



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

ROCKVILLE CITY COUNCIL

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(320) 266-0377 CELL

COUNCILORS

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(320) 253-9352 HOME

JEFF HOWE
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JUDY NEU
UTILITY BILLING/
ADMINISTRATIVE ASSISTANT

CINDY ANDERSON
RECEPTIONIST

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2601 CELL

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 6:45 p.m. on Wednesday, May 18, 2011 to consider approval of:

ORDINANCE NO. 2011-71 – Ordinance Approving Gas Franchise with Centerpoint Energy

(A complete copy of the ordinance is available for viewing in the office of the Administrator/Clerk)

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 05/03/11

05/10/11

Cold Spring Record

In Accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & TDD). USDA is an equal opportunity provider and employer."

Notice of PH 2011-71 Approve Gas Franchise.wd.doc



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NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

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 **7:15 p.m. on Wednesday, May 18, 2011** to consider approval of:

ORDINANCE NO. 2011-69 – Adopting a Right to Farm Ordinance

ORDINANCE NO. 2011-70 – Adopting Rural Residential Ordinance and Amendments to the zoning ordinance

(A complete copy of the proposed ordinances is available for viewing in the office of the Administrator/Clerk)

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 05/03/11
05/10/11
Cold Spring Record

In Accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs).

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Notice of PH 2011-69 & 70 Right to Farm & RR ord.wd.doc

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**ORDINANCE #2011-69
RIGHT-TO-FARM ORDINANCE**

**AN ORDINANCE TO PROTECT AGRICULTURAL OPERATIONS FROM
NUISANCE SUITS UNDER CERTAIN CIRCUMSTANCES**

The Rockville City Council does hereby ordain as follows:

Section 1. - Findings of Fact: The Rockville City Council finds that the encroachment of non-agricultural land uses into rural areas may interfere with efficient agricultural production by encouraging unnecessary local regulation of agricultural practices and/or private litigation against farmers.

The Rockville City Council further finds that the right of farmers to produce food and other agricultural products must be balanced with the rights of non-farmers who own, occupy, and use rural land.

Section 2. Intent: It is the policy of the City of Rockville to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and agricultural products. When non-agricultural land uses extend into agricultural areas, agricultural operations often become the subject on nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements. Therefore, it is the purpose of this ordinance to reduce the loss to the City of its agricultural resources by limiting the circumstances for which agricultural operations, using accepted agricultural practices, may be deemed to be a nuisance.

Section 3. - Definitions: The following words or phrases as used in this ordinance shall have the meanings given them in this section.

- A. **Agricultural District:** Lands found in areas of City of Rockville classified as "A-40" Agricultural District and "R-R" Rural Residential District as specified upon the official Rockville zoning maps, adopted April 16, 2003 and as subsequently amended.
- B. **Agricultural Operation:** Conditions or activities that occur in connection with the production of agricultural products and includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery, the use of irrigation pumps and equipment, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, the grazing and confinement of livestock subject to county health and zoning regulations and applicable state requirements, and the use of labor and farm laborers.
- C. **Agricultural Practices, Accepted:** Methods and techniques for producing and processing agricultural products which do not endanger public health, safety, or welfare. Said practices shall be in conformance with applicable county, state, and federal laws and regulations governing those practices

including, but not limited to those governing air, land, and water pollution.

- D. Agricultural Products: Organic material (animal or plant) which supplies food, feed, fiber, fur or fuel, but not limited to, grains, feed crops, vegetables, fruits, seeds, trees, wood, forages, sod, pasture, dairy and dairy products, fowl, poultry and poultry products, livestock, swine, cattle, horses, sheep, fish, goats, bees and honey products, and other similar products.
- E. Nuisance: Means a public or private nuisance as defined by statute, administrative rule, ordinance, or by the common law.
- F. Nuisance Suits, Action or Proceeding: An action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

Section 4. - Agricultural Operations; Limitation of Nuisance Suits;

Actions or Proceedings: No nuisance suit, action or proceeding, alleging that an agricultural operation is a public or private nuisance under the ordinances of the City of Rockville shall be maintained in the district court if:

- A. The agricultural operation is conducted within an agricultural district; and
- B. The agricultural operation is conducted in accordance with accepted agricultural practices; and
- C. Either (1) The agricultural operation began prior to ownership, occupancy or use of land within an agricultural district by a person alleged to have been harmed as a result of the agricultural operation, or (2) A person, as the owner, occupier or user of lands within an agricultural area, alleged to have been harmed as a result of an agricultural operation after the adoption of this ordinance.

Section 5. - Exemptions: The provisions of this ordinance shall not apply or defeat the right of any person, firm, public body, or corporation to recover damages for:

- A. Negligent agricultural operations;
- B. Damage sustained because of pollution of the air, land, or surface and subsurface water;
- C. Changing the condition of a stream or watercourse;
- D. Increased flood heights or velocities caused by encroachments upon the flood plain;
- E. Excessive soil erosion; and
- F. Agricultural operations located within a non-agricultural district.

Section 6. - Notice to Landowners: The following notice may be included in any contract for the sale or rental of land, and shall be included in any permit issued for the construction of any dwelling on land located within an agricultural district or immediately adjacent thereof.

"The property described herein is located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subject to inconvenience and discomfort arising from agricultural operations, including but not limited to noise, odors, fumes, dust, and operation of machinery of any kind (including aircraft), the storage and disposal of manure, and the application of chemical fertilizers, herbicides, and pesticides. Owners, residents

and other users of this property should be prepared to accept such inconvenience and discomfort from agricultural operations, and are hereby put on official notice that Section 4 of the City of Rockville Right-To-Farm Ordinance may bar them from bringing a nuisance action against such agricultural operations."

Section 7. - Disclaimer: This ordinance does not affect nuisance suits, proceedings, or actions commenced prior to the effective date hereof.

Section 8. - Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared severable.

Section 9. - Certification: The Rockville Administrator/Clerk shall certify to the adoption of this ordinance and cause the same to be published.

Section 10. - Effective Date: That this ordinance shall be and is hereby declared to be in full force and effect, from and after ten (10) days from the date of final passage and approval.

Approved this _____ day of _____, 2011

ATTEST:

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

**ORDINANCE #2011-70
RURAL RESIDENTIAL ORDINANCE**

**AN ORDINANCE TO ALLOW FOR RURAL RESIDENTIAL DEVELOPMENT AND
AMENDMENTS TO CORRESPONDING ZONING ORDINANCES**

The Rockville City Council does hereby ordain as follows:

SECTION 16 A: Rural Residential District "R-R District"

SUBDIVISION 1 – PURPOSE AND GOALS

1. Purpose:

This district is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that due to substantial coverage by wooded areas, rock outcroppings, marginal soils, steep topographies where soil erosion is of risk and not conducive to long-term agricultural use; or negative impact on waterways from higher density residential is likely, etc. Some areas in this district are currently under agricultural production and can remain so. Residential development may be allowed in this district at an overall density up to 8 dwellings per 40 acres. Land within this district is not highly valued farmland nor is land located within any growth or expansion area of the City of Rockville. This district is likely located adjacent to agricultural areas and efforts to minimize land use conflict shall be a primary tool in approving development.

This R-R District will be identified on the City's Future Land Use map but will not be on the current zoning map until an area has been re-zoned to this district following a request for the same from the property owner(s).

2. Goals of the R-R District:

- a. Minimize land use conflict between agricultural and other land uses.
 1. Maintain suitable boundaries for urban, rural residential and agricultural areas.
- b. Manage the impacts of growth and development on the City's rural character.
 1. Discourage incompatible land uses through effective land use controls.
 2. Identify appropriate areas for commercial, industrial and non-farm rural residential developments.
- c. Provide a variety of residential opportunities.
 1. Provide a diversity of housing prices and styles, meeting the needs of different ages, incomes and lifestyles.

SUBDIVISION 2 – PERMITTED USES:

The following uses are permitted subject to any applicable performance and general development standards contained herein:

- a. Agricultural land uses
- b. Family, group, "program", daycare facilities serving 12 or less.
- c. Single family residential dwelling
- d. Forestry

SUBDIVISION 3 - PERMITTED ACCESSORY USES

The following accessory uses and structures are permitted subject to the performance and general development standards contained in of this Ordinance.

- a. Accessory buildings (residential)
- b. Decorative landscaping features

- c. Home occupations
- d. Private swimming pools
- e. Private tennis courts
- f. Residential garages, parking spaces, carports
- g. Roadside stands for sale of home occupations, or horticultural products, provided off-street parking is provided
- h. Signs as regulated by ordinance

SUBDIVISION 4 – CONDITIONAL USES

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance:

- a. Airports or airplane runways
- b. Alcohol fuel plants
- c. Animal hospital
- d. Bed and breakfast inns
- e. Bulk liquid storage
- f. Churches, cemeteries
- g. Commercial Wireless Towers– personal wireless, microwave
- h. Contractor shops-cabinet, excavation, etc.
- i. Essential services, transmission services, utilities substations
- j. Event Centers
- k. Farm implement sales, fertilizer plants, grain elevators, greenhouses
- l. Farming, general and dairy, providing animal unit density is not greater than 3 units per acre for parcels 10 acres and greater.
- m. Governmental buildings and structures
- n. Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
- o. Outdoor recreational facilities-golf courses
- p. Schools – private and public
- q. Storage building as a principal use on a parcel of 10 acres or more.
- r. Wastewater treatment facilities
- s. Wind energy conversion systems (in accordance with other provisions in our existing ordinance).

SUBDIVISION 5 – INTERIM USES

The following uses may be allowed as interim uses subject to the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this ordinance:

- a. Extractive uses
- b. Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.

SUBDIVISION 6 – STANDARDS FOR DETERMINING PERMITTED RESIDENTIAL DWELLING SITES (BUILDABLE LOTS)

- a. **Parcels of Record:** Certain parcels of record recorded under separate deed and not containing five (5) acres may be allowed as residential dwelling building sites and shall be determined as follows:
 - 1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein to be a parcel of record may be combined with other tracts or parcels for determining the number of permitted residential dwelling sites.
 - 2) Any non-contiguous tract or parcel that is in common ownership on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential dwelling site.
- b. **Residential dwelling site eligibility:** An eligible five (5) acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
 - 1) The tract contains five (5) acres more or less, must be platted using the Lot and Block system. The right of way of any public road adjacent and included in the description of said tract may be used for the 5 acres calculation.
- c. **Density calculation:** Determining eligibility for a residential dwelling site on a parcel or parcels within the R-R District shall be as follows:
 - 1) The property owner's total acreage owned on the parcel or parcels all within this district, less and except any land under the OHWL, shall be calculated.
 - 2) 5 acres for each existing residential dwelling and any equivalent land area previously restricted shall be subtracted from the total acreage owned.
 - 3) The results from (1) and (2) above shall be divided by five (5) acres and the quotient shall be the number of eligible divisions that are permitted for the parcel. Decimals of less than 0.80 shall be reduced to the nearest whole number and decimals 0.80 or greater shall be increased to the nearest whole number.

As an example of how unbuildable/buildable land would be handles by this provision, if 8 acres of a 20-acres parcel is unbuildable, 4 dwelling units would be allowed on the remaining 12 buildable acres; thereby maintain the required 1 dwelling unit per 5 acres density.
- d) **Lot access requirements:** Every tract or parcel, including out lots shall abut or have direct vehicular access to a public road and have a minimum road frontage equal to the required lot width. This public road may be an interior dedicated public right of way that is built by and maintained by the property owners and not by the city, provided the dedicated public right of way meets the minimum road width and other requirements of the city.

SUBDIVISION 7– LOT REQUIREMENTS

- a. The minimum lot size for a single-family residential dwelling shall be 5.0 acres of which 2.5 acres must be buildable.

SUBDIVISION 8 – SETBACK REQUIREMENTS

Except as provided in Section 9 – General Requirements Ordinance, the following setback requirements shall apply:

- a. Residential structures setbacks from side yard or rear yard: 50 feet

- b. Minimum width and depth of lots; minimum median lot width of not less than 250 feet and minimum median lot depth of not less than 300 feet.

SUBDIVISION 9 – HEIGHT REQUIREMENTS

- a. Buildings other than agricultural buildings; shall not exceed thirty-five (35) feet in height except as provided in this Ordinance.
- b. Agricultural buildings shall be exempt from the height requirements.

SUBDIVISION 10 – LOT COVERAGE

The maximum lot coverage shall be twenty-five percent (25%).

SUBDIVISION 11 - RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT (RR-PUD)

1. Purpose:

To allow flexibility and creativity in design by offering alternative standards in what is currently designated SP-1 and A-40 zoning districts. This would allow property owners in agricultural areas within these 2 districts to develop non-productive land areas with residential dwellings with similar density and other standards as is allowed in the R-R District. In designing an RR-PUD the natural features such as wetlands, existing topography, soil types, woodlands and natural communities shall be considered to preserve rural character, enhance scenic vistas and protect sensitive environmental resources and provide areas for recreational use. A Rural Residential PUD may allow for the creation of distinctive neighborhoods by encouraging clustered residential development.

The RR-PUD is only allowed in overlay districts that have been designated on the City of Rockville Zoning Map. The RR-PUD must be approved through a Conditional Use Permit.

2. Objectives:

- a. Locate residential lots to avoid hydric and restrictive soils.
- b. Plat designs shall avoid lot locations that impact steep slopes, wetlands, floodplains, and other environmentally sensitive areas.
- c. Consider structures of historical significance, prime agricultural lands, endangered species protection, mature tree stands, and rare plant communities when designing layouts. Lots should be designed in a manner that offers highest preservation for natural corridors that are valuable for wildlife habitat, scenic enjoyment or agricultural production.
- d. Reduce the cost of construction and maintenance of public facilities, infrastructure and services.
- e. Provide a lot layout that maintains a low visual impact, particularly from arterial roadways and abutting properties.
- f. Facilitate road connections from one subdivision to another.
- g. Connect existing and potential open space lands, natural corridors and trail-ways whenever possible.

AMENDMENTS

SECTION 16 A-40

Subdivision 6: RESIDENTIAL DENSITY REQUIREMENTS

- 1. *Except as otherwise provided in this Ordinance, only one (1) Single Family Residential Dwelling unit shall be allowed per forty (40) acres.*

~~2. Residential Development Rights may be transferred from one forty (40) acre tract to another forty (40) acre tract. The Planned Unit Development standards of this Ordinance must be met if any transfer results in the transfer of two (2) or more residential dwelling sites.~~

~~3. The City will not accept transfers of Residential Development Rights from any other city or town into the City.~~

SECTION 24 SP-1 SPECIAL PROTECTION AG-DISTRICT

Deleted in its entirety.

SECTION 26 PUD PLANNED UNIT DEVELOPMENT

In no event will a planned unit development be approved which allows for increased development within a SP-1 District.

SECTION 9 GENERAL REQUIREMENTS

Subdivision 6: DWELLING UNIT RESTRICTIONS

- A. *Except and in the case of Planned Unit Development Districts and R-2 and R-3 and Rural Residential Districts, no more than one (1) principal building may be located on a lot. In the A-40 District a second dwelling may be located on the Lot by conditional use permit.*

Subdivision 25: FEEDLOTS

Section 6.7 of the Stearns County, Minnesota Zoning Ordinance (as amended) relating to feedlots is hereby adopted by reference in its entirety except for setback requirements. Existing feedlots cannot sub-divide their property and be closer than 700' from a new sub-divided lot.

SECTION 29: AMENDMENTS/REZONING

- A. *Petition. The owner of the subject property or ten (10) or more owners of property in the City may propose a zoning amendment or change, including a rezoning, by submitting fifteen (15) copies of a verified petition to the Zoning Administrator.*

Section 12. - Certification: The Rockville Administrator/Clerk shall certify to the adoption of this ordinance and cause the same to be published.

Section 13. - Effective Date: That this ordinance shall be and is hereby declared to be in full force and effect, from and after ten (10) days from the date of final passage and approval.

Approved this _____ day of _____, 2011

ATTEST:

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR