sole purpose of impounding water for agricultural, approved stormwater management ponds, or public utility purposes

505.16 Site Plan Review

- A. **Applicability.** A site plan shall be submitted for the following uses, and as specified elsewhere in this Ordinance:
 - 1. All building permits
 - 2. All conditional uses and Variances
 - 3. As part of any application for a plat or Planned Unit Development
 - 4. Any development in Shoreland, or Wild and Scenic River districts
 - 5. Grading and filling permits within a Shoreland District, or Wild and Scenic River District
- B. **Requirements.** Site plans shall include the following information, in a format specified by the Planning and Zoning Department:
 - 1. A Certificate of Survey shall be required before a building permit is issued unless this requirement is waived by the Zoning Administrator.
 - 2. Topography shown with a minimum two (2) foot contour intervals, except for residential building permits in districts other than Shoreland, or Wild and Scenic River districts
 - 3. Soils information
 - 4. Location of any lakes, streams or wetlands
 - 5. Existing land uses on site and neighboring properties
 - 6. Existing and proposed structures, including building footprints and setbacks
 - 7. Traffic generation and circulation
 - 8. Driveway and parking locations
 - 9. Access to public roads
 - 10. Information on sewage treatment and water supply systems
 - 11. Stormwater and erosion control plan with proposed methods for controlling stormwater runoff and erosion, both during and after construction activities

12. Landscape plan including existing vegetation
 13. Proposed signage
 14. Additional information as required by the Planning Director or other County departmental staff
- C. **Shoreland Districts.** The following additional information is required for site plans in Shoreland Districts, and Wild and Scenic River Districts:
1. Topography shown with a minimum two (2) foot contour intervals
 2. Plans to alter any shoreland vegetation
 3. Description of near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation
 4. Plans to mitigate impacts on shoreline and water quality
 5. Location of the ordinary high water level (OHWL)
 6. Blufflines indicating the toe and top of the bluff
 7. Ground surface elevation
 8. Basement and first floor elevations
 9. Utility elevations
 10. Location of 100-year flood plain area and floodway districts from existing adopted maps or data
 11. Areas subject to inundations by floodwaters and depths of inundation
 12. Flood proofing measures
 13. Plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows
- D. **General standards.** Site plans shall demonstrate compliance with the standards of this Ordinance, including Parking and Environmental standards and any standards specific to the proposed use or zoning district where it is located.
- E. **Review procedure.** Site plan review shall be completed prior to issuance of any building or structure permit.

505.17 Performance Standards for Shoreland Areas of Agricultural Rivers and Tributary Streams, and for Public Drainage Ditches

Consistent with the Minnesota Statutes, Chapter 103F, this section establishes performance standards regulating the use and location of structures that shall be met in all Districts where Agricultural River and tributary stream shoreland areas are present, as defined in §505.18 B, below. This section also establishes performance standards for areas along public drainage ditches.

- A. **Classification of Agricultural River, tributary streams, and public drainage ditches.** The public waters of Rice County have been classified, as listed below, consistent with the criteria in Minnesota Rules Parts 6120.3200, 6105.1680, Minnesota Statutes 103F.301 et seq., the Protected Waters Inventory Map for Rice County, Minnesota, dated 1984, and Department of Natural Resources Commissioner's Order dated January 15, 1985.

1. **Agricultural rivers.** The following river sections are classified as agricultural rivers:

Name of River	Location of river sections in this classification
Unnamed (Lower Sakatah)	Morristown Township Sections 7, 17, & 18
Cannon River	Shieldsville Township Morristown Township Warsaw Township

Straight River

Walcott Township
Cannon City Township

Zumbro River, North Fork

Richland Township Sections 11 & 12

2. **Tributary Streams.** All protected watercourses in Rice County shown on the Protected Waters Inventory Map for Rice County, a copy of which is hereby adopted by reference, not given a classification above shall be classified as tributary streams and treated the same as agricultural rivers.
 3. **Public drainage ditches.** All ditches shown as public drainage ditches on the public drainage maps kept by the Rice County Auditor shall be classified as public drainage ditches.
- B. Agricultural River, tributary stream, and public drainage ditch shoreland area boundaries.** The boundaries of Agricultural River, tributary stream, and public drainage ditch shoreland areas are all land along classified Agricultural Rivers, tributary streams and public drainage ditches bounded generally by the greater distance of the following:
1. 300 feet from the ordinary high water level of a Agricultural River or tributary stream; or
 2. 100 feet from the top of ditch bank of a Public drainage ditch; or
 3. The landward extent of a floodplain designated by the Floodplain Ordinance
- C. Zoning District regulations apply.** The regulations established in this Ordinance for the underlying zoning District shall apply to structures and uses within Agricultural River, tributary stream, and public drainage ditch shoreland areas, except that:
1. Permitted uses shall only be those uses listed as permitted in the underlying Zoning District as designated with a “P” in Table 508-1. All other uses, except for conditional uses for solar energy production facilities placed in inactive gravel pits or quarries, shall be prohibited.
 2. Structures shall be setback a minimum of one-hundred feet (100’) from the ordinary high water level (OHWL) and from the top of the bank of a public drainage ditch.
 - a. Setbacks shall be measured at right angles from the ordinary high water level or the top of the bank to the building line.
 - b. Structures include roads, driveways and parking areas.
 3. The maximum height of an accessory structure shall be sixteen feet (16’).
 4. The regulations in §§516.18, 20 and 22 (Agriculture Use Standards, Shore Impact Zone/Bluff Impact Zone, and Placement and Design of Roads, Driveways, and Parking Areas) shall apply to Agricultural River, tributary stream and public drainage ditch shoreland areas.
 5. On-site sewage treatment systems must meet the setbacks for structures from the ordinary high water level in C2, above.
 6. Where available, publicly-owned sewer systems must be used within one (1) year of the date of issuance of a permit under this Ordinance.
- D. High Water Elevations.** Structures must be placed in accordance with Floodplain Ordinance regulations. For River and Stream Shoreland structures, located outside of a mapped Floodplain, the elevation to which the lowest floor, including basement, is placed, or flood-proofed, must be at least one (1) foot above the nearby River or Stream 1-percent annual chance flood elevation (100-year flood elevation) or if no nearby flood elevation exists three (3) feet above the top of the River or Stream channel bank.
- E. Additional requirements for designated trout streams.** Any development or activity within the shoreland area of an Agricultural River or tributary stream that is a designated trout stream as designated by the Department of Natural Resources shall include efforts to mitigate the impact of the development on the trout stream. The mitigation shall offset the effects of the development on water quality, water quantity and water temperature. Mitigation may include, but is not limited to, planting of streambank vegetation, additional structure setbacks, or additional stormwater management controls.