



CITY OF ROCKVILLE

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www.rockvillecity.org

AMENDED NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

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NICK PUNG
MAINTENANCE/
PUBLIC WORKS

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Rockville will meet in the council chambers (Rockville City Hall – 229 Broadway Street East) at approximately 6:30 p.m. on Wednesday, July 16, 2008 to consider approval of:

ORDINANCE NO. 2008-50– An Ordinance Amending the City Zoning Code as it Applies to Shoreland Property

ORDINANCE NO. 2008-51 – An Ordinance Amending the City Zoning Code by Adding a Section on Stormwater Management

(A copy of said Ordinance(s) is available for view at Rockville City Hall and the city web-site www.rockvillecity.org).

Such persons as desire to be heard with reference to the proposed ordinance will be heard at this meeting.

Verena M. Weber-CMC
Administrator/Clerk

Publish 7/8/08
7/15/08
Cold Spring Record

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Notice of PH 2008-50 & 51 Amendments.wd.doc

CITY OF ROCKVILLE
STEARNS COUNTY, MINNESOTA

Ordinance No. 2008-50

**AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO
SHORELAND PROPERTY**

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, and 2008-47; and

WHEREAS, the City had previously adopted, by reference, Stearns County Ordinance 209, Section 10.2, as it applied to shorelands; and

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

WHEREAS, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, to regulate the shoreland of Minnesota waters; 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 its meeting on November 20, 2007; and

WHEREAS, public hearing was held on _____, 2008 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 _____, 2008 and _____, 2008.

NOW, THEREFORE, the City Council does ordain:

SECTION 1: Adoption by reference of Stearns County Ordinance 209, Section 10.2, is repealed.

SECTION 2: A new section 32 is hereby created as follows:

Subdivision 1: INTENT AND PURPOSE

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All land within Shoreland located in City of Rockville is hereby designated as Shoreland Overlay District

and the standards set forth in this Section shall regulate development and other activities within the Shoreland Overlay District.

Subdivision 2: APPLICATION

The Shoreland Overlay District shall be an overlay district and shall be superimposed on all zoning districts and the Shoreland Overlay District shall be the Shoreland of the Public Water bodies as classified in *Section 10.2.3 of Stearns County Ordinance 209*. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

- A. 1,000 feet from the ordinary high water level of the classified lakes.
- B. 300 feet from the ordinary high water level or the lateral extent of the floodplain when the floodplain extends beyond 300 feet from the ordinary high water level of the classified rivers and streams.

Subdivision 3: GENERAL PROVISIONS

The following standards and requirements shall apply to all uses in the Shoreland Overlay District:

- A. Boathouses and additions thereto are prohibited in the Shoreland Overlay District.
- B. Easements, controlled access lots or other means for non-riparian lot owners to allow access to public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however designated or described, other than as an access lot as defined in Subdivision 13 to provide access to public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

Subdivision 4: PUBLIC AND SEMI-PUBLIC USES

The regulations of the primary zoning district shall apply, except as modified below:

- A. Public and semi-public uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.
- B. The legal, conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.
- C. The legal, non-conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. All public and semipublic uses shall meet the requirements of Subdivision 11.

Subdivision 5: RESIDENTIAL USES

The regulations of the primary zoning district shall apply, except as modified below:

- A. New residential uses which are not permitted in the R-1 District but are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.

- B. Residential Lot Standards. The minimum lot dimensions, average lot size and buildable lot area for riparian and non-riparian residential developments are provided in Exhibit A, Residential Lot Standards.
- C. The legal, non-conforming use of any tract may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.

Subdivision 6: COMMERCIAL USES

- A. Commercial uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.
- B. The legal, conforming use of any tract for commercial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.
- C. The legal, non-conforming use of any tract for commercial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. New commercial uses which are otherwise permitted in the underlying zoning district and are located on a riparian parcel shall be designed to provide water-oriented services or products.
- E. All commercial uses shall meet the requirements of Subdivision 11.

Subdivision 7: INDUSTRIAL USES

- A. Industrial uses which are otherwise permitted or permitted as a conditional use in the underlying zoning district shall be only allowed as an interim use following the procedures of Section 28 of this Ordinance, and only if the use demonstrates a need
- B. The legal, conforming use of any tract for industrial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a interim use following the procedures set forth in Section 28 of this Ordinance.
- C. The legal, non-conforming use of any tract for industrial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.
- D. New industrial uses which are otherwise permitted in the underlying zoning district must be
- E. All commercial uses shall meet the requirements of Subdivision 11.
- F. The use of any area for industrial purposes as a conditional use at the time of adoption of this Ordinance shall be considered a conditional use, except that any expansion, addition or change in use shall only be allowed as an interim use following the procedures of Section 28 of this Ordinance.

Subdivision 8: AGRICULTURAL USES

- A. The use of any tract as an animal feedlot at the adoption of this Ordinance shall be considered a permitted use within the A-40 District, except that any expansion,

addition or change in use shall only be allowed as a interim use following the procedures set forth in Section 27 of this Ordinance.

- B. New animal feedlots are prohibited in the Shoreland Overlay District.

Subdivision 9: PERMITTED ACCESSORY USES

In all districts, accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses allowed in the primary zoning district, subject to the requirements of this Section.

Subdivision 10: SETBACK, HEIGHT, COVERAGE AND YARD REQUIREMENTS

- A. Size and Area. Minimum standards for all development must be as provided in Exhibit A, Lot Standards; except the average lot size for lots created without meeting the standards of conservation subdivision in effect at the time of subdivision, are doubled for all classes other than Special Protection.
- B. Shoreline Setback. Minimum standards for setbacks from the Ordinary High Water Line, must be as provided in Exhibit A, Lot Standards.
- C. Width. Minimum lot or parcel widths must be as provided in Exhibit A, Lot Standards. Width standards must be met at the Ordinary High Water Line, as well as the non-riparian building line.
- D. Road Right-of-Way. Minimum structure setbacks from road right-of-way shall be as provided in the underlying zoning district.
- E. Side Yard. Minimum structure setbacks from side yard boundaries shall be as provided in the underlying zoning district.
- F. Rear Yard. Minimum structure setbacks from rear yard boundaries, where lot is non-riparian or otherwise has a rear yard not subject to a structure setback from ordinary high water levels, shall be as provided in the underlying zoning district.
- G. Bluffs. Minimum structure setbacks from top of bluff shall be 30 feet, or as calculated as the Established Building Line as provided in subdivision 11.
- H. Other setbacks. All other setbacks of the underlying zoning district, or generally applicable, apply.
- I. Maximum coverage by all impervious surfaces shall be as provided in <<Stormwater Management Section>>. If no standard applies, the maximum impervious surface shall be twenty-five percent.
- J. Structure Height. Maximum height restrictions of structures shall be as provided in the underlying zoning district, or as provided in this Section. Notwithstanding, no structures, except churches, telecommunication towers and antenna, and nonresidential agricultural structures, shall exceed 30 feet in height of building.
- K. Fence Height. Maximum fence height shall be as provided in the underlying zoning district, except:
 - (1) A fence on a riparian lot shall not be higher than six (6) feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed, unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.
 - (2) A fence on a riparian lot erected from the riparian building line to the ordinary high water level shall not exceed a height of four (4) feet and have at least 90 percent of the surface uniformly open and unobstructed unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.

- L. The minimum lot size and width requirements for commercial and industrial uses is the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the duplex lot area and width requirement for the applicable lake or river classification.
- M. The minimum lot size and width requirements for residential uses with more than two units are the lot size and width requirement for a duplex lot, plus 25 percent for each unit greater than two.
- N. Application of Standards. All lots, except a Lot of Record, must meet the applicable lot standards. No parcel shall be subdivided in any manner, unless all resulting lots comply with the applicable lot standards.
- O. Street Frontage Requirements. The minimum street frontage requirements shall be those of the underlying zoning district. If none exist, the minimum shall be 75 feet, except for lots created by conservation subdivision or PUD which may vary from this minimum in order to reduce the impact of the road on the shoreland district.

Subdivision 11: DEPARTURE FROM SETBACK REQUIREMENTS

For shoreline and bluff setbacks, where conditions exist that meet all of the following criteria, the Zoning Administrator may depart from setback requirements of Subdivision 8 to the extent provided. In any case in which such a departure may substantially harm any public waters, adjoining properties or the health, safety or welfare of the City, the Zoning Administrator may deny departure from the standard setback requirements.

- A. Principal Structures. In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the principal structure may be constructed up to the established building line.
 - 1. For new residential dwellings, the building line shall be established by:
 - (a) Calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling,
 - (b) Establishing the building line by using the sight line method from the nearest corner of each dwelling located on either side of the proposed residential dwelling, and
 - (c) Adopting the more restrictive of the two building lines.
 - 2. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, by calculating the average setback of the dwellings located on either side of the proposed addition, or by other reasonable methods which may be employed.
 - 3. Structures located wholly or partly within the shore impact zone shall not be used to establish a building line. In this situation, the landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone.
 - 4. In no case shall the calculated setback be greater than the building line setback established for the applicable lake classification.
 - 5. In no case, shall any principal structures be permitted closer than the following distances:

- (a) On Natural Environment Lakes and Designated Trout Streams; no closer than 100 feet.
 - (b) On Recreational Development Lakes; no closer than 50 feet.
 - (c) On General Development Lakes; no closer than 50 feet.
 - (d) On Transition Rivers; no closer than 75 feet.
 - (e) On Agriculture, Urban and Tributary Rivers; no closer than 50 feet.
 - (f) Within 20 feet of the top of a bluff.
 - (g) On Designated Trout Streams; no closer than 100 feet.
- B. Decks. Decks and platforms that do not meet setback requirements from public waters may be allowed to be added to structures existing on the date of adoption of *Stearns County Ordinance 209*, without a variance, if all of the following criteria and standards are met:
- 1. The deck does not encroach more than 15 percent into the applicable setback of the dwelling unit or principal structure to which it is being attached;
 - 2. Notwithstanding subdivision 11(B)(1), no deck may encroach into the shore or bluff impact zone;
 - 3. The deck is constructed of wood, plastic or other rot-resistant material, painted or stained in colors compatible with the character of the neighborhood, and attached to a legal dwelling unit or principal structure;
 - 4. The deck shall not be screened in, enclosed or roofed; and
 - 5. Decks constructed under the provisions of this departure shall not be used as the basis for the establishment of any future building line.

Subdivision 12: DESIGN CRITERIA FOR STRUCTURES

- A. High Water Elevations. Structures shall be placed in accordance with *Section 10.1 of Stearns County Ordinance 209*, if applicable to the site. If *Section 10.1 of this Ordinance* does not apply to the site, the elevation to which the lowest floor, including basement, is placed or flood proofed shall be determined as follows:
- 1. For lakes, by placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three feet above the highest known water level, or at least three feet above the ordinary high water level, whichever is higher. When upon inspection, the Building Official determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential dwelling or addition to a residential dwelling will be 6 feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition thereto, including basement, is placed at least 3 feet above the ordinary high water level, or no lower than the regulatory flood protection elevation, whichever is higher.
 - 2. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a

flood protection elevation. Under all three approaches, a qualified engineer or hydrologist consistent with *Minnesota Rules, parts 6120.5000 to 6120.6200; or successor rule*, governing the management of flood plain areas shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities; and

3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- B. Stairways, lifts, and landings. Stairways, lifts and landings must meet the following design requirements:
1. Stairways and lifts must not exceed four feet in width on residential lots. Stairways and lifts must not exceed six (6) feet in width for commercial properties, and public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.
 2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings for stairways and lifts must not exceed 48 square feet for commercial properties, public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.
 3. Canopies or roofs are not allowed on stairways, lifts, or landings.
 4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of *Minnesota Rules, chapter 1341; or successor rule*.
 7. Boardwalks shoreward of the ordinary high water level shall be used in place of fill to bridge wetland areas to reach the shore. These boardwalks must be elevated at least 16 inches about the surface of the wetland.
- C. Placement and design of roads, driveways, and parking areas. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives

exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

2. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subpart 4, item E, must also be met. For public watercraft access facilities, best management practices shall be designed, installed and maintained to reduce total suspended solids, peak discharge, and runoff. Best management practices include porous pavement, grass parking overflow areas, filter strips, swales, infiltration basins, disconnected impervious areas, rain gardens and other conservation designs.
- D. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- E. Steep slopes. When determined necessary by the Zoning Administrator, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation
- F. Shoreline recreation facilities. Shore recreation facilities must be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors to maintain functions and values of existing natural features. Access lots must be used where direct riparian access is not appropriate due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Boating facilities shall be located adjacent to the deepest water available. Shoreline facilities must also comply with all rules of the Department of Natural Resources.

Subdivision 13: COMMERCIAL, INDUSTRIAL AND PUBLIC USE STANDARDS

Subject to the restrictions provided for in this Section, surface water-oriented commercial uses and industrial, public or semipublic uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:

- A. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
- B. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:
 1. No signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the City;
 2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed

safety and directional information, and may only convey the location and name of the establishment and the general types of services available. The signs shall not contain detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- D. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subdivision 14: AGRICULTURAL AND EXTRACTIVE USE STANDARDS

- A. Agricultural Use. Agricultural uses shall be conducted so that steep slopes, shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local Soil and Water Conservation District or the Natural Resource Conservation Service or as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation, and may not be directly applied within the shore impact zone.
- B. Forest Management. The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota"*, which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not subject to frequent change.
- C. Extractive Use. An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site as part of the interim use permit required by Section 9, and subject to the following:
 1. Site Development and Restoration Plan Requirements. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.
 2. Setbacks for Processing Machinery. Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

Subdivision 15: ACCESS LOTS.

Access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, may be allowed as part of a planned unit development where direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of non-riparian lots or parcels shall be prohibited. Where allowed, access lots shall meet or exceed the following standards:

- A. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land, and be jointly owned by all of those purchasers, which are allowed to use the access lot.
- B. These access lots shall also comply with all of the dimensional standards of Subdivision 7. Where more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
- C. Access lots shall be suitable in its natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
- D. Permitted activities may include watercraft launching, loading, beaching, mooring, or docking area, but shall not include residential or commercial uses. A single dock and boat launching ramp may be permitted and no owner shall own an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served.
- E. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities are to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify the permitted activities allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants shall benefit the City, and provide for enforcement by the City.
- F. Access lots shall meet or exceed the standards of Subdivision 16, Vegetation and Topography.

Subdivision 16. VEGETATION AND TOPOGRAPHY.

Natural vegetation and topography shall be regulated and maintained to prevent erosion into public waters, fix nutrients, infiltration rainwater runoff, preserve shoreland aesthetics and historic values, prevent bank slumping, limit direct and indirect impacts on water quality, and protect fish and wildlife habitat.

- A. All existing shoreline buffers, including trees, shrubs, and ground cover of native plants and understory, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception.
 - 1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.

2. Public roads and parking areas.
 3. Public parks, areas, trails and structures.
 4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.
 5. Pursuant to a valid shoreland alteration permit.
 6. Removal of trees and branches that pose a safety hazard.
 7. A single access path, provided it is:
 - a. No wider than 6 feet,
 - b. Generally perpendicular to the shoreline, and
 - c. Designed to prevent erosion.
 8. A single shoreline recreational area, as provided by Subdivision 17.
- B. All existing important topographical features, including natural swales, depressions, steep slopes and topsoil, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception.
1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.
 2. Public roads and parking areas.
 3. Public parks, areas, trails and structures.
 4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.
 5. Pursuant to a valid shoreland alteration permit.
- C. Use of fertilizer and pesticides shall not be allowed within the shore impact zone. Other use within the shoreland district must be designed to minimize runoff into the impact zone and public waters.
- D. Vegetation within the shore impact zone must be maintained to screen structures with trees and shrubs, to the extent possible.
- E. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes shall be prohibited within the shore and bluff impact zones. Natural rock riprap only be used for the correction of an established erosion problem that cannot be controlled through the use of native vegetation, slope stabilization using mulch, biomat, or similar bioengineered means. Placement of natural rock riprap and retaining walls, where allowed, shall comply with regulations adopted pursuant to Minnesota Statutes, section 103G.245.

Subdivision 17. SHORELINE RECREATIONAL AREAS.

Shoreline recreational areas are an exception from the general prohibition from disturbing vegetation and topography within the shore impact zone. Shoreline recreational areas are allowed, provided:

1. Only one shoreline recreation use area shall be allowed on each residential lot, except that, if the lot is part of a PUD, conservation subdivision, resort, homeowners association, and has access to a common shoreline recreational area, then no shoreline recreational area is allowed.
2. Residential recreational areas are limited to the dimensions outlined in Exhibit B for the class of lake or river.
3. The entire area must be landscaped, maintained and constructed, to the extent possible, so that no bare soil or other ground subject to erosion exists.

4. The standards of Common Shoreline Recreational Areas apply to access lots and other semi-public lots available to members of an area, homeowners association or resort located within the shoreland district. This subdivision does not apply to public facilities owned and operated by the City, County, State or other political subdivision, which have received a conditional use permit, or are exempt therefrom, pursuant to Subdivision 4. This subdivision does not create a right for an access lot, if not available under subdivision 15.
5. No docks are allowed in Common Shoreline Recreational Areas, except if the area qualifies as an Access Lot pursuant to subdivision 15.
6. No watercraft loading or unloading may be allowed in Common Shoreline Recreational Areas, except if the area qualifies as an Access Lot pursuant to subdivision 15.
7. Use of a Common Shoreline Recreational Area for swimming, is allowed, provided any shoreline, topography and vegetation complies with all applicable ordinance, statutes and state rules.
8. Common Shoreline Recreational Areas are limited to 20 feet in width along the shoreline for each 100 feet of shoreline for the entire PUD, conservation subdivision, resort or homeowners association. The maximum depth landward from the Ordinary High Water Line is 25 feet.
9. No Common Shoreline Recreational Area may exceed 5000 sf.

**EXHIBIT A
LOT STANDARDS**

Class or District	Riparian				Nonriparian		
	Lot Width (ft)	Average Lot Size (sq ft)	Buildable Lot Area (sq ft)	Shoreline Setback (ft)	Lot Width (ft)	Lot Size (sq ft)	Suitable Area* (sq ft)
Special Protection	400	217,800	23,400	200	400	217,800	23,400
Natural Environment and Sensitive Area				200			
Single	250	80,000	20,400		250	80,000	20,400
Duplex	400	120,000	40,800		400	160,000	40,800
Recreational Development				100			
Single	150	40,000	17,400		150 225	40,000	17,400
Duplex	225	80,000	34,800			80,000	34,800
General Development				75			
Single	120	30,000	14,400		150	40,000	14,400
Duplex	180	60,000	28,800		265	80,000	28,800
River – Remote				200			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Forested				150			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Transitional				150			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Agricultural				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Urban				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000
River – Tributary				100			
Single	300	80,000	18,000		300	80,000	18,000
Duplex	450	120,000	36,000		450	120,000	36,000

EXHIBIT B
SIZE LIMITATIONS OF RESIDENTIAL RECREATIONAL AREAS

Lake or River Class	Width (feet) (along the shoreline)	Depth (feet) (landward from OHWL)
Special Protection	10	15
Sensitive Area	10	15
Natural Environment	10	15
Recreational Development	20	15
General Development	30	15
Remote River/streams Segments	10	15
Forested and Transition River/streams Segments	20	15

SECTION 3: The new section shall be inserted in the Zoning Code, as appropriate, the existing sections renumbered and the new section entitled "Shoreland Overlay District."

SECTION 4: Upon approval 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:

The following is the summary of Ordinance 2008-50 approved by the Rockville City Council on _____, 2008:

AN ORDINANCE AMENDING THE CITY ZONING CODE AS IT APPLIES TO SHORELAND PROPERTY

Ordinance No. 2008-50 amends the Rockville Zoning Code by replacing the adoption of Stearns County Shoreland Overlay District with an overlay district designed to regulate the lot, development, and land use standards within the shoreland within the City of Rockville.

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 _____, 2008.
_____ in favor. _____ opposed.

Brian Herberg, Mayor

ATTEST:

Verena Weber, City Administrator-Clerk

CITY OF ROCKVILLE
STEARNS COUNTY, MINNESOTA

Ordinance No. 2008-51

**AN ORDINANCE AMENDING THE CITY ZONING CODE BY ADDING A SECTION
ON STORMWATER MANAGEMENT**

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 and 2008-___; and

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

WHEREAS, the City Council has the authority, pursuant to Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, to regulate the shoreland of Minnesota waters; 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 its meeting on November 20, 2007; and

WHEREAS, public hearing was held on _____, 2008 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 _____, 2008 and _____, 2008.

NOW, THEREFORE, the City Council does ordain:

SECTION 1: A new section is hereby created as follows:

Subdivision 1. Purpose.

The purpose of this section is to prevent or reduce, to the most practicable extent, the negative effects of stormwater runoff and to protect the water and soil resources of the City through the use of best management practices and/or stormwater management facilities.

Subdivision 2(a). Stormwater Management Permit Required

A stormwater management permit is required for every applicant for any subdivision approval, PUD approval, building permit, or commercial, multiple family residential or industrial land use permit, unless exempted in subdivision 2(b).

Subdivision 2(b). Exemption from Permit Requirement

A stormwater management permit is not required for:

- A. Any part of a platted subdivision approved by the City on or before the effective date of this Ordinance;
- B. A lot for which all land use permits has been approved on or before the effective date of this Ordinance.
- C. Installation of a fence, sign, telephone and electric poles and other kinds of posts or poles.
- D. Emergency work to protect life, limb or property.
- E. A subdivision resulting in less than three lots or outlots, unless any part of it is in the shoreland district.
- F. A residential use in a residential or agricultural zone, but not in the shoreland district, on a lot of record created on or before the effective date of this Ordinance, if the proposed use meets impervious surface requirements, and will result in a cumulative addition of less than 10,000 square feet of impervious surface.
- G. A permitted or conditional residential use on a lot that was created by a subdivision which received a valid stormwater management permit.

The Zoning Administrator may require any development activity that it determines may significantly increase downstream runoff rates or volumes, flooding, soil erosion, water pollution or property damage or significantly impact a lake, stream, river or wetland to obtain a stormwater management permit.

Subdivision 2(c). Waiver of permit requirements.

The City, upon recommendation of the Planning Commission, may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in herein. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct physical improvements, facilities, property and/or easements as may be necessary to adequately meet said standards and requirements.

Subdivision 3. Application for Stormwater Management Permit.

- A. A written application for stormwater management permit shall be filed with the City Administrator prior to any work proceeding, and shall include:
 - 1. A statement indicating the grounds upon which the approval is requested;
 - 2. Name, address, and telephone number for the property owner and the applicant, if different;
 - 3. Address, Parcel Identification Number and Legal Description of the property;
 - 4. A site map of the property as it exists, as set forth in Subdivision 6(a);
 - 5. A site construction plan, as set forth in Subdivision 6(b);

6. A drawing of the final site conditions, as set forth in Subdivision 6(c);
 7. Receipt evidencing payment of fees (if applicable), and;
 8. Documentation for the sufficient financial security, if required, as set forth in Subdivision 5.
- B. An application shall also include a statement indicating:
1. The applicant will be responsible for the design and construction of any stormwater management facilities or improvements proposed by the applicant or required as a condition of approval.
 2. The applicant will be responsible for the maintenance and upkeep of all vegetative elements of any proposed stormwater management practice or stormwater management facilities or improvements proposed by the applicant or required as a condition of approval, for the time period established in the approval. If no time period is provided, the time period will be five years, or until the City certifies the successful establishment of the vegetation, whichever is earlier.
 3. The proposed use is permitted, or the applicant has received, or applied for, all permits and approvals required for the proposed use.
- C. Applicant must provide five sets of clearly legible blue or black lined copies of all drawings, maps or plans required. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed.

Subdivision 4: Transfer of Stormwater Management Permit.

Except when properly transferred to a subsequent owner, all stormwater facilities or improvements proposed by the applicant, or required as condition of approval, for meeting the requirements of this section, must be completed prior to any sale or transfer of the property. An approved stormwater management permit may be transferred to a subsequent owner, upon the subsequent owner requesting transfer, assuming legal responsibility for complying with the terms and conditions of the original permit, and providing any financial security required. The Zoning Administrator may, include additional conditions or increase the financial security, in granting the transfer. No transfer will be required if all stormwater facilities or improvement, and all conditions, have been completed. The application for transfer need not be submitted to the Planning Commission or City Council.

Subdivision 5(a): Elimination of public health or safety hazards relating to improperly installed stormwater improvements

The City may take action to install, or to correct or repair, an improvement required by this section. The cost of any such improvement or repair, including the costs of enforcement, including attorney and engineering fees, shall be charged to the property, and if not paid, may be assessed against the responsible property as a special charge pursuant to Minn. Stat. § 429.101, or other authority. Except in the event of an emergency to person or property which precludes judicial review, the City will gain access to the property by obtaining summary abatement order as outlined in Minn. Stat. § 463.15-463.26.

Subdivision 5(b): Inspection

The City may inspect any property for compliance with the terms of this section, or the terms or conditions of a stormwater management permit. If property owner fails or refuses to permit free

access and entry to property, or any part thereof, for an inspection, the City may, upon a showing that probable cause exists for the inspection, petition and obtain an order to inspect and/or search warrant from a court of competent jurisdiction.

Subdivision 5(c): Financial Security Required

The Zoning Administrator may require a financial guarantee for any approval under this section in order to ensure stormwater management improvements, or related grading to treat or control stormwater, is performed as approved. The financial guarantee may be in the form of a letter of credit, cash deposit or bond in favor of the City equal to, up to 125% of all costs of all proposed stormwater management improvements, and related grading to treat or control stormwater and prevent negative erosion and sediment impacts. The form of the guarantee is at the City's option. Release of the financial guarantee is contingent on approval by the City Engineer that as built conditions and erosion and sediment control measures meet specifications of the stormwater management plan.

Subdivision 6(a). Existing Site Map.

- A. At a minimum, the existing site map must show existing conditions of the site and immediately adjacent areas, including:
 - 1. The name and address of the applicant, the section, township and range, north point, date, and number of sheets;
 - 2. Location and dimensions of all impervious surfaces, including all known compacted soils, driveways, and roadways;
 - 3. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
 - 4. An approximate delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site the classification given to the water body as provided in the Shoreland Overlay District.
 - 5. A general description of the soils of the site, as well as a statement containing information on the suitability of the soils for the type of development proposed, and for the type of sewage disposal proposed, and describing any remedial steps to be taken by the developer to render the soils suitable;
 - 6. Vegetative cover and clearly delineating any vegetation proposed for removal;
 - 7. 100-year flood plains, flood fringes, floodways, and shoreland areas;
 - 8. Setbacks, easements and right-of-ways.
- B. Upon request by the City Engineer or Zoning Administrator, the existing site map must show the following:
 - 1. Scale of drawing;
 - 2. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;

3. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
4. An official delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and classification given to the water body or wetland pursuant to the Shoreland Ordinance, Stearns County, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency or the US Army Corps of Engineers;
5. Any hydrological measurements or related calculations for the site;
6. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
7. Certification by a licensed engineer;
8. Certification by a licensed surveyor; or
9. Any additional information necessary to evaluate the application.

Subdivision 6(b). Site construction plan.

A site construction plan for the proposed improvements or use must include:

- A. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
- B. Locations and estimated dimensions of all temporary soil or dirt stockpiles;
- C. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;
- D. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance;
- E. Provisions for maintenance of the construction site erosion control measures during construction; and,
- F. Any additional information requested by the City Engineer or Zoning Administrator necessary to evaluate the application.

Subdivision 6(c). Plan of Final Site Conditions.

- A. At a minimum, the plan of the final site conditions must be drawn on the same scale as the existing site map and show the site changes, including:
 1. A drainage plan of the developed site delineating in which direction and storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;
 2. The proposed size, alignment and intended use of any structures to be erected on the site;
 3. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used;

4. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development; and
 5. Any addition information pertinent to the particular project, which in the opinion of the applicant is necessary for the review of the project.
- B. Upon request of the City Engineer or the Zoning Administrator, the plan of final site conditions must show the following:
1. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
 2. A drainage plan of the developed site delineating in which direction and at what rate and volume storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect; and
 3. Any additional information necessary to evaluate the application.

Subdivision 7. Application Review Procedure.

- A. Process. Applications shall be submitted by the City Administrator who shall consult with the City Engineer, for review, and shall be reviewed along with any associated site plan for the property, or as a site plan would be reviewed, if no site plan is required.
- B. Duration. Approval of a permit will expire one year after the date of approval unless construction has commenced in accordance with the permit. If all improvements proposed in the application, or required as a condition to approval, are not completed within two years, the permit will expire.
- C. An application may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Rockville or other public entity of certain lands or interests therein.
- D. A combination of conditions may be used to achieve the requirements of this Section.

Subdivision 8. Stormwater management standards - Generally.

All properties, regardless of whether a stormwater permit is required, must conform with the following standards:

- A. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- B. Consideration shall be given to reducing the need for stormwater management facilities by incorporating the use of natural drainage ways, topography and land cover; such as wetlands, ponds, natural swales, depressions and vegetated soil surfaces as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity of the natural features.

- C. When new stormwater management facilities are required, preference will be given to above ground conveyances and restoration or establishment of natural drainage ways, topography and land cover before discharge to public waters, when possible.
- D. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, preference will be given to constructed facilities designed using surface drainage, vegetated filter strips, bioretention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration rather than buried pipes and human-made materials and facilities.
- E. The following practices shall be investigated in developing a plan, in the following descending order of preference:
 - 1. Natural infiltration of precipitation on-site;
 - 2. Flow attenuation by use of open vegetated swales and/or natural depressions;
 - 3. Surface water retention facilities; and
 - 4. Surface water detention facilities.
- F. Stormwater facilities shall be designed assuming that existing drains, drain tiles and other inaccessible drainage facilities, whether natural or manmade, no longer function, unless:
 - 1. An easement is supplied provide sufficient access for future maintenance;
 - 2. The applicant demonstrates that the drain or tile has the capacity and service condition to make it a suitable component of the stormwater management system;
 - 3. The City accepts the dedication of the easement, or a property owners association is established and assumes the maintenance of the components and the City approves of the transfer to the association.
 - 4. This subdivision 7(F) may not be interpreted to require the City to accept dedication of any stormwater facility.
- G. Where there is discharge to an existing roadway, ditch, storm sewer or other public facility, the stormwater may not degrade or negatively impact the safety, maintenance or function of any such public facility.
- H. New constructed stormwater outfalls to any public water or wetland must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 9. Construction activity standards – Generally.

All properties, regardless of whether a stormwater permit is required, must conform with the following standards:

- A. Site Erosion Control. The following criteria apply to construction activities that result in runoff on and/or leaving the site.
 - 1. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - 2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either Items (a) and (b) or (a) and (c).
 - (a). All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
 - (b) For sites with more than twenty (20) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - (c) For sites with less than twenty (20) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.
 4. Any soil or dirt storage piles containing more than twenty (20) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than fourteen (14) days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than fourteen (14) days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days.
- B. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.
 - C. Waste and Material Disposal. All waste and unused building materials including but not limited to garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.
 - D. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
 - E. Drain Inlet Protection. All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent

barrier meeting accepted design criteria, standards and specifications contained in the Minnesota Pollution Control Agency publication "Protecting Water Quality in Urban Areas."

- F. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Erosion prevention and sediment control practices must be used to retain sediment on site. Disturbed soil areas must be stabilized and protected as soon as possible. The maximum time the soil in a project area can remain exposed when the area is not actively being worked is 3 days. Temporary or permanent cover for the exposed areas is required at that time but should be installed sooner if possible. All deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems must be removed within 14 days unless precluded by legal, regulatory, or physical access restraints. The areas where sediment removal results in exposed soil must be stabilized within 7 days after completing the removal.

Subdivision 10. Detention facility design and maintenance standards.

All properties for which a stormwater permit is required must conform with the following standards:

- A. Design. Stormwater management facilities shall be designed according to the most current technology, and must comply with the design guidelines provided in the publications of the Minnesota Pollution Control Agency, "Protecting Water Quality in Urban Areas" (2000) and "Minnesota Stormwater Manual" (2005), as they may be amended. At a minimum, facilities and improvements must be constructed pursuant to the designs and specifications approved by the City Engineer. A copy of these will be available at City Hall.
- B. Inspection and maintenance. All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The director of public works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.
- C. Documentation required. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards.
- D. Exception. Individual single-family or two-family residential properties are exempted from the requirements of this subdivision. This exception does not apply to subdivisions, planned unit developments or mixed-use properties.

Subdivision 11(a). Stormwater Discharge Standards – Rate and Volume.

All subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b) shall demonstrate compliance with the following:

- A. Peak Rate of Discharge Standards: Stormwater created must be managed so that the two-year, ten-year, and 100-year storm peak discharge rates from the property existing before the proposed development shall not be increased, and accelerated channel erosion will not occur, as a result of the proposed land disturbing or development activity.
- B. Volume Discharge Standards: Applicant must demonstrate rights to permanent public easements from the land disturbing or development activity to the public waters. Where a continuous public easement does not exist, the City may approve the storm water management plan provided:
 - 1. All discharges are managed so the discharge volume is not increased, and downstream flooding is unlikely to occur, as a result of the proposed land disturbing or development activity.
 - 2. The City determines that the drainage way from the proposed land disturbing or development activity is of a type that is not likely to need maintenance in the future and the flow of stormwater through such a drainage way is not likely to become obstructed in the future.

Subdivision 11(b). Stormwater Discharge Standards – Water Quality.

All properties for which a stormwater permit is required must treat, before leaving the site or entering surface waters, at least the Water Quality Volume of surface water runoff from impervious surfaces on the property.

- A. The Water Quality Volume is the volume amount equal to 0.5 inch of runoff over the Adjusted Impervious Surface.
- B. Adjusted Impervious Surface is the area of all impervious surfaces proposed by the current requested use, plus the area determined pursuant to Subdivision 13(b), if applicable.
- C. Surface water is considered treated for water quality if:
 - 1. Site runoff volume is reduced by the Water Quality Volume; or.
 - 2. One of the methods outlined in the Minnesota Pollution Control Agency General Stormwater Permit for Construction Activity Part III.C.1 through Part III.C.5 is followed; or
 - 3. It is filtered through natural means approved by the City Engineer.

Subdivision 11(c). Waiver based on existing site conditions.

The City Engineer may provide credit for existing site conditions that adequately treat the Water Quality Volume of runoff of the subject property. The amount of the credit may be any portion or may waive the treatment requirement.

Subdivision 12. Special shoreland erosion and sediment control standards.

Within the shoreland district, development activity that results in the disturbance of 10,000 square feet or more on general development lakes, recreational development lakes and all river/streams classes and 5,000 square feet on natural environment lakes, special protection lakes, and sensitive area districts must meet the Pollution Control Agency General Stormwater Permit for Construction Activity requirements for Erosion Prevention and Sediment Control. These requirements must be incorporated into the project plans and specification.

Subdivision 13(a). Shoreland Stormwater Impact Mitigation program – Purpose.

Due to the sensitive nature of the surface waters of the City, and to protect the health, welfare and safety of the public, any increase in impervious surface existing at the adoption of this Ordinance will be mitigated by requiring the treatment of runoff from impervious surfaces not otherwise treated, in order to improve the total quality of runoff originating from the property.

Subdivision 13(b). Shoreland Stormwater Impact Mitigation program.

Within the shoreland district, a stormwater management permit must meet discharge standards of subdivision 11(b) for new impervious surfaces, plus a percentage of the existing impervious surface, as provided below:

- A. If 50% or more of floor area of the principal structure is repaired, replaced, or remodeled, or the cumulative area of all such work on the principal structure since adoption of this ordinance equals 50% of the floor area of the principal structure at adoption, the applicant must treat the Water Quality Volume for 100% of the existing impervious surfaces.
- B. If any single addition or new improvement, or the cumulative area of all additions and improvements since the adoption of this ordinance, exceeds 700 square feet, the applicant must treat the Water Quality Volume for 100% of the existing impervious surfaces.
- C. If the proposed use will result in an impervious surface area which exceeds the limits of the zoning district, the applicant must treat the Water Quality Volume for 100% of the existing impervious surfaces.
- D. If the proposed use will result in an impervious surface area which exceeds 80% of the limits of the zoning district, the applicant must treat the Water Quality Volume for 10% of the existing impervious surfaces.
- E. If the proposed use will result in an impervious surface area which exceeds 60% of the limits of the zoning district, the applicant must treat the Water Quality Volume for 5% of the existing impervious surfaces.

Subdivision 14. Expedited Review through use of Approved Methods.

Except for subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b), any applicant that meets the following standards will receive expedited review, as these methods are approved to meet the requirements of subdivision 11(b). Proposed use of these methods does not guarantee approval, and failure to meet these options does not indicate rejection of the application for stormwater management permit, but prevents the expedited review anticipated herein.

- A. All adjusted impervious surfaces are designed to redirect all runoff to approved retention facilities through use of rain gutters or other means;
- B. An approved retention facility must:
 - 1. Be designed for the capacity directed to it,
 - 2. Have berms or other protections which insures overflow is directed away from buildings, streets, driveways or walkways,
 - 3. Is placed between 10 - 30 feet from structures,
 - 4. Use a means of conveyance designed for ease of maintenance, and cannot have extensive underground or obstructed portions,
 - 5. Has provisions to prevent erosion where excess runoff is discharged, and

6. Be of one of the designs identified in subdivision 14(C).
- C. Minimum standards for expedited review of retention facilities:
1. Rainwater Gardens
 - a) A depression with a final grade depth of 8 inches below surrounding topography,
 - b) A minimum surface area is, the greater of the following values, 25 square feet or 10% of the area of the impervious surface being controlled (including mitigation area),
 - c) Soil amendment mix of 70% compost and 30% sand to be tilled evenly 3-inches into base of depression. The amount added shall be, at a minimum, equal to the adjusted impervious surface area, as determined in subdivision 11(b), divided by 1,000 times 9.36,
 - d) Plant species installed follow Board of Water and Soil Resources (BWSR) Native Sedge/Wet Meadow- W2 seed mix. Plant list is available at City Hall.
 2. Rain Barrels
 - a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of adjusted impervious surface in square feet times 0.312. This storage capacity in cubic yards is equal to the area of adjusted impervious surface in square feet divided by 648.0.
 - b) Has safety provisions to prevent drowning, and
 - c) Has provisions to prevent breeding grounds for mosquitoes.
 3. Soakaway Pit / Infiltration Trench
 - a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of adjusted impervious surface in square feet times 0.312. This storage capacity in cubic yards is equal to the area of impervious surfaces (including mitigation) in square feet divided by 648.0,
 - b) Must consist of 1.5 to 3.0 inch clean-washed rock wrapped in filter fabric buried below surface a maximum of 5 feet deep. The amount of rock required in cubic yards is equal to the storage capacity determined in cubic yards above divided by 0.4. This formula is based on approximately 40% void space yield between individual rocks,
 - c) Bottom shall be a minimum of 3 feet above the seasonal high groundwater table to prevent the possibility of groundwater contamination,
 - d) Roof leaders/downspouts directed below ground to Soakaway Pit shall have above ground overflow pipe to a splash pad, and a removable above ground section with filter below the overflow pipe,
 - e) Non-roof runoff directed to Soakaway Pit shall be filtered by vegetation or other acceptable means prior to entering Soakaway Pit to prevent clogging,
 - f) Not allowed in high silt or clay content soils, or for commercial, industrial uses, or for uses that risk introducing pollutants into the groundwater.
 4. Shoreline Buffer

- a) Must be constructed adjacent to shoreline, and is not available for non-riparian properties.
- b) If the property is described in subdivision 13(b)(A), 13(b)(B) or 13(b)(C), the buffer must be 25 foot wide over 75% length of shoreline. Buffer vegetation must be comprised of BWSR W2 mix, and left unmowed or otherwise disturbed.
- c) If the property is described in subdivision 13(b)(D) or 13(b)(E), the buffer must be 25 foot wide over 50% length of shoreline. Buffer vegetation must be comprised of BWSR W2 mix, and left unmowed or otherwise disturbed.
- d) If the property is not described in subdivision 13(b), and is only required to treat the new impervious surface, the buffer must be 25 foot wide over 50% length of shoreline. Buffer vegetation must be comprised of noxious weed-free unmowed vegetation.

Subdivision 15(a). Lot Coverage Limits – Definition.

The coverage of any parcel by impervious surfaces may not exceed the maximum provided in subdivision 15(b), or the zoning district standards, whichever is more restrictive. The coverage is determined as a ratio of the impervious surface to the area of the entire parcel. The area of all impervious surfaces includes, but is not limited to, structures, driveways, parking areas, sidewalks, trails, decks, patios, stairs, and highly compacted soils. The area of the entire parcel does not include that part of a parcel that is below than the Ordinary High Water Mark of a lake or river. Wetlands shall be included in the total area of the parcel.

Subdivision 15(b). Lot Coverage Limits – Standards.

No parcel may exceed the associated impervious surface coverage limits, as described below:

- A. Residentially zoned property:
 - 1. Not located in the shoreland overlay district, 25%.
 - 2. Located in the shoreland overlay district, 12%, except that, if the property is located on a General or Recreational Development lake and is platted as a conservation subdivision, 15%.
- B. Commercial and Industrial zoned property:
 - 1. Not located in the shoreland overlay district, 50%.
 - 2. Located in the shoreland overlay district, 25%.
 - 3. Notwithstanding, if the parcel is served by municipal stormwater sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, as approved by the City Engineer. A request for such a waiver must demonstrate that the stormwater is adequately treated.
- C. Planned Unit Developments, where allowed, 15% (total project area and within the first 200 feet from the OHWL).

Subdivision 15(c). Lot Coverage Limits – Calculation Criteria.

- A. In determining the impervious area of a surface, the square footage of the structure or surface, as viewed from above, will be used. This area will be adjusted as provided below.

- B. All structures, driveways, parking areas, sidewalks, trails, decks, patios, stairs, and highly compacted soils are considered 100% impervious, except as provided:
1. Gravel driveways are treated as 90% impervious.
 2. Highly compacted soils are treated as 80% impervious.
 3. Decks, or other elevated structures, that are designed with gaps of at least 0.5 inches between the flooring elements, and which have uncompacted soils under the flooring, are treated as 75% impervious.
 4. Properly installed manufactured pervious materials, such as pervious pavers or concrete, are treated as 50% impervious.
 5. Walkways in which pavers are placed in the ground without compacting the surrounding soils are considered 25% impervious.

Subdivision 16. Required maintenance of vegetation.

Within the shoreland district, no stormwater permit or building permit may be issued unless the proposed improvement provides for the maintenance of existing vegetation, as required by the Shoreland Overlay District.

Subdivision 17. Other considerations.

- A. Models/Methodologies. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the City Engineer. Plan, specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.
- B. Watershed Management Plans/Groundwater Management Plans. Approvals under this section must be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes section 123B.231 and 103B.255 respectively, and as approved by the local watershed authority as required by state law.
- C. Easements. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water such that a continuous public easement acceptable to the City Engineer and City Attorney from the proposed land disturbing or development activity to public waters.

Subdivision 18. Conflicts.

In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, shoreland protection or other ordinance adopted, the more restrictive standard prevails.

Subdivision 19(a). Creation of Stormwater Permit.

Zoning Administrator may establish or adopt a certificate or form for the documentation of compliance with this section and the approval of a stormwater permit.

Subdivision 19(b). Creation of Application.

Zoning Administrator may establish or adopt a form for the application for a stormwater permit.

Subdivision 19(c). Fee

The City Council may establish a fee for the application for stormwater management permit and the transfer of a stormwater management permit. The fee must be by ordinance, but may be amended from time to time, and may be adopted with other land use fees. The fee may provide different for different rates, if reasonably related to the application and proposed development, including variations based the time and resources necessary from City staff and consultants to review, the type of land use, the density of development or the ratio or amount of impervious surface created.

Subdivision 19(d). Enforcement

The requirements of this ordinance may be enforced as any zoning control.

SECTION 2: The new section shall be inserted in the Zoning Code, as appropriate, the existing sections renumbered and the new section entitled “Stormwater Management.”

(Continued on the next page)

SECTION 3: Upon approval 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:

The following is the summary of Ordinance 2008-51 approved by the Rockville City Council on _____, 2008:

AN ORDINANCE PROVIDING FOR STORMWATER MANAGEMENT

Ordinance No. 2008-51 regulates stormwater and the discharge thereof, through the establishment of management, performance and design standards for property and development within the City of Rockville.

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 _____, 2008.
_____ in favor. _____ opposed.

Brian Herberg, Mayor

ATTEST:

Verena Weber, City Administrator-Clerk