

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 July 16th, & September 17th, 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 July 8th, July 15th, 2008 and August 26th, September 2nd, 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SECTION 1: Adoption by reference of Stearns County Ordinance 209, Section 10.2, is repealed.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. Except as a condition of a variance or other land use approval, or as voluntarily agreed to by the property owner,

disturbed areas, including sand beaches, that can be shown to exist as of the adoption of this ordinance, may not be required to be restored.

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 with 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 October 1st, 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 17th day of September, 2008.
4 in favor. 2 opposed.

 Brian Herberg, Mayor

ATTEST:

 Verena Weber, City Administrator-Clerk