STATE OF MINNESOTA
STEARNS COUNTY
CITY OF ROCKVILLE

Ordinance No. 2009-54

AN ORDINANCE AMENDING THE CITY ZONING CODE DEFINITIONS

WHEREAS, the City Council of the City of Rockville adopted official zoning controls ("Zoning Code") pursuant to the authority granted in Minnesota Statutes, Chapter 462 in April 2003 which replaced all pre-existing official controls; and

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; and

WHEREAS, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 462 to amend the official zoning controls; and

WHEREAS, the Planning Commission seeks to amend and clarify the official controls relating to accessory buildings, and has recommended the following amendment be adopted at it meeting on _____, 2009; and

WHEREAS, public hearing was held on _____, 2009 in front of the City Council, and members of the public were given an opportunity to comment on the proposed amendment. Notice of the public hearing was published in the Cold Spring Record on _____, 2009 and _____, 2009.

NOW, THEREFORE, the City Council does ordain:

SECTION 1:
Amend Rockville Zoning Coded (Ord. 2003-04), as amended, by amending Section 8, Subdivision 1, to read:

1. **MEASUREMENTS.** All measured distances will be to the nearest integral foot. Unless clearly specified to the contrary, all references to height shall be measured from "grade" as defined by this Ordinance.

2. **DEFINITIONS.** Whenever a word or term appears in the text of this Ordinance, the Subdivision Code (Ord. 2004-24), as amended, the Stormwater Management Ordinance (Ord. 2008-51) or other land use ordinance or regulation, its meaning should be construed as defined within this section, except:

A. Where the context of the ordinance or regulation clearly requires a different definition;
B. Where the definition is required by statute or regulation that preempts this Ordinance, for example as it is used within the Building Code as adopted by the City.

SECTION 2:
Amend Ordinance 2003-06 and Rockville Zoning Code by amending Section 8, Subdivision 2 of the Zoning Code to read:

The following terms are defined:
"ABANDONED SIGN" means a Signs and Sign structures not used for signage for twelve (12) consecutive months and/or signs and their structures which identify, advertise or provide direction to a use, business, industry or service which has ceased existence for ninety (90) days or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

"ABUTTING" means making direct contact with or immediately bordering.

"ACCESS LOT" is a parcel of land that provides access to public waters.

"ACCESSORY BUILDING" means "Structure, Accessory."

"ACCESSORY STRUCTURE" means "Structure, Accessory."

"ACCESSORY USE" means "Use, Accessory."

"ADDITION" means a structure added laterally to an existing building and occupying ground. The addition of minor structural elements such as chimneys, bay windows, and roof overhangs of two (2) feet or less shall not be considered as an addition. The enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition. "Addition" differs from "Alteration."

"ADJACENT" In close proximity to or neighboring, not necessarily abutting.

"AGGREGATED PROJECT" Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one (1) or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

"AGRICULTURAL BUILDING" A structure on agricultural land designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. An agricultural building shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

"AGRICULTURAL USE" means the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

1. Field crops including but not limited to: barley, soybeans, nursery stock, garden crops, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

2. Livestock including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.

3. Livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur and honey.

"ALLEY" means any public or private street providing a secondary means of ingress and/or egress to land.

"ALTERATION" means an increase in the height or volume of a building.

"ANIMALS"

1. Domestic Animals. House pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. Domestic animals shall include birds and rabbits normally sheltered outside the home.

2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

3. Wild Animals or Exotic Animals. Any mammal, amphibian, reptile or bird which is of a species not usually domesticated, and of a species which, due to size, wild nature or other characteristics, is dangerous to humans. The term includes animals and birds the keeping of which is licensed by the state or federal government, such as wolves, and raptors. By way of example and not of limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys,

chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves.

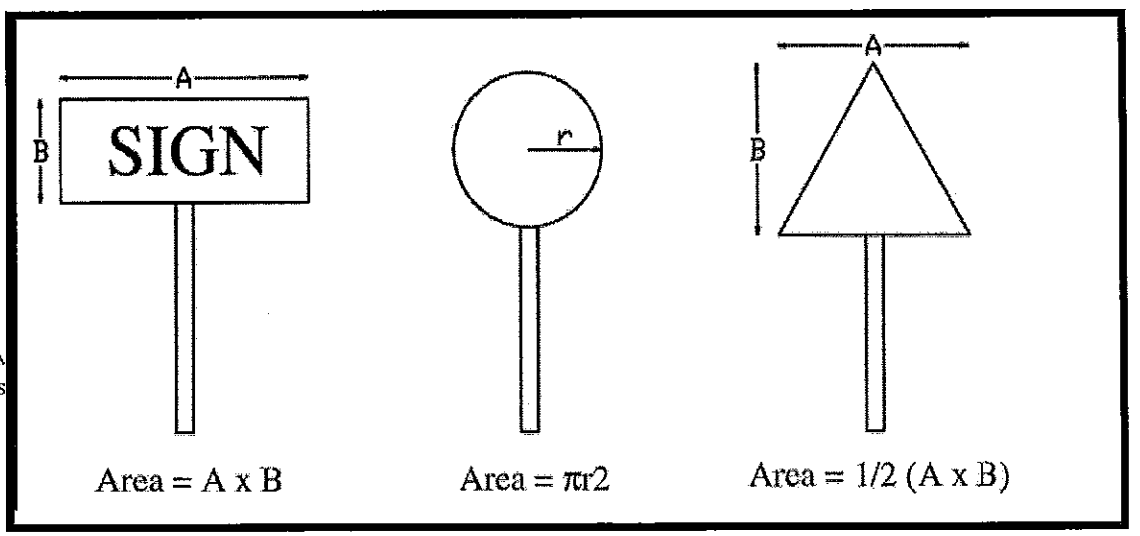
"ANIMAL FEEDLOT" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

"ANTENNA" means any structure or device used to collect or transmit electrical magnetic waves, including but not limited to directional antennas such as panels, microwave and satellite dishes, and omni-directional antennas such as whip antennas.

"AREA OF SIGN" means the area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle, or circle, the sign face area shall be determined by enclosing the extreme limits of the frame or cabinet within a single continuous perimeter in a common geometric shape. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Double-faced (back-to-back) freestanding signs shall be considered as a single sign face for purposes of calculating allowable sign area only if the distance between each sign face does not exceed two feet and the copy is identical on both faces. Standard formulas for common geometric shapes shall be used for computing sign area(s). Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign for purposes of in calculating the overall square footage. Nothing in the paragraph shall be interpreted to authorize any specific type of sign. *See* Figure 1.

Figure 1.

Measurement of Sign Area Examples



"ARTERIAL STREET" means "Street - Arterial.

"APPLICANT" means the owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

"AWNING" means a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

"AWNING SIGN" means a building sign or graphic printed on or in some fashion attached directly to the awning material.

"BALCONY" means a landing or porch which may project from the wall of a building and which may serve as a means of egress.

"BALLOON SIGN" means a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

"BASEMENT" means that floor of a building, or portion thereof, which is wholly or partially, underground or below grade, except any portion or floor more than 50% above grade is not a basement.

"BED AND BREAKFAST" means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests.

"BERM" means a mound or embankment of earth, usually two to six feet in height, used to shield or buffer properties from adjoining uses, streets or noise.

"BIORETENTION BASIN" is a constructed stormwater management practice that accepts and treats stormwater runoff through filtration and/or infiltration. The basin is not in a direct flow path for runoff, but is sufficiently adjacent for efficient water diversion.

"BLOCK" means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

"BLUFF" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

A. Part or all of the feature is located in a Shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
D. The slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more within the bluff shall be exempted from the bluff standards.

"BLUFF IMPACT ZONE" means a bluff and land located within thirty (30) feet from the top of a bluff.

"BOARDING HOUSE" means any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten (10) persons.

"BOATHOUSE" means a structure designed and used solely for the storage of boats. See "Structure, Water-Oriented."

"BUFFER YARD" means a landscaped area along lot lines provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. No structures except fences shall be allowed in the buffer yard.

"BUILDABLE AREA" is the minimum contiguous area necessary for the construction of water supply systems, sewage treatment systems, public utilities, structures and driveways, while still providing for adequate setbacks. Except as otherwise provided, the "Buildable Area is that area remaining on a parcel after all setback requirements, bluffs, areas with slopes greater than 15 percent, easements and rights-of-way, historic sites, wetlands, sensitive resource management areas, and land below the ordinary high water level of public waters are subtracted. The "Buildable Area" may contain soils with certain limiting characteristics such as shallow bedrock or high water table.

"BUILDABLE LOT AREA" means "Buildable Area."

"BUILDING" means any structure, either temporary or permanent, having a roof, and used or built for the sheltering or enclosure of any person, animal, or chattel or property of any kind.

"BUILDING HEIGHT" means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

"BUILDING INSPECTOR" means the City of Rockville Building Inspector, or their designee.

"BUILDING LINE" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

"BUILDING, PRINCIPAL" means a building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

"BUILDING SIGN" means any sign attached or supported by any Building.

"BUSINESS" means any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

"CABINET SIGN" means any wall sign that is not of channel or individually mounted letter construction.

"CAMPGROUND" means a development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreational camping vehicles, or other temporary shelters.

"CANOPY" means a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway or entrance.

"CANOPY SIGN" means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover.

"CEMETERY" means a parcel or tract of land used or intended to be used for the burial of the dead including columbarium's, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

"CERTIFICATE OF OCCUPANCY" is a certificate issued by the Building Official in accord with Building Code Section 109, as amended.

"CERTIFICATE OF SURVEY" means a legal graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor. Unless waived by the Zoning Administrator, a Certificate of Survey must show boundaries of all structures on the parcel, and distance from lot lines and structures.

"CHANNEL" A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

"CHURCH" A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

"CITY" The City of Rockville, Minnesota.

"CITY ATTORNEY" The person designated by the City Council to be the City Attorney for Rockville.

"CITY COUNCIL" The Rockville City Council.

"CITY ENGINEER OR CONSULTING ENGINEER" means that professional engineer as designated by the City Council.

"CLEAR-CUTTING" means the removal of an entire stand of vegetation.

"CLINIC, HUMAN" means a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by one or more doctors.

"CLINIC, VETERINARY" means a public or proprietary institution providing for the medical treatment of domestic animals by one or more veterinary doctors.

"CLUSTERING" or **"CLUSTERED"** means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

"COMMERICAL SPEECH" means a speech advertising a business, profession, commodity, service or entertainment.

"COMMERCIAL WECS" A WECS of equal to or greater than 40 kW in total name plate generating capacity.

"COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES" means licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

"COMMON INTEREST COMMUNITY" means contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

"COMMON OPEN SPACE" means a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of twenty-five (25) feet around each structure or any impervious surface.

"COMMUNITY WATER AND SEWER SYSTEMS" means utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems.

"COMPREHENSIVE MUNICIPAL PLAN" means a compilation of the City's policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. The comprehensive plan represents recommendations for the future development of the community.

"CONDOMINIUM" means a common interest community in which portions of the real estate are designated as units and the remainder of the real estate is designated for common ownership solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners.

"CONTIGUOUS TRACT" the following rules shall apply when determining contiguous property:

A. Tracts that are geometrically touching at any one point are contiguous.
B. Contiguous tracts which cross political subdivision boundaries remain contiguous.
C. Tracts purchased under separate documents remain individual and unique.

D. Except when determining lot coverage, property that would be contiguous under these rules, but for the fact that the property is separated by a public or private road, driveway, thruway etc., shall be deemed to be contiguous.

"CONTRACTOR" General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway and utility construction.

"CONSERVATION SUBDIVISION" is a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped road-ways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use Stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

"COVENANT (PROTECTIVE/RESTRICTIVE)" means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area, which are recorded in the Office of the Stearns County Recorder. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

"CONVENIENCE STORE" means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide variety of consumable products (predominantly food or food and gasoline) and services.

"CONVENTIONAL SUBDIVISION" means a pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common opens space is provided.

"COOPERATIVE" means a common interest community in which the real estate is owned by an association, each of whose members are entitled by virtue of the member's ownership interest in the association to a proprietary lease.

"CORRUGATED METAL" A structural sheet medal, usually galvanized, shaped in parallel furrows and ridges for rigidity with exposed fastners systems.

"CRAWL SPACE" means any areas or rooms with 3.5 feet or less ceiling height measured to the finished floor or grade below.

"CUL-DE-SAC" is a "Local Street" with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

"DAY CARE" means the regular providing of care or supervision for pecuniary gain or otherwise to one or more children for periods of less than twenty-four (24) hours per day, conducted entirely within a dwelling and with the only employees being residents of that dwelling.

"DAY CARE, FAMILY" means the regular providing of care or supervision for pecuniary gain or otherwise to one or more children for periods of less than twenty-four (24) hours per day, conducted entirely within a dwelling and with the only employees being residents of that dwelling.

"DECIBEL" A unit of measurement of the intensity of sound level.

"DECIDUOUS SHRUB" means a woody plant that ranges from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

"DECIDUOUS TREE" means a shade producing woody plant.

"DECK" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground.

"DEPOSITION" Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains, or wetlands.

"DESIGNATED TROUT STREAM" means officially designated trout streams designated as such by order of the Commissioner of Natural Resources.

"DITCH" any depression two (2) feet or more below the surrounding land serving to give direction to a current of water and having a bed and well-defined bank. A ditch is generally not able to be plowed or tilled due to its depth or width.

"DISPLACEMENT (VIBRATION)" means displacement is the amount of motion involved in a vibration.

"DRAINING" means the removal of surface water or ground water from land.

"DREDGING" means to enlarge or clean out a waterbody, watercourse, or wetland.

"DUPLEX," "TRIPLEX," and **"QUAD"** means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

The meaning also applies to existing uses where the dwelling structures may not be attached by common walls.

"DWELLING" means a building or portion thereof, designed or used exclusively for residential occupancy by a single family, but not including hotels, motels, and garage space.

"DWELLING, SINGLE FAMILY" means a building with a single dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for only one (1) family.

"DWELLING SITE" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

"DWELLING, TWO FAMILY" means a building so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.

"DWELLING UNIT" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

"EASEMENT" means a property interest or right of use over the property of another.

"ELEVATION" means the view of the side, front, or rear of a given structure(s).

"ELEVATION AREA" means the area of all walls that face any lot line.

"ENCROACHMENT" means advancement beyond the usual or proper limits. When used for determining animal feedlot setback requirements, encroachment is determined by measuring from the closest point of the existing permitted or registered animal feedlot.

"ERECT" means activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

"EROSION CONTROL AND WILDLIFE DEVELOPMENTS" means those structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife, including but not limited to; erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.

"ESSENTIAL SERVICES" means overhead or underground electric, gas, communication, sewage, steam or water transmission or distribution systems and

structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

"EVENT CENTER" is a fixed facility or establishment meant solely for private banquets, receptions, recitals and social functions. Food and beverage must brought on site or prepared in an approved kitchen on site. No retail sale of food and beverage may occur, except as accessory activity to the reserved event. Use shall be by reservation only, and no reserved event may be held open to the public. Entertainment scheduled in conjunction with the reserved events may be permitted as an accessory activity of the use. A reception facility shall not be operated as a restaurant or liquor establishment, and may not be used as such.

"EVERGREEN /CONIFER TREE" means an upright cone-bearing plant having green needle-like foliage throughout the year and at least fifteen (15) feet at maturity.

"EVERGREEN/CONIFER SHRUB" means a woody plant having green needle-like foliage throughout the year and ranging from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

"EXCAVATION" means the mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the site.

"EXISTING GRADE" means the grade prior to grading.

"EXTRACTIVE USE" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

"FALL ZONE" The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

"FAMILY" mean those persons living together on the premises in a single dwelling unit under one of the following conditions:

1. Four (4) or fewer unrelated persons, or;
2. Any number of persons related by blood, marriage or legal adoption, or;
3. Any number of persons related by blood, marriage or legal adoption, and two (2) unrelated persons.

"FARM" means a tract of land, which is principally used for agricultural activities such as the production of crops, and/or animals. A farm may include agricultural dwellings

and accessory buildings and structures necessary to the operation of the farm and must meet the definition of "farm" under Minnesota's Green Acres Law Minnesota Statutes Chapter 273.111, as amended.

"FARMING" means the cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

"FEEDER LINE" Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

"FEEDLOT" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance Minn. R. 7020.0300, Subp. 3.

"FENCE" means any lineal structure including walls, hedges or similar barriers used to prevent access by persons or animals or acting as a visual or sound barrier.

"FENCE, OPEN" means a Fence that permits fifty percent (50%) or greater visibility.

"FENCE, SOLID" means a fence that permits less than fifty percent (50%) visibility.

"FILL" means a deposit of each material placed by artificial means so as to elevate the grade of a site.

"FILLING" means the act of depositing any rock, soil, gravel, sand, or other material so as to fill or partly fill a waterbody, watercourse, wetland, channel, natural or excavated hole, trench, or other swell or depression in the earth.

"FLAG" means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

"FLASHING SIGN" means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any

mode of lighting which resembles zooming, twinkling, or sparkling.

"FLOOD" means a temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

"FLOOD FRINGE AREA" means the portion of the flood plain outside of the floodway.

"FLOODPLAIN" means the areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

"FLOODWAY" means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

"FLOOR AREA" means the area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or unenclosed porches.

"FOOT CANDLE" means a unit of illumination intensity.

"FOREST FLOOR DUFF LAYER" is all dead vegetation on the mineral soil surface in the forest, including leaf litter, and unincorporated humus.

"FOREST LAND CONVERSION" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

"FREESTANDING SIGN" means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

"FREQUENCY" means the number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

"FRONTAGE ROAD" is a street intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is restricted.

"GAZEBO" means a freestanding accessory structure or pavilion. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

"GARAGE, COMMERCIAL" is any premises used for storing or caring for motor vehicles, or premises where any such motor vehicles are equipped for operation, are

repaired or are kept for remuneration, for hire or for sale.

"GARAGE, PRIVATE" is an accessory building designed or used for the storage of motor vehicles, boats, trailers, and recreational equipment owned and used by the occupants of the building to which it is accessory.

"GASOLINE SERVICE STATION" is a building or structure designed or used for the retail sale or supply of fuels, lubricants and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

"GRADE" means the average elevation of the finished surface of the ground, paving or sidewalk within 20 feet of the structure.

"GREEN SPACE" means areas of natural growth such as grass, trees, or shrubs. Minimal landscaping may be permitted if it accents the Green Space.

"GREENHOUSE" means an enclosure used for the cultivation or protection of plants.

"GUEST COTTAGE" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

"HALF STREET" means a street having only one-half of its intended right-of-way width developed to accommodate traffic.

"HARD SURFACED" means a surface that is improved and maintained with an asphalt or portland cement binder material or such other surface as may be approved by the City, to provide a durable and dust free surface.

"HARDSHIP" means the same as that term is defined in Minnesota Statutes, Section 462.357, Subdivision 6(2); or successor statutes.

"HEIGHT" is the vertical distance measured from the grade adjoining the subject, structure or improvement to the highest point of the same.

"HEIGHT OF SIGN" means the height of the sign shall be computed as the vertical distance measured from the highest attached component of the sign to either the grade or the top of the nearest curb of the street on which the sign fronts, whichever is greatest.

"HIGHWAY" Any public thoroughfare or vehicular right-of-way with a federal, state, or county numerical route designation.

"HOME EXTENDED BUSINESS" means an occupation or profession engaged in by the occupant of a dwelling unit, within said unit or accessory structure, which involves the storage of vehicles and equipment (as limited by this Ordinance and the conditions established by the City Council upon the review and recommendation of the Planning Commission); repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premise, and shall only include the sale of merchandise incidental to the Home Extended Business.

"HOME OCCUPATION" means any occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in any accessory building, and which shows no activity other than activity normally present in a residential dwelling unit.

"HOOP STRUCTURE" is a structure not designed for permanent year round, long-term use, intended to shelter property of any kind, with a membrane, fabric or similar roof and/or walls. Said structure shall be anchored in place, will be considered as another building, will be required to go through the same procedure as accessory buildings, and must meet setback requirements. If permanent it needs to be certified and meet wind and snow-load requirements.

"HYDRIC SOILS" is soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

"HYDROPHYTIC VEGETATION" Macrophytic plant life growing in water, soil or on substrata that is at least periodically deficient in oxygen as a result of excessive water content.

"ILLUMINATED SIGN" means any sign which contains an element designed to emanate artificial light internally or externally.

"IMPERVOIUS SURFACE" An artificial or natural surface that is highly resistant to infiltration by water. It includes, but is not limited to surfaces such as compacted sand, clay, or gravel as well as most conventionally surfaced streets, roofs, swimming pools, sidewalks in excess of 3 feet in width, parking lots, and other similar structures, but not including decks or platforms where at least ¼ inch gaps are provided between deck boards for water to drain.

"IMPROVEMENTS" means Pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.

"INDIVIDUAL SEWAGE TREATMENT SYSTEM" shall have the meaning given in

Minnesota Rules, Chapter 7080.0020, Subpart 21; or successor rules.

"INDUSTRY" An enterprise that involves the production, processing, or storage of materials, goods or products.

"INFILTRATION TRENCH" means is a type of best management practice (BMP) that is used to manage stormwater runoff, prevent flooding and downstream erosion and improve water. It is a shallow excavated trench filled with gravel or crushed stone that is designed to infiltrate stormwater though permeable soils into the groundwater aquifer.

"INTENSIVE VEGETATION CLEARING" means the complete removal of trees or shrubs in a contiguous patch, strip, row or block or the removal of greater than 25% of the trees 5" diameter breast height (DBH) and/or 25% of the trees/shrubs less than 5" DBH.

"INTERIOR SIGN" means a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

"JUNK YARD" means an open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

"KENNEL, COMMERCIAL" means a structure, building or fenced area whose principal purpose is to house or confine three (3) or more pets.

"KENNEL, PRIVATE" means any premise or fenced area whose principal purpose is to house or confine two (2) or less pets over six (6) months of age owned by the residents of the principal structure.

"LAND USE PLAN" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. A land use plan may also include the proposed densities for development.

"LANDFILL" means a type of operation in which earth is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

"LANDSCAPED AREA" means the area within the boundaries of a given lot consisting primarily of plant material, including but not limited to grass, trees, shrubs, flowers, vines, ground cover and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate.

"LEGALLY ESTABLISHED NONCONFORMING SIGN" means any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

"LOADING SPACE (OFF-STREET)" means a formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

"LOT" means "Parcel."

"LOT AREA" means "parcel area."

"LOT, CORNER" is a parcel situated at the junction of two (2) or more intersecting streets, or a parcel at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

"LOT COVERAGE" means the part of percentage of the parcel covered by impervious surfaces.

"LOT FRONTAGE" means the width of the front of a lot or building site measured on the line separating it from the public street or way. The front line of corner lots shall be considered the shortest street line. The front of a lot shall be that boundary abutting a public right–of-way having the least width. If no public right-of-way exists, the boundary abutting a private right-of-way leading to a public right-of-way shall be used to determine lot frontage.

"LOT LINE" is a property boundary line of any parcel held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the edge of the street or alley right-of-way.

"LOT OF RECORD" is a parcel which is part of a subdivision, the map of which has been recorded in the office of the Stearns County Recorder or a parcel described by metes and bounds, the deed to which has been recorded in the office of the Stearns County Recorder prior to May 6th, 2003 and which has an individual tax parcel identification number and which was a legally build able lot as May 6th, 2003.

"LOT WIDTH" means the shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

"LOWEST FLOOR" means the lowermost floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building's lowest floor.

"MAJOR SUBDIVISION" means any division of a parcel of land involving the establishment of three or more lots.

"MANUFACTURED HOME" shall have the meaning given in Minnesota Statutes, section 327.31, subdivision 6; or successor statutes.

"MANUFACTURED HOME PARK" means any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

"MARINA" means either an island or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

"MARQUEE" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

"MARQUEE SIGN" means any building sign painted, mounted, constructed or attached in any manner, on a marquee.

"METEOROLOGICAL TOWER" For the purposes of this Chapter, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

"METES AND BOUNDS" means a description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

"MINERALS" means soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

"MINING" means any Extractive Use as defined by this Ordinance.

"MINIMUM STREET LANDSCAPING" means the minimum landscaped area which must be provided in a front yard, expressed as a percent of the total area contained within that street yard.

"MODEL HOME" is a home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

"MONUMENT SIGN" means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

"MOTEL/HOTEL" is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests and travelers.

"MPCA" means the Minnesota Pollution Control Agency.

"MULTIPLE TENANT SITE" means any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

"NATRUAL DRAINAGE SYSTEM" all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

"NONCOMMERCIAL SPEECH" means dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

"NON-COMMERCIAL WECS" A WECS of less than 40 kW in total name plate generating capacity.

"NONCONFROMING LOT" means a lot that does not comply with the minimum lot area or frontage requirements of the district in which it is located.

"NONCONFORMING STRUCTURE" means a structure which, although it conformed to the legal requirements at the time of its construction, no longer conforms to the requirements of this Ordinance (including but not limited to characteristics such as setbacks, building height, or lot coverage).

"NONCONFORMING USE" means any use of land or a structure that was legally established, which use is no longer permitted within that particular zoning district.

"NOXIOUS MATTER OR MATERIAL" is material capable of causing injury to

living or capable of causing detrimental effects on the physical or economic well being of individuals.

"NURSERY, RETAIL" is a parcel that is principally used for the planting and growing of trees, flowering and decorative plants and shrubs for experimental purposes or for transplanting, and which provides for retail sales.

"NURSERY, WHOLESALE" is a parcel that is principally used for the planting and growing of trees, flowering and decorative plants and shrubs for experimental purposes or for transplanting. Wholesale nurseries may not conduct on-premises retail sales.

"OCCUPANCY" The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

"OFF-PREMISE SIGN" means a sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

"OFFICIAL CONTROLS" are the Ordinances and regulations which control the physical development of the City.

"OFFICIAL MAP" means a map adopted in accordance with Minnesota Statues Section 462.359 which may show existing and proposed future streets, roads, and highways of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, existing and proposed air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and existing and future county state aid highways and state trunk highway rights-of-way.

"ON-PREMISE MESSAGE" means identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

"OPEN SPACES" means an area of natural growth without any improvements, other than essential services that cannot be located elsewhere.

"ORDINARY HIGH WATER LEVEL" (OHWL) OR "ORDINARY HIGH WATER MARK" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For

watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

"OUTLOT" is a parcel of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

"OWNER" means any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.

"PARCEL" is an area of land designated by metes and bounds, registered land survey, plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. "Parcel" may be used in the singular to identify a group of parcels which are being treated a single area of land separate from that area not in the group.

"PARCEL AREA" means the area of a horizontal plane within the boundaries of the parcel.

"PARKING AREA" means an area subject to vehicular traffic, including but not limited to access-ways, driveways, loading areas, service areas and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures, underground parking lots or public streets.

"PARKING SPACE" means an enclosed or unenclosed area of not less than two hundred (200) (10x20) square feet, with adequate access drives to streets, but exclusive of the access or maneuvering areas, to be used exclusively as a temporary storage space for one (1) motor vehicle and which has a surface constructed of asphalt, concrete or a similar permanent hard surface.

"PASTURES" are the areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

"PATIO" means an open recreation area that is often paved and within one (1) foot of pre-existing grade. A patio may not have attached railings, trellises, seats, or other features that extend more than one (1) foot above pre-existing or natural grade.

"PEDESTRIAN AND/OR BICYCLE TRAIL" an easement or land dedication given to the City for the purpose of providing walking and/or bicycling areas to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

"PEDESTRIAN WAY" means a public or private right-of-way across private or public property to provide access to be used by pedestrians and which may also be used for the installation of utility lines.

"PERFORMANCE STANDARD" A criterion established for, but not limited to, setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage, off-street parking, and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in use of land or buildings.

"PERSON" means any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word person is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, who are responsible for the violation.

"PLAN, CONCEPT" is a sketch, preparatory to a formal request for the subdivision of land, to enable the subdivider to communicate its plans with an intent to save time and expense in reaching consensus with planning entities. The concept plan must be drawn to scale and should show all existing buildings and site improvements. It should be informative as to the general lot layout and approximate sizes, park location, and street location.

"PLANNED UNIT DEVELOPMENT" is the method of developing or the resulting development a parcel pursuant to Section 26 of this Ordinance.

"PLANNING COMMISSION" means the Planning Commission of the City of Rockville.

"PLAT" is the drawing or map of a subdivision prepared for filing of record pursuant to Minn. Statutes Chapter 505 and containing all elements and requirements set forth in regulations adopted pursuant to Minn. Statute Section 462.358 and Chapter 505.

"PLAT, FINAL" is a drawing or map of a subdivision meeting all the requirements of the City and in such form as required by the County for purposes of recording.

"PLATFORM" means a horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending less than three feet above ground.

"PLAT, PRELIMINARY" is the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

"POLE BUILDING" Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings, metal wall coverings hung vertically of less than twenty-eight (28) gauge; or any structure constructed using post-frame design.

"POLE SIGN" means See Pylon Sign.

"PORTABLE SIGN" means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

"PREMISES" means a lot or plot with the required front, side and rear yards for a dwelling, structure, or other use as allowed under this Ordinance.

"PROJECTING SIGN" means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

"PROPERTY LINE" The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

"PROTECTIVE COVENANTS" are contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical, social and economic integrity of any given area

"PUBLIC CONSERVATION LANDS" Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this Chapter, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon

which conservation easements have been sold to public agencies or non-profit conservation organizations.

"PUBLIC NOTICES" means official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

"PUBLIC UTILITY" means entities supplying gas, electric, transportation, sewer, water or land line telephone service to the general public, not including commercial wireless telecommunication service facilities.

"PUBLIC STREET RIGHT OF WAY" means the entire right of way of any public street.

"PUBLIC WATERS" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a.

"PYLON SIGN" means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

"RAIN BARRELS/RAINWATER TANK" is a water tank which is used to collect and store rain water runoff, typically from rooftops via rain gutters. Rainwater tanks are devices for collecting and maintaining harvested rain.

"RAIN GARDENS" means a depressed area in the landscape with perennial native plant materials designed to provide natural filtration of runoff.

"RECREATION, COMMERCIAL" are all uses relating to outdoor recreation uses such as campgrounds, hunting & shooting camps, shooting ranges, driving ranges, golf courses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public. The definition does not include movie theaters, bowling alleys or lodging facilities that are unrelated to an outdoor recreational activity.

"RECREATION, PUBLIC" are uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

"REGIONAL FLOOD" is a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

"REFUSE" Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

"RESIDENTIAL DISTRICT" means any district zoned for residential uses.

"RESORT" means a commercial establishment, that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. Resorts allow no residential use of a dwelling unit/site for more than 30 days within a calendar year, except dwellings used as residences for the service providers or dwelling units/sites for renters. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

"RETAINING WALL" is a wall or terraced combination of walls used to provide barrier or restrain lateral forces of soil or other material and not used to support, provide a foundation for, or provide a wall for a building or structure.

"REZONING" means changing any parcel or parcels from one zoning district to another through procedures established by this Ordinance.

"RIGHT-OF-WAY" means the land which, by public or private easement or other property interest, is dedicated for use by the public as a street. May also apply to other property interests for ingress and egress, such as alleys, trails, or walkways, as appropriate.

"RIPARIAN" means land that abuts the bank of a stream, river, lake, wetland, or other natural watercourse.

"ROAD" means a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

"ROOF" means the exterior surface and it supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

"ROOF LINE" means the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

"ROOF SIGN" means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"ROOF SIGN, INTEGRAL" means any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

"**ROTATING SIGN**" means a sign or portion of a sign which turns about on an axis.

"ROTOR DIAMETER" The diameter of the circle described by the moving rotor blades.

"SAND BLANKET" means a placement of sand above the Ordinary High Water Level.

"SCHOOL" means an accredited learning institution which provides primary or secondary instruction. "Schools" does not include home schools.

"SECONDARY SHORELINE BUFFER ZONE" means the land located between the shore impact zone and the structure setback.

"SELECTIVE CUTTING" means the removal of individual or small groups of trees and shrubs.

"SEMI-PUBLIC USE" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

"SENSITIVE RESOURCE MANAGEMENT" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

"SETBACK" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and a property line or other property interest, topographical or natural resource feature or another facility.

"SEWAGE" means any water-carried domestic waste, exclusive of footings and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

"SEWAGE TREATMENT SYSTEM" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rules, chapter 7080.

"SEWAGE TREATMENT SYSTEM SUITABLE AREA" is the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.

"SEWER SYSTEM" means pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

"SEWERED LAKES, RIVERS AND STREAMS" means shoreland areas that are serviced by a publicly owned sewer system.

"SHARED-INTEREST COMMUNITY" Real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate and occupying a part of the real estate pursuant to a proprietary lease or covenant for residential use for more than thirty (30) days within a year, by reason of their ownership or occupancy, to pay for real estate taxes levied against insurance premiums payable with respect to, maintenance of , or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

"SHIMMERING SIGNS" means a sign which reflects an oscillating sometimes distorted visual image.

"SHORE IMPACT ZONE" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback, but not less than fifty (50) feet. This area serves as the primary shoreline buffer.

"SHORELAND" means land located within the following distances from public water, as defined in Section 10.2.3 of Stearns County Ordinance 209, as amended: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater.

"SHORELINE BUFFER" means a method of filtering stormwater runoff consisting of natural native plants immediately adjacent to the shoreline. Refer to Ord. 2008-51, subd. 13(d)(4).

"SHORELINE RECREATION AREA" is an area of open space or park type facilities for recreational uses located in the shoreland with common ownership of a common-interest community or a resort.

"SIDEWALK" is a "Pedestrian Way" primarily designed to move pedestrian traffic off of a street.

"SIGN" is a name, identification, description, display, illustration or device which is affixed to, painted, or represented directly or indirectly upon a building, structure, land, rock, pole, fence or tree and which directs activity, or which is displayed for informational purposes about a person, institution, organization or business and is visible to the general public.

"SIGN, BILLBOARD" is a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such a sign is located or to which it is affixed.

"SIGN, FACE" means the surface of the sign upon, against, or through which the message of the sign is exhibited.

"SIGN, FREESTANDING" is a sign which is not attached to a building but is permanently attached to the ground.

"SIGN, STRUCTURE" means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

"SIGN, TEMPORARY" means any sign, including without limitation, banners, pennants and private flags that is intended to be transportable or moveable, whether fixed

or not to the ground or a structure.

"SIGN, WALL" means a Sign painted on or placed against or attached to the exterior wall surface of a building or structure.

"SIGNIFICANT HISTORIC SITE" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

"SITE" means a lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

"SITE MAP" means a map showing existing conditions including all platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.

"SITE PLAN" means an illustration showing the existing conditions of the entire parcel, including the dimensions of the parcel, easements on or adjacent to the parcel, right-of-way on or adjacent to the parcel and any predominant topography platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.

"SLOPE" The degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.

"SOIL" means the surface layer of earth, supporting plant life, land, country [native soil] and ground or earth. See Stearns County Soil Survey.

"STEEP SLOPE" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

"STREET" means a public or private right-of-way affording primary access by pedestrians and/or vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

"STREET, ARTERIAL" means a street that provides traffic movement to and from the City and surrounding rural areas and cities, to and from regional highways and collector streets, and between major parts of the City.

"STREET CENTER LINE" means the line running parallel and between the boundaries of the traveled portion or, alternatively, the right-of-way, of a street.

"STREET, COLLECTOR" means a street that carries traffic from the arterial systems to local street destinations. Provides traffic circulation within neighborhoods and within commercial and industrial areas.

"STREET GRADE" means the distance vertically (up or down) from the horizontal for each one hundred feet of horizontal distance, as measured along the centerline of the street.

"STREET FRONTAGE" means "Lot Frontage."

"STREET, FRONTAGE" means "Frontage Road."

"STREET, LOCAL" means a street that serves to provide direct access to abutting properties. Through traffic is discouraged.

"STREET YARD" means "Lot Frontage."

"STRINGER" means a line of string, rope, cording, or an equivalent to which is attached a number of pennants, signs or other items intended to communicate a message or draw attention to a property.

"STRUCTURE" means any building or appurtenance, including decks, platforms, carports, and roof overhangs, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

"STRUCTURE, ACCESSORY" means any building or improvement occupied by or installed for an "Accessory Use."

"STRUCTURAL ALTERATION" means any change in a building or structure affecting its supporting members, including but not limited to bearing walls or partitions, beams, girders, roof, and all exterior walls.

"STRUCTURE, PRINCIPAL" means any building or improvement occupied by or installed for an "Principal Use."

"STRUCTURE, WATER ORIENTED" means a small, above ground building or other improvement, except stairways, fences, docks and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include utility storage buildings, gazebos, screen houses, fish houses, pump houses and detached decks.

"SUBDIVISION" Improved or unimproved land which is divided for the purpose of sale, transfer, rent or lease, into two or more lots or parcels including planned unit developments.

"SUBDIVISION, MINOR" means the division of a tract of land into two or three lots or the relocation of the boundary between two abutting metes and bounds parcels of property provided such relocation shall not cause the creation of an additional parcel or parcels and the resulting parcels comply with all lot dimensional standards.

"SUBSTATIONS" Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

"SUSPENDED SIGN" means any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

"TILLABLE LAND" Any land capable of producing small grains, row crops or may with normal tillage practices, woodland excluded.

"TOE OF THE BLUFF" means the lower point of a bluff.

"TOP OF THE BLUFF" means the higher point of a bluff.

"TOTAL HEIGHT" The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

"TOTAL SITE SIGNAGE" means the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

"TOWER" means any free-standing ground or roof-mounted pole, spire, structure or combination of them taller than fifteen (15) feet, including supporting lines, cables, wires, braces and masks, not wholly contained within a building or other structure and intended

primarily for the mounting of an antenna, meteorologic device, rotor blades or similar apparatus above grade.

"TOWER, COMMERCIAL" means a Tower designed or used for Commercial Wireless Telecommunications Services, public radio transmission or commercial television transmission.

"TOWER, MULTI-USER" means a "Tower" with antennas of more than one Commercial Wireless Telecommunications Service provider or governmental entity attached.

"TOWER, SINGLE-USER" means a "Tower" with only the antennas of a single user attached, although the Tower may be designed to accommodate antennas of multiple users as required by this Ordinance.

"TOWNHOUSE" means a single family dwelling utilizing a cluster or row arrangement where each dwelling unit has its own private entrance, and one or more common walls. Townhouse may be located so that all dwelling units are on the same lot or so that each dwelling unit has its own lot. Row houses and patio homes are types of townhouses.

"TRAIL" is a "Pedestrian Way" primarily designed to connect two parks, open spaces, recreation areas or commercial centers, or combinations thereof.

"TRANSMISSION LINE" Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

"UNSEWERED" means land, usually shoreland that are not serviced by a sanitary sewer system.

"USE" means the purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

"USE, ACCESSORY" is a use on the same lot with, and of a nature customarily incidental, auxiliary and subordinate to, the principal use.

"USE, AGRICULTURAL" includes the following activities and uses: farming, wind farming, dairying, pasturage, agriculture, horticulture, floriculture and animal and poultry husbandry; provided that the use is not otherwise excluded by the ordinance. "Agriculture" also includes the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

"USE, COMMERCIAL" means the use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

"USE, CONDITIONAL" is a use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a Conditional Use Permit allowing the use may be granted.

"USE, EXTRACTIVE" is the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat. Extractive Use also includes, without limitation, mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals (whether or not such materials originated on site or were transported to the site), and the removal thereof from the site.

"USE, INDUSTRIAL" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

"USE, INTERIM" is a temporary use of property, with conditions imposed as may be appropriate and related to the use; until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

"USE, PERMITTED" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

"USE, PRINCIPAL" means the primary or predominant use of any parcel. A principal use must be a permitted, conditional, or interim use of the zoning district, and must meet all requirements, performance standards, or conditions imposed for the use

"USE, WATER ORIENTED COMMERCIAL" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

"UTILITY EASEMENT" means a property interest for the use of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

"VARIANCE" means the waiving of a specific provision of the Zoning Ordinance in instances where the strict enforcement of that provision would cause undue hardship because of circumstances unique to the individual property under consideration. See Section 30 for details on the procedure and requirements for granting a variance.

"VEGETATION" means all plant growth, including, without limitation, trees, shrubs, mosses and grasses.

"VISIBLE" means capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

"WALL" means any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

"WALL SIGN" means any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

"WATERCOURSE" means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

"WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY" means a small, building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks and platforms.

"WATERSHED" The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

"WATERWAY" is a natural or constructed channel that is shaped or graded and is established in sustainable vegetation for the stable conveyance of run-off.

"WELLHEAD PROTECTION PLAN" means a plan developed for the protection of a public water supply.

"WETLAND" shall have the meaning given in Minnesota Rules, Chapter 8420.0110, Subpart 52; or successor rules, which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change, and

refers to land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh or slough..

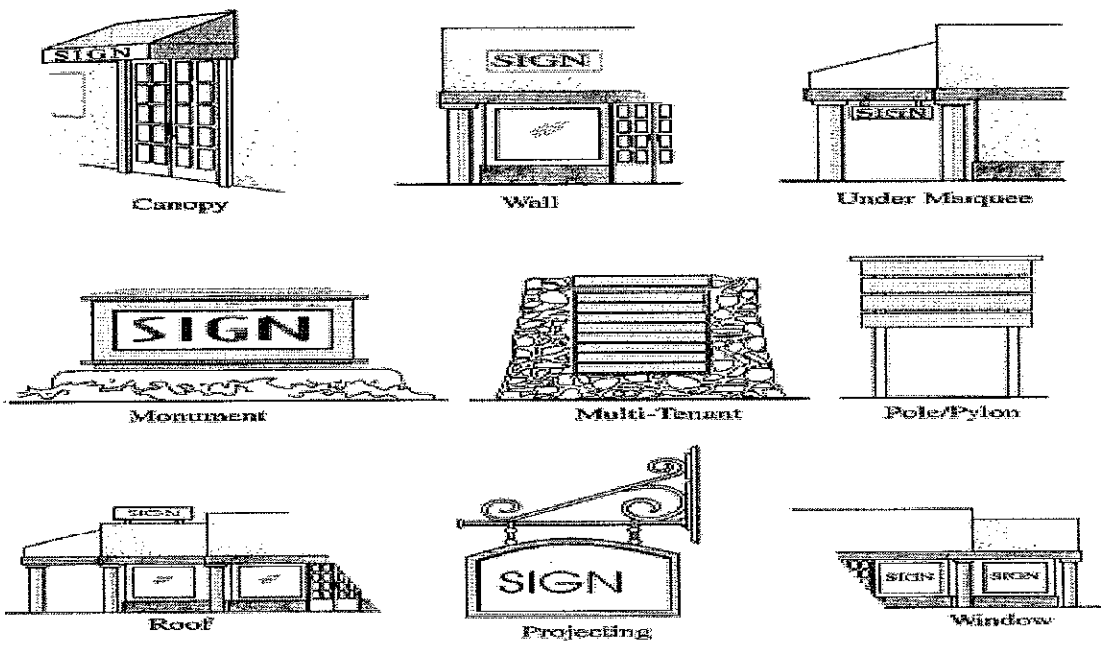
"WILDLIFE MANAGEMENT AREA" means land where the principal use is for promotion of wildlife through raising of feed or provision of environmental conditions.

"WIND ENERGY CONVERSION SYSTEM (WECS)" An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

"WIND TURBINE" A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

"WINDOW SIGN" means any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 2.
Select Examples of Types of Signs



"YARD" means an open space on the parcel which is unoccupied and unobstructed from its lowest level to the sky.

"YARD, FRONT" means that portion of the yard located between the front lot line, the side lot lines, and the front building line.

"YARD, REAR" means that portion of the yard located between the rear building line, the side lot lines, and the rear lot line.

"YARD, SIDE" means that portion of the yard located between the front and rear yards and between the side building lines and the side lot lines.

"ZONING ADMINISTRATOR" As appointed by the City Council.

"ZONING AMENDMENT" A change authorized by the City, either in the allowed use within a district or in the boundaries of the district.

"ZONING DISTRICT" An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

"ZONING DISTRICT OVERLAY" A zoning district containing regulations superimposed upon other zoning district regulations and where the more restrictive district use regulations shall apply.

"ZONING MAP" means the map setting forth the boundaries of the Zoning use Districts of the City, which map is a part of this Ordinance.

SECTION 3:
Amend Rockville Zoning Coded (Ord. 2003-04), as amended, by amending Section 8, by adding a new subdivision as follows and titled Subdivision 3: CONFLICTS IN DEFINITION:

Subdivision 3: CONFLICTS IN DEFINITION

If another official control, except the Building Code, that was adopted prior to the effective date of Ord. 2009-__ includes a definition for a term included in Subdivision 2, the definition in Subdivision 2 shall control, unless the context of the ordinance clearly requires application of the definition provided by the official control.

SECTION 4: Upon approval of this Ordinance by six members of the City Council, the following shall be the summary of this Ordinance, and may be published in place of the full text

of this Ordinance. In the event fewer than six members of the City Council approve this Ordinance, this Section 4 shall be ineffective.

The following is the summary of Ordinance 2008-__ approved by the Rockville City Council on _____, 2009:

AN ORDINANCE AMENDING THE CITY ZONING CODE DEFINITIONS

Ordinance No. 2008-__ amends the Rockville Zoning Code by adding and replacing definitions as they apply to official controls. These definitions affect the administration and enforcement of the City Zoning, Building and Subdivision Codes, among others.

A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Hall.

Adopted this_____day of_____,2009.
_____ in favor. _____ opposed.

_____
Jeff Hagen, Mayor

ATTEST:

_____
Verena Weber, City Administrator-Clerk