OCT 06 2011

ROCKVILLE ACTIVITY

SEPTEMBER 2011

TOTAL HOURS 33

(SEE ATTACHED ACTIVITY LIST FOR DETAILS)

ROCKVILLE CITATIONS - SEPT 2011

Area	Offense Date	Citation #	Case #	Charge
ROCKVILLE	09/02/2011 07:02:00	ST 550-270	11051649	SPEEDING
ROCKVILLE	09/05/2011 13:25:00	ST 552-368	11052347	INATTENTIVE DRIVING
ROCKVILLE	09/16/2011 07:26:00	ST 527-419	11054510	SPEEDING
ROCKVILLE	09/16/2011 07:26:00	ST 527-419	11054510	NO PROOF OF INSURANCE
ROCKVILLE	09/20/2011 21:26:00	ST 553-863	11055375	NO PROOF OF INSURANCE

ROCKVILLE CONTRACT - SEPT 2011

Actual_Incid_City	Date_Received	Comp	Call_Number	Complaint	First_Unit
ROCKVILLE	09/01/2011 05:04:03	06:09:41	11051348	CONTR	2547
ROCKVILLE	09/01/2011 19:57:53	20:57:36	11051522	CONTR	2569
ROCKVILLE	09/02/2011 15:35:18	16:36:08	11051743	CONTR	2551
ROCKVILLE	09/04/2011 02:13:02	03:28:00	11052156	CONTR	2573
ROCKVILLE	09/06/2011 22:46:32	23:48:42	11052654	CONTR	2578
ROCKVILLE	09/07/2011 14:31:17	15:38:00	11052776	CONTR	2553
ROCKVILLE	09/08/2011 18:50:37	20:05:25	11053037	CONTR	2577
ROCKVILLE	09/09/2011 00:59:50	01:59:39	11053079	CONTR	2562
ROCKVILLE	09/10/2011 02:29:19	03:32:29	11053303	CONTR	2570
ROCKVILLE	09/10/2011 14:59:35	15:59:12	11053379	CONTR	2548
ROCKVILLE	09/11/2011 01:47:59	03:41:17	11053505	CONTR	2550
ROCKVILLE	09/12/2011 21:48:53	22:51:06	11053822	CONTR	2569
ROCKVILLE	09/12/2011 21:50:20	21:55:38	11053823	CONTR	2569
ROCKVILLE	09/12/2011 21:50:30	21:55:33	11053824	CONTR	2569
ROCKVILLE	09/12/2011 21:50:42	21:55:29	11053825	CONTR	2569
ROCKVILLE	09/14/2011 05:57:03	06:58:01	11054089	CONTR	2562
ROCKVILLE	09/15/2011 15:25:21	16:38:39	11054385	CONTR	2542
ROCKVILLE	09/16/2011 21:36:02	00:42:41	11054674	CONTR	2540
ROCKVILLE	09/17/2011 02:02:19	04:27:43	11054699	CONTR	2562
ROCKVILLE	09/17/2011 14:42:44	15:46:13	11054770	CONTR	2555
ROCKVILLE	09/18/2011 03:26:45	04:28:30	11054878	CONTR	2572
ROCKVILLE	09/19/2011 18:50:45	19:56:51	11055125	CONTR	2576
ROCKVILLE	09/20/2011 20:49:48	21:54:37	11055366	CONTR	2574
ROCKVILLE	09/21/2011 23:08:16	01:29:41	11055636	CONTR	2568
ROCKVILLE	09/22/2011 05:21:08	06:47:54	11055652	CONTR	2562
ROCKVILLE	09/23/2011 00:02:51	01:03:32	11055825	CONTR	2558
ROCKVILLE	09/23/2011 22:59:05	00:00:19	11056056	CONTR	2568
ROCKVILLE	09/24/2011 02:23:58	03:24:32	11056090	CONTR	2563
ROCKVILLE	09/25/2011 01:57:13	02:58:07	11056286	CONTR	2562
ROCKVILLE	09/25/2011 23:44:54	00:47:13	11056404	CONTR	2567
ROCKVILLE	09/26/2011 05:22:22	06:30:14	11056427	CONTR	2564
ROCKVILLE	09/27/2011 21:57:48	21:59:52	11056793	CONTR	2576
ROCKVILLE	09/28/2011 05:15:25	06:18:12	11056826	CONTR	2570
ROCKVILLE	09/29/2011 02:32:51	03:34:55	11057046	CONTR	2570
ROCKVILLE	09/29/2011 11:00:11	12:08:37	11057113	CONTR	2554
ROCKVILLE	09/29/2011 19:33:57	20:33:57	11057221	CONTR	2568

ALL CALLS IN ROCKVILLE - SEPT 2011

City	Date_Received	Call_Number	Complaint	Description
ROCKVILLE	09/04/2011 01:00:36	11052135	1050	ACCIDENT
ROCKVILLE	09/16/2011 21:44:05	11054676	1072	DEAD BODY
ROCKVILLE	09/21/2011 23:45:23	11055637	911H	911 HANGUP CALL
ROCKVILLE	09/05/2011 22:06:33	11052443	ABU	ABUSE AGAINST CHILD
ROCKVILLE	09/02/2011 15:22:23	11051740	AL	ALARM
ROCKVILLE	09/10/2011 09:31:28	11053334	AL	ALARM
ROCKVILLE	09/15/2011 17:14:37	11054408	AL	ALARM
ROCKVILLE	09/19/2011 06:53:25	11055014	AL	ALARM
ROCKVILLE	09/23/2011 13:36:43	11055934	AL	ALARM
ROCKVILLE	09/23/2011 14:30:41	11055944	AL	ALARM
ROCKVILLE	09/26/2011 15:03:41	11056511	ANI	ANIMAL COMPLAINT
ROCKVILLE	09/27/2011 17:17:14	11056741	ANI	ANIMAL COMPLAINT
ROCKVILLE	09/27/2011 19:56:57	11056772	ASLT	ASSAULT
ROCKVILLE	09/24/2011 22:41:44	11056248	ASSTA	AGENCY ASSIST
ROCKVILLE	09/04/2011 01:04:41	11052136	ASSTA	AGENCY ASSIST
ROCKVILLE	09/04/2011 20:44:02	11052256	ASSTA	AGENCY ASSIST
ROCKVILLE	09/04/2011 21:16:15	11052263	ASSTA	AGENCY ASSIST
ROCKVILLE	09/02/2011 22:00:06	11051829	ASSTA	AGENCY ASSIST
ROCKVILLE	09/16/2011 18:35:19	11054635	ASSTP	PERSONAL ASSIST
ROCKVILLE	09/27/2011 17:55:26	11056748	ASSTP	PERSONAL ASSIST
ROCKVILLE	09/18/2011 03:03:20	11054874	BC	BAR CHECK/BAR CROWD
ROCKVILLE	09/10/2011 02:52:20	11053307	BC	BAR CHECK/BAR CROWD
ROCKVILLE	09/10/2011 03:05:57	11053308	CC	CITIZEN CONTACT
ROCKVILLE	09/09/2011 23:28:12	11053276	CC	CITIZEN CONTACT
ROCKVILLE	09/13/2011 12:35:35	11053937	CC	CITIZEN CONTACT
ROCKVILLE	09/12/2011 21:48:53	11053822	CONTR	CONTRACT
ROCKVILLE	09/12/2011 21:50:20	11053823	CONTR	CONTRACT
ROCKVILLE	09/12/2011 21:50:30	11053824	CONTR	CONTRACT
ROCKVILLE	09/12/2011 21:50:42	11053825	CONTR	CONTRACT
ROCKVILLE	09/14/2011 05:57:03	11054089	CONTR	CONTRACT
ROCKVILLE	09/10/2011 14:59:35	11053379	CONTR	CONTRACT
ROCKVILLE	09/10/2011 02:29:19	11053303	CONTR	CONTRACT
ROCKVILLE	09/11/2011 01:47:59	11053505	CONTR	CONTRACT
ROCKVILLE	09/08/2011 18:50:37	11053037	CONTR	CONTRACT
ROCKVILLE	09/09/2011 00:59:50	11053079	CONTR	CONTRACT
ROCKVILLE	09/06/2011 22:46:32	11052654	CONTR	CONTRACT
ROCKVILLE	09/07/2011 14:31:17	11052776	CONTR	CONTRACT
ROCKVILLE	09/04/2011 02:13:02	11052156	CONTR	CONTRACT
ROCKVILLE	09/02/2011 15:35:18	11051743	CONTR	CONTRACT
ROCKVILLE	09/01/2011 05:04:03	11051348	CONTR	CONTRACT
ROCKVILLE	09/01/2011 19:57:53	11051522	CONTR	CONTRACT
ROCKVILLE	09/18/2011 03:26:45	11054878	CONTR	CONTRACT
ROCKVILLE	09/19/2011 18:50:45	11055125	CONTR	CONTRACT
ROCKVILLE	09/17/2011 02:02:19	11054699	CONTR	CONTRACT
ROCKVILLE	09/17/2011 14:42:44	11054770	CONTR	CONTRACT
ROCKVILLE	09/15/2011 15:25:21	11054385	CONTR	CONTRACT
ROCKVILLE	09/16/2011 21:36:02	11054674	CONTR	CONTRACT
ROCKVILLE	09/20/2011 20:49:48	11055366	CONTR	CONTRACT
ROCKVILLE	09/25/2011 01:57:13	11056286	CONTR	CONTRACT
ROCKVILLE	09/25/2011 23:44:54	11056404	CONTR	CONTRACT
ROCKVILLE	09/26/2011 05:22:22	11056427	CONTR	CONTRACT
ROCKVILLE	09/24/2011 02:23:58	11056090	CONTR	CONTRACT
ROCKVILLE	09/23/2011 22:59:05	11056056	CONTR	CONTRACT
ROCKVILLE	09/22/2011 05:21:08	11055652	CONTR	CONTRACT
ROCKVILLE	09/23/2011 00:02:51	11055825	CONTR	CONTRACT
ROCKVILLE	09/27/2011 21:57:48	11056793	CONTR	CONTRACT
ROCKVILLE	09/21/2011 23:08:16	11055636	CONTR	CONTRACT
ROCKVILLE	09/28/2011 05:15:25	11056826	CONTR	CONTRACT
ROCKVILLE	09/29/2011 02:32:51	11057046	CONTR	CONTRACT

City	Date_Received	Call_Number	Complaint	Description
ROCKVILLE	09/29/2011 11:00:11	11057113	CONTR	CONTRACT
ROCKVILLE	09/29/2011 19:33:57	11057221	CONTR	CONTRACT
ROCKVILLE	09/27/2011 16:21:56	11056730	CUSTODY	CHILD CUSTODY DISPUTE
ROCKVILLE	09/28/2011 13:53:34	11056929	DARE	DARE PROGRAM
ROCKVILLE	09/22/2011 14:39:03	11055735	DARE	DARE PROGRAM
ROCKVILLE	09/21/2011 13:35:26	11055512	DARE	DARE PROGRAM
ROCKVILLE	09/14/2011 13:35:37	11054170	DARE	DARE PROGRAM
ROCKVILLE	09/04/2011 02:22:27	11052157	DISOR	DISORDERLY CONDUCT
ROCKVILLE	09/10/2011 14:18:29	11053373	DOG	DOG COMPLAINT/BARKING
ROCKVILLE	09/11/2011 01:51:19	11053507	DOM	DOMESTIC
ROCKVILLE	09/11/2011 18:53:47	11053604	DRIVE	DRIVING COMPLAINT
ROCKVILLE	09/10/2011 19:21:04	11053412	DRIVE	DRIVING COMPLAINT
ROCKVILLE	09/04/2011 17:07:26	11052220	DRIVE	DRIVING COMPLAINT
ROCKVILLE	09/01/2011 17:41:05	11051478	DRIVE	DRIVING COMPLAINT
ROCKVILLE	09/10/2011 19:27:38	11053413	DWI	DRUNK DRIVER ARREST
ROCKVILLE	09/21/2011 10:07:50	11055453	FIREAL	FIRE ALARM
ROCKVILLE	09/05/2011 20:05:40	11052415	FIREC	FIRE CAR
ROCKVILLE	09/01/2011 18:38:47	11051497	FUP	FOLLOW UP
ROCKVILLE	09/30/2011 15:12:54	11057372	FUP	FOLLOW UP
ROCKVILLE	09/08/2011 16:48:39	11053011	HAZ	HAZARD
ROCKVILLE	09/15/2011 11:48:09	11054333	HAZ	HAZARD
ROCKVILLE	09/24/2011 01:26:38	11056080	JUVPAR	JUVENILE PARTY
ROCKVILLE	09/22/2011 15:11:10	11055742	MA	MOTORIST ASSIST
ROCKVILLE	09/10/2011 17:36:22	11053401	MA	MOTORIST ASSIST
ROCKVILLE	09/11/2011 00:43:04	11053488	MA	MOTORIST ASSIST
ROCKVILLE	09/08/2011 12:34:06	11052969	MA	MOTORIST ASSIST
ROCKVILLE	09/02/2011 11:29:09	11051700	MAIL	MAILBOX VANDALISM
ROCKVILLE	09/21/2011 17:15:10	11055569	MED	MEDICAL EMERGENCY
ROCKVILLE	09/09/2011 21:01:15	11053243	NOISE	NOISE COMPLAINT
ROCKVILLE	09/10/2011 22:35:09	11053463	NOISE	NOISE COMPLAINT
ROCKVILLE	09/10/2011 23:02:29	11053475	NOISE	NOISE COMPLAINT
ROCKVILLE	09/11/2011 00:08:20	11053484	NOISE	NOISE COMPLAINT
ROCKVILLE	09/11/2011 16:34:14	11053590	NOISE	NOISE COMPLAINT
ROCKVILLE	09/10/2011 21:05:57	11053436	NOISE	NOISE COMPLAINT
ROCKVILLE	09/16/2011 19:37:23	11054649	OFPR	OFP RECEIVED
ROCKVILLE	09/13/2011 18:24:22	11054020	PAPSV	PAPER SERVICE
ROCKVILLE	09/12/2011 12:05:38	11053700	PAPSV	PAPER SERVICE
ROCKVILLE	09/03/2011 21:58:15	11052074	PAPSV	PAPER SERVICE
ROCKVILLE	09/14/2011 09:15:27	11054109	PERG	GUN PERMIT
ROCKVILLE	09/14/2011 09:19:02	11054112	PERG	GUN PERMIT
ROCKVILLE	09/22/2011 01:37:51	11055648	SUIC	SUICIDE THREAT
ROCKVILLE	09/26/2011 19:35:39	11056558	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	09/03/2011 04:21:16	11051915	SUSA	SUSPICIOUS ACTIVITY
ROCKVILLE	09/24/2011 19:22:53	11056199	SUSP	SUSPICIOUS PERSON
ROCKVILLE	09/10/2011 02:14:21	11053299	SUSV	SUSPICIOUS VEHICLE
ROCKVILLE	09/10/2011 19:38:18	11053418	THEFT	THEFT
ROCKVILLE	09/10/2011 21:11:34	11053440	TRAFFIC STOP	TRAFFIC STOP
ROCKVILLE	09/16/2011 07:25:28	11054510	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/03/2011 18:08:52	11052006	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/07/2011 15:05:46	11052788	TRAFFIC STOP	TRAFFIC STOP
ROCKVILLE	09/02/2011 21:11:54	11051809	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/02/2011 07:01:02	11051649	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/04/2011 17:32:48	11052224	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/05/2011 13:24:21	11052347	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/24/2011 20:15:39	11056213	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/24/2011 22:28:30	11056244	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/23/2011 05:42:19	11055845	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/20/2011 21:26:07	11055375	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/19/2011 19:21:00	11055134	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/27/2011 06:45:11	11056617	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/28/2011 00:04:26	11056805	TRAFFIC STOP	TRAFFIC STOP
ROCKVILLE	09/30/2011 21:43:52	11057448	Traffic Stop	TRAFFIC STOP
ROCKVILLE	09/29/2011 07:54:10	11057066	Traffic Stop	TRAFFIC STOP

City	Date_Received	Call_Number	Complaint	Description
ROCKVILLE	09/14/2011 11:56:03	11054154	VAND	VANDALISM
ROCKVILLE	09/29/2011 14:39:56	11057154	WARRANT	WARRANT
ROCKVILLE	09/29/2011 15:35:45	11057168	WARRANT	WARRANT
ROCKVILLE	09/21/2011 13:43:06	11055516	WARRANT	WARRANT
ROCKVILLE	09/05/2011 18:58:54	11052399	WATV	WATERCRAFT VIOLATION
ROCKVILLE	09/02/2011 19:31:31	11051780	WATV	WATERCRAFT VIOLATION

MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD, TUESDAY, OCTOBER 11, 2011 – 6:30 P.M. – ROCKVILLE CITY HALL

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dale Borgmann, Susan Palmer, Jerry Tippelt, & Liaison Jeff Howe.

Staff members present were: Zoning Administrator Rena Weber, Billing Clerk/Administrative Assistant Judy Neu.

Councilor Member Jerry Schmitt.

Others present: Roger Bechtold, Attorney Igor Lenzner & Eugene & Jan Mick.

APPROVAL OF AGENDA/AMENDMENTS – ***Motion by Member Bechtold, second by Member Borgmann, to approve the agenda. Motion carried unanimously.***

APPROVAL OF MINUTES 08/09/11 – ***Motion by Member Bechtold, second by Member Palmer, to approve the minutes of 08/09/11 as presented. Motion carried unanimously.***

draft

NEW BUSINESS

RESCHEDULE 11/8/11 MEETING (SCHOOL ELECTION): Chair Honer rescheduled Planning Commission meeting from Tuesday November 8th (School Election) to Tuesday November 1st @ 6:30 p.m.

ROGER & ANNELLA BECHTOLD @ 25705 COUNTY ROAD 2- ADMINISTRATIVE PLAT – Attorney Igor Lenzner (Rinke Noonan Law) explained he is here on behalf of his clients the Bechtold's & the Mueller's and the reason for the request is that CAPX 2020 power lines are crossing their property and as a result to that they would like to convey a portion of their land directly to CAPX 2020 rather than just have an easement. The power lines will be crossing the Northerly edge of both Bechtold's and Mueller's property. When high voltage power lines crosses a homestead or agricultural property a homeowner can elect to require the power company to buy their property or a portion where it is contiguous with the power lines. The Bechtold's would like to split off 16.60 acres (residential site) for CAPX 2020 to purchase. The Bechtold's will own the remaining 23.4 acres (Declaration of Restriction) and the other acreage and keep it in tillable land.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss
CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Roger R Bechtold and Annella M. Bechtold (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.41610/0100 to a new parcel number to be owned by Roger R. Bechtold and Annella M. Bechtold.
Tract "B"
Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the Northwest corner of said NW 1/4 of the NE 1/4; thence on an assumed bearing of N 89°09'08" E, along the North line of the NE 1/4 of said Section 6, a distance of 948.34 feet to the point
of beginning of the tract herein described; thence continue on a bearing of N 89°09'08" E, along last said line, 868.86 feet to a point that is 842.20 feet West of the Northeast corner of said Section 6, as

measured along the north line thereof; thence at a right angle to last said line on a bearing of S 00°50'52" E, 1558.65 feet to the center line of C.S.A.H. No. 2; thence
on a bearing of S 57°30'13" W along said center line, 88.10 feet; thence on a bearing of N 00°50'52" W, 835.85 feet; thence on a bearing of N 89°46'39" W, 793.99 feet to its intersection with a line bearing S 00°50'52" E from the point of beginning, said line being at a right angle to the North line of said NE 1/4; thence on a bearing of N 00°50'52" W along last said line, 754.20 feet to the point of beginning.

Subject to easements of record.

Subject to the rights of the public in C.S.A.H. NO. 2

Containing 16.60 acres, more or less.

The following described property is the remaining description of parcel #76.41610.0100 to be retained by Roger R. Bechtold and Annella M. Bechtold.
TRACT "A"

"A" The Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6, Township 123, Range 29, Stearns County, Minnesota, together with that part of the East Half of the Northwest Quarter (E ½ NW ¼) of said Section 6 lying North of the centerline of County Road No. 2 (aka Cold Spring-St. Joseph Road), that part of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and that part of the West Half of the East Half of the Northeast Quarter (W ½ E ½ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and West of a line drawn South at right angles to the the north line of the Northeast Quarter (NE ¼) of said Section 6 from a point thereon distant 842.20 feet West of the northeast corner of said Section 6 EXCEPTING therefrom that part of said NW ¼ NE ¼ described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet; thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet; thence North for 754.20 feet to the point of beginning.

"B" That part of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6. Township 123, Range 29, Stearns County, Minnesota described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet: thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet: thence North for 754.20 feet to the point of beginning. Together with an easement for ingress and egress over that part of the West Half of the Northeast Quarter (W ½ NE ¼) of said Section 6 lying within 16.5 feet on each side of the following described line: Beginning at a point on the south line of the above described tract distant 216.08 feet East of the southwest corner thereof: thence southerly at an angle of 87'00'12" with said south line, as measured from East to South, for 1431 feet to the centerline of County Road No. 2 and there terminating.

This request is being made to split off the farm place from the tillable land and is not for building purposes.
The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions ("Declaration") is made this _____day of _____, 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property: See

attached Exhibit A

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached

pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the. Declarants have sought subdivision under Section 11 for agricultural, nonresidential purposes.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit A** shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.

2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described in **Exhibit B.**
   The West 772.89 feet of the SE ¼ of the NW ¼ of Section 6, Township 123, Range 29, Stearns County, Minnesota.

   Containing 23.4 acres, more or less.

3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred, unless at least 40 acres of property within the A-40 district is restricted from any residential development.

4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

draft

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

A. The property is rezoned to allow for additional residential development, or
B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

Motion by Member Palmer, second by Member Bechtold, approved the Administrative Plat as presented. Motion carried unanimously.

GREG & TERRY MUELLER @ 25770 133RD AVENUE - ADMINISTRATIVE PLAT – Attorney Igor Lenzner (Rinke Noonan Law) explained the Mueller's would like to split 28.74 acres (Building site & pasture land) from the tillable acres. The Mueller's are undecided at this time if they are going to sell the 28.74 acres to CAPX 2020. The remaining acreage and the 6.53 acres (Declaration of Restriction) will continue to be farmland.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS) ss
CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Gregory G. Mueller and Terry R. Mueller (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.41609.0900 to a new parcel number to be owned by Gregory G. Mueller and Terry R. Mueller.
Tract "B"
Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Northerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW 1/4
of the NW 1/4 and said line there terminating.

Subject to easements of record.

Subject to the rights of the public in 133rd Ave.

Containing 28.74 acres, more or less.

The following described property is the remaining description of parcel #76.41609.0900 to be retained by Gregory G. Mueller and Terry R. Mueller.
TRACT "A"
The W ½ of the NW ¼ and the W ½ of the SW ¼, Section 6, Township 123, Range 29, Stearns County

This request is being made to split off the farm place from the tillable land and is not for building purposes.
The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

draft

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions ("Declaration") is made this _____day of _____, 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property as **Exhibit A**

The W ½ of the NW ¼ and the W ½ of the SW ¼, Section 6, Township 123, Range 29, Stearns County.

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the. Declarants have sought subdivision under Section 11 for agricultural, nonresidential purposes.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit A** shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.

2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described in **Exhibit B.**
That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31

feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW ¼ of the NW 1/4 and said line there terminating.
~~AND~~
~~The North 170.4 feet of the SW 1/4 of the NW 1/4, of said Section 6.~~

Containing 6.53 acres, more or less.

3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred, unless at least 40 acres of property within the A-40 district is restricted from any residential development unless at least 40 acres of property within the A-40 district is restricted from any residential development.

4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

A. The property is rezoned to allow for additional residential development, or
B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

draft

The Planning Commission members are okay with the quarter quarter so the Declaration of Restriction will be only 6.53 acres not 11.26 acres.

Motion by Member Borgmann, second by Member Bechtold, to approve the Administrative Plat as presented. Motion carried unanimously.

TOM MASELTER'S UPDATE –

Motion by Member Honer, second by Member Bechtold, to recommend that the City Administrator work with the Building Official to start the process of abatement. Motion carried unanimously.

ADMINISTRATIVE REVIEW- EUGENE & JANET MICK @ 24935 County Road 138 - Zoning Administrator Rena Weber reported that the Mick's own lot 2 and lot 3 and would like to combine the two lots into one for homestead credit purposes. The lots must be sold together and can not be split in the future.

COVENANT

In consideration of the approval to combine two lots into one for homestead credit purposes, the undersigned owners covenant and agree with the City of Rockville, Stearns County, Minnesota, a municipal corporation, which no dwelling, structure of other building shall be constructed on: Lot 3, Block 1, Mickville and must be sold with Lot 2, Block 1, Mickville. This shall be forever conveyed only as an integral and inseparable parcel, and all deeds of conveyance shall so provide, and the purchasers, grantees, and encumbrances, by acceptance of the conveyance covenant and agree for themselves, their heirs and assigns forever that the foregoing restrictions shall be a

covenant running with and binding both lots and block.

Motion by Member Palmer, second by Member Bechtold, to approve the covenant as presented. Motion carried unanimously.

FLOODPLAIN ORDINANCE- Zoning Administrator Rena Weber reported that the City does not have a floodplain ordinance in place and this ordinance would only affect the property owners that are in the floodplain (on the FEMA MAP). This would not affect the property owners that are around the lakes. The DNR (Department of Natural Resource) sent a sample of a floodplain ordinance for the City to review and delete things that don't affect us.

Chair Honer commented that before a property owner (within the floodplain) could apply for FEMA (Federal Emergency Management Agency) assistance the City would have to have a Floodplain ordinance adopted.

Motion by Member Bechtold, second by Member Palmer, to recommend that the City Council schedule a public hearing. Motion carried unanimously.

draft

PLANNING COMMISSION MEMBER/STAFF REPORT-

1. 25983 80TH AVE – ACCESSORY STRUCTURE –Discussion on the history of the property.

ADJOURNMENT – ***Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 7:18p.m. Motion carried unanimously.***

JUDY NEU	**TONI HONER**
BILLING CLERK/ADMINISTRATIVE ASST	**CHAIR**

CITY OF ROCKVILLE, MINNESOTA
APPLICATION FOR ADMINISTRATIVE PLATTING
PLATTING FEE: $100.00

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONIBILITY OF THE PETITIONER)

Date Application Submitted: Sept 28, 2011 Parcel # 76.41610.0100

Location: Section 6 Township 123 Range 29

Legal Description: That part of the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the Northwest corner of said NW 1/4 of the NE 1/4; thence on an assumed bearing of N 89°09'08" E, along the North line of the NE 1/4 of said Section 6, a distance of 948.34 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°09'08" E, along last said line, 868.86 feet to a point that is 842.20 feet West of the Northeast corner of said Section 6, as measured along the north line thereof; thence at a right angle to last said line on a bearing of S 00°50'52" E, 1558.65 feet to the center line of C.S.A.H. No. 2; thence on a bearing of S 57°30'13" W along said center line, 88.10 feet; thence on a bearing of N 00°50'52" W, 835.85 feet; thence on a bearing of N 89°46'39" W, 793.99 feet to its intersection with a line bearing S 00°50'52" E from the point of beginning, said line being at a right angle to the North line of said NE 1/4; thence on a bearing of N 00°50'52" W along last said line, 754.20 feet to the point of beginning.

Detailed Description of the request and why it is being made: To split the building site from the tillable acres

Land is presently zoned Ag Hstd Zone Requested _____ Total Amount of land involved: 16.6 Acres

Owners Name Annella ROGER (First Name) M. R (Middle Initial) Bechtold BECHTOLD (Last Name) Phone 320-250-4738

Address 25705 COUNTY RD 2, ST.CLOUD, MN 56201 Email: rogerb@stcloudoverhead door.com

Surveyors Name O'MALLEY & BOE Phone 320-685-5905 Fax 320-685-3056
Address 370 CHAPEL HILL ROAD, COLD SPRING, MN 56320

The following must be submitted with the Administrative plat:

✓ Certificate of Survey ~~(15)~~ 14 cx Fifteen copies 11x17

✓ Proof of ownership (copy of tax statement or deed)

✓ Vicinity map (with surrounding property owners and roads identified)

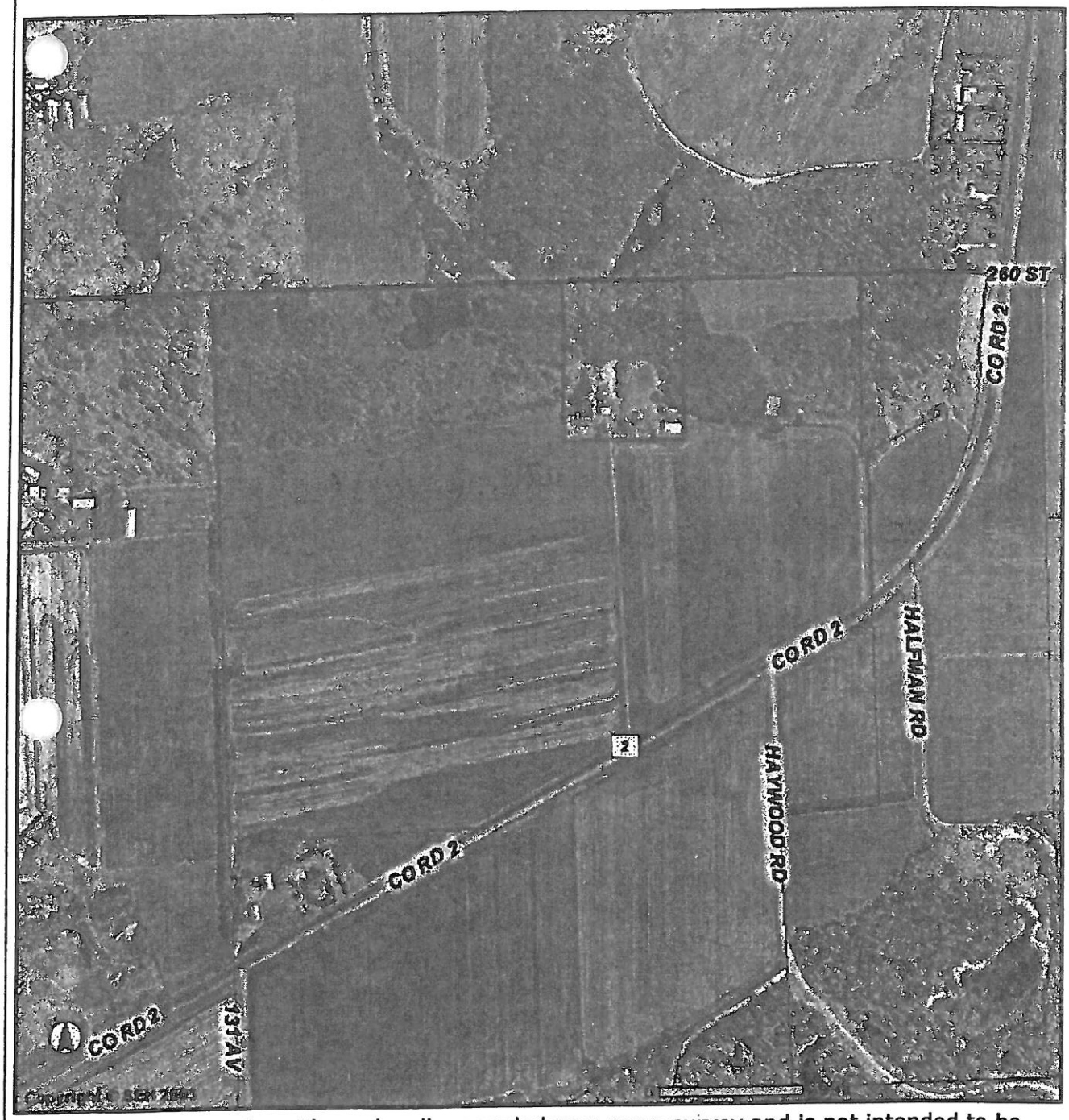
✓ Required fee as noted above

Annella M. Bechtold Sept 28, 2011
Roger R Bechtold Date Sept 28, 2011
Signature of person submitting administrative plat

Complete Application Date _____

R# _____ Administrative Plat Fee Check # 3101 Date _____ 101.41000.34103 $100.00 Permit # ____

Roger Bechtold



Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data from city, county, state and federal offices, and is to be used for reference purposes only.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)

COUNTY OF STEARNS) ss

CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Roger R Bechtold and Annella M. Bechtold (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.41610/0100 to a new parcel number to be owned by Roger R. Bechtold and Annella M. Bechtold.
Tract "B"
Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the Northwest corner of said NW 1/4 of the NE 1/4; thence on an assumed bearing of N 89°09'08" E, along the North line of the NE 1/4 of said Section 6, a distance of 948.34 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°09'08" E, along last said line, 868.86 feet to a point that is 842.20 feet West of the Northeast corner of said Section 6, as measured along the north line thereof; thence at a right angle to last said line on a bearing of S 00°50'52" E, 1558.65 feet to the center line of C.S.A.H. No. 2; thence on a bearing of S 57°30'13" W along said center line, 88.10 feet; thence on a bearing of N 00°50'52" W, 835.85 feet; thence on a bearing of N 89°46'39" W, 793.99 feet to its intersection with a line bearing S 00°50'52" E from the point of beginning, said line being at a right angle to the North line of said NE 1/4; thence on a bearing of N 00°50'52" W along last said line, 754.20 feet to the point of beginning.

Subject to easements of record.

Subject to the rights of the public in C.S.A.H. NO. 2

Containing 16.60 acres, more or less.

The following described property is the remaining description of parcel #76.41610.0100 to be retained by Roger R. Bechtold and Annella M. Bechtold.
TRACT "A"

"A" The Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6, Township 123, Range 29, Stearns County, Minnesota, together with that part of the East Half of the Northwest Quarter (E ½ NW ¼) of said Section 6 lying North of the centerline of County Road No. 2 (aka Cold Spring-St. Joseph Road), that part of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and that part of the West Half of the East Half of the Northeast Quarter (W ½ E ½ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and West of a line drawn South at right angles to the the north line of the Northeast Quarter (NE ¼) of said Section 6 from a point thereon distant 842.20 feet West of the northeast corner of said Section 6 EXCEPTING therefrom that part of said NW ¼ NE ¼ described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet; thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet; thence North for 754.20 feet to the point of beginning.

"B" That part of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6. Township 123, Range 29, Stearns County, Minnesota described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet: thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet: thence North for 754.20 feet to the point of beginning. Together with an easement for ingress and egress over that part of the West Half of the Northeast Quarter (W ½ NE ¼) of said Section 6 lying within 16.5 feet on

each side of the following described line: Beginning at a point on the south line of the above described tract distant 216.08 feet East of the southwest corner thereof: thence southerly at an angle of 87'00'12" with said sout line, as measured from East to South, for 1431 feet to the centerline of County Road No. 2 and there terminating.

This request is being made to split off the farm place from the tillable land and is not for building purposes. The Rockville City Planning Commission has reviewed this split and found it to be in compliance with the standards set forth in the City of Rockville.

Approved this 11th day of October, 2011

Verena M. Weber-CMC
Administrator/Clerk

THIS INSTRUMENT DRAFTED BY:
City of Rockville
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836
Cert. of Compliance Bechtold to Bechtold.Legal.wd.doc

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions ("Declaration") is made this _____ day of _____, 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property:

See attached Exhibit A

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restrictions be executed restricting the further subdivision of the property that has been subdivided and/or attached pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the. Declarants have sought subdivision under Section 11 for agricultural, non-residential purposes.

NOW, THEREFORE, the Declarants make the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit** A shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.

2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described as **Exhibit B**
   The West 772.89 feet of the SE 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota.

   Containing 23.4 acres, more or less.

3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred,

unless at least 40 acres of property within the A-40 district is restricted from any residential development.

4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

A. The property is rezoned to allow for additional residential development, or
B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

DECLARANTS

_____ _____

Roger R. Bechtold Annella M. Bechtold

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this_____ day of 2011, by Roger R. Bechtold.

_____
Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this_____ day of 2011, by Annella M. Bechtold.

_____
Notary Public

THIS INSTRUMENT DRAFTED BY:
Verena M. Weber-CMC
Administrator/Clerk
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836

LEGAL DESCRIPTION PROVIDED BY:
O'Malley and Boe Land Surveyors, Inc. 370
Chapel Hill Rd. Suite 105
Cold Spring, MN 56320
320-685-5905

EXHIBIT A

"A" The Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section 6, Township 123, Range 29, Stearns County, Minnesota, together with that part of the East Half of the Northwest Quarter (E ½ NW ¼) of said Section 6 lying North of the centerline of County Road No. 2 (aka Cold Spring-St. Joseph Road), that part of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and that part of the West Half of the East Half of the Northeast Quarter (W ½ E ½ NE ¼) of said Section 6 lying North of said centerline of County Road No. 2 and West of a line drawn South at right angles to the the north line of the Northeast Quarter (NE ¼) of said Section 6 from a point thereon distant 842.20 feet West of the northeast corner of said Section 6 EXCEPTING therefrom that part of said NW ¼ NE ¼ described as follows: Beginning at a point on the north line of said NW ¼ NE ¼ distant 370.81 feet East of the northwest corner thereof: thence East along said north line for 577.53 feet; thence South at right angles to said north line for 754.20 feet: thence West parallel with said north line for 577.53 feet; thence North for 754.20 feet to the point of beginning.

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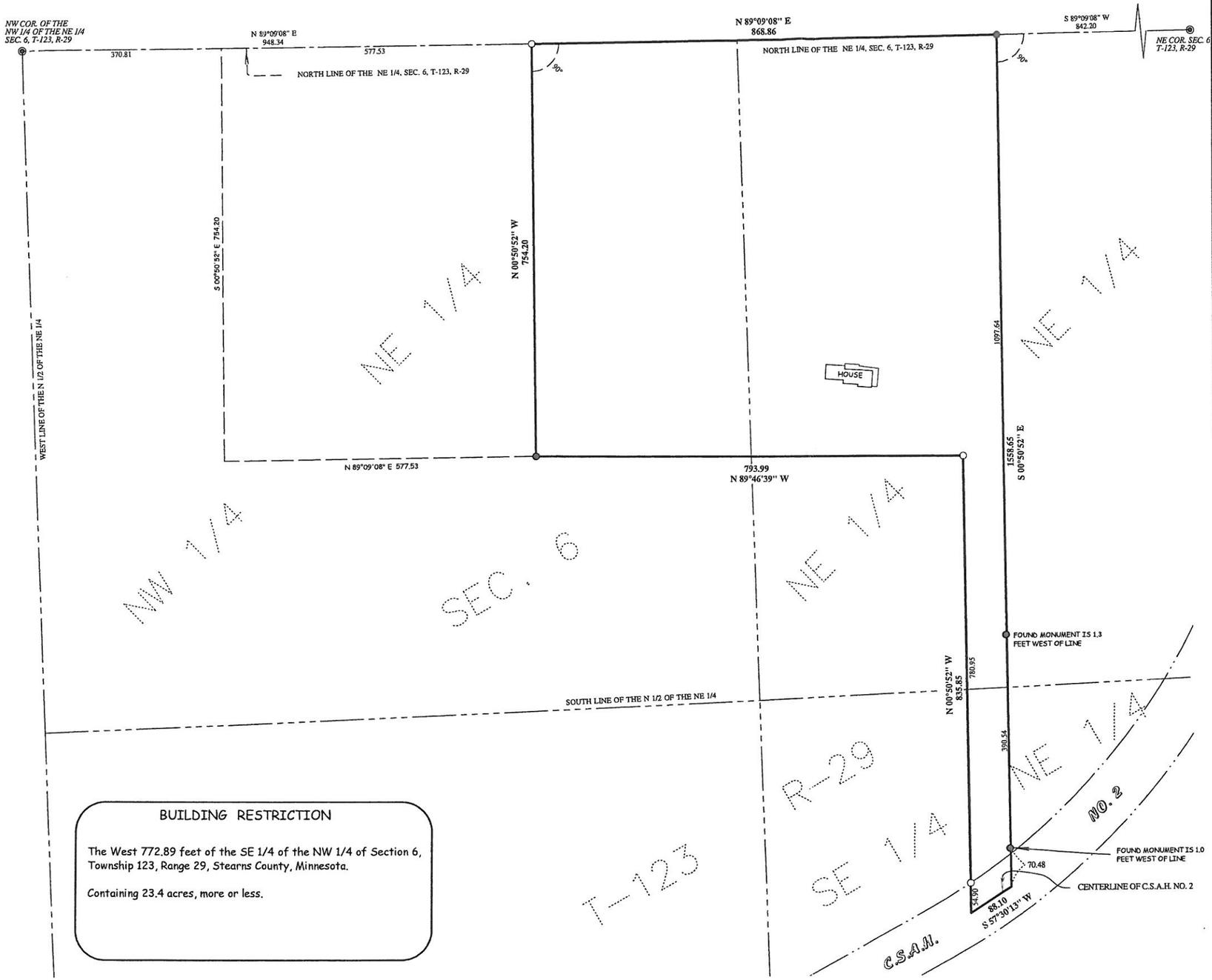

LEGAL DESCRIPTION

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4, Section 6, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the Northwest corner of said NW 1/4 of the NE 1/4; thence on an assumed bearing of N 89°09'08" E, along the North line of the NE 1/4 of said Section 6, a distance of 948.34 feet to the point of beginning of the tract herein described; thence continue on a bearing of N 89°09'08" E, along last said line, 868.86 feet to a point that is 842.20 feet West of the Northeast corner of said Section 6, as measured along the north line thereof; thence at a right angle to last said line on a bearing of S 00°50'52" E, 1558.65 feet to the center line of C.S.A.H. No. 2; thence on a bearing of S 57°30'13" W along said center line, 88.10 feet; thence on a bearing of N 00°50'52" W, 835.85 feet; thence on a bearing of N 89°46'39" W, 793.99 feet to its intersection with a line bearing S 00°50'52" E from the point of beginning, said line being at a right angle to the North line of said NE 1/4; thence on a bearing of N 00°50'52" W along last said line, 754.20 feet to the point of beginning.

Subject to easements of record.

Subject to the rights of the public in C.S.A.H. NO. 2

Containing 16.60 acres, more or less.

BUILDING RESTRICTION

The West 772.89 feet of the SE 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota.

Containing 23.4 acres, more or less.

100 0 50 100 200
SCALE IN FEET

Legend

- INDICATES IRON MONUMENT FOUND
- INDICATES IRON MONUMENT PLACED
- INDICATES STEARNS COUNTY CAST IRON MONUMENT

CERTIFICATE OF SURVEY PREPARED FOR:
ROGER BECHTOLD

JOB NO: 2011-95
FILE NAME: 2011-95.SCJ
LOCATION: 6-123-29

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

370 CHAPEL HILL RD., SUITE 105
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & BOE LAND SURVEYORS, INC.

328 SW 3RD ST.
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-214-9380

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300

DATE: 9-19-2011

SHEET 1 OF 1

Total 150.34 A

CITY OF ROCKVILLE, MINNESOTA
APPLICATION FOR ADMINISTRATIVE PLATTING
PLATTING FEE: $100.00

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONIBILITY OF THE PETITIONER)

Date Application Submitted: _____ Parcel # 76.41609.0900

Location: Section 6 Township 123 Range 29

Legal Description: That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Northerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW ¼ of the NW 1/4 and said line there terminating.

Detailed Description of the request and why it is being made: To split the building site from the tillable acres

Land is presently zoned _____ Zone Requested _____ Total Amount of land involved: 28.74 Acres

Owners Name GREG (First Name) (Middle Initial) MUELLER (Last Name) Phone 320-685-3982

Address 25770 133RD AVE, COLD SPRING, MN 56320 Email:_____

Surveyors Name O'MALLEY & BOE Phone 320-685-5905 Fax 320-685-3056
Address 370 CHAPEL HILL ROAD, COLD SPRING, MN 56320

The following must be submitted with the Administrative plat:

___ Certificate of Survey (15) Fifteen copies 11x17

___Proof of ownership (copy of tax statement or deed) [illegible]

___Vicinity map (with surrounding property owners and roads identified)

___Required fee as noted above

_____ Date _____
Signature of person submitting administrative plat

Complete Application Date _____

R# _____Administrative Plat Fee Check # _____ Date _____101.41000.34103 $100.00 Permit # ____

Administrative Plat Application.forms.wp

Gregory G. Mueller
Terry R. Mueller

Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data from city, county, state and federal offices, and is to be used for reference purposes only.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)

COUNTY OF STEARNS) ss

CITY OF ROCKVILLE)

RE: These descriptions are intended for the purpose of split of building site from tillable acres for Gregory G. Mueller and Terry R. Mueller (husband and wife) in the City of Rockville.

The following described property is to be transferred from parcel #76.41609.0900 to a new parcel number to be owned by Gregory G. Mueller and Terry R. Mueller.
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Tract of land lying and being in the County of Stearns, State of Minnesota,
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Containing 28.74 acres, more or less.

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The W ½ of the NW ¼ and the W ½ of the SW ¼, Section 6, Township 123, Range 29, Stearns County

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Approved this 11th day of October, 2011

Verena M. Weber-CMC
Administrator/Clerk

THIS INSTRUMENT DRAFTED BY:
City of Rockville
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836
Cert. of Compliance Mueller to Mueller.Legal.wd.doc

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions ("Declaration") is made this ____ day of_____ , 2011, by the undersigned "Declarants".

WHEREAS, the Declarants are all the fee owners of the following described property

as **Exhibit A**

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That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW ¼ of the NW 1/4 and said line there terminating.

Containing 6.53 acres, more or less.

3. The remaining property (Exhibit A less the area described in Exhibit B), is eligible for a single residential dwelling. This eligibility may not be transferred, unless at least 40 acres of property within the A-40 district is restricted from any residential development unless at least 40 acres of property within the A-40 district is restricted from any residential development.

4. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

A. The property is rezoned to allow for additional residential development, or
B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

DECLARANTS

Gregory G. Mueller	Terry R .Mueller

STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this _____day of _____, 2011, by Gregory G. Mueller.

_____
Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF STEARNS)

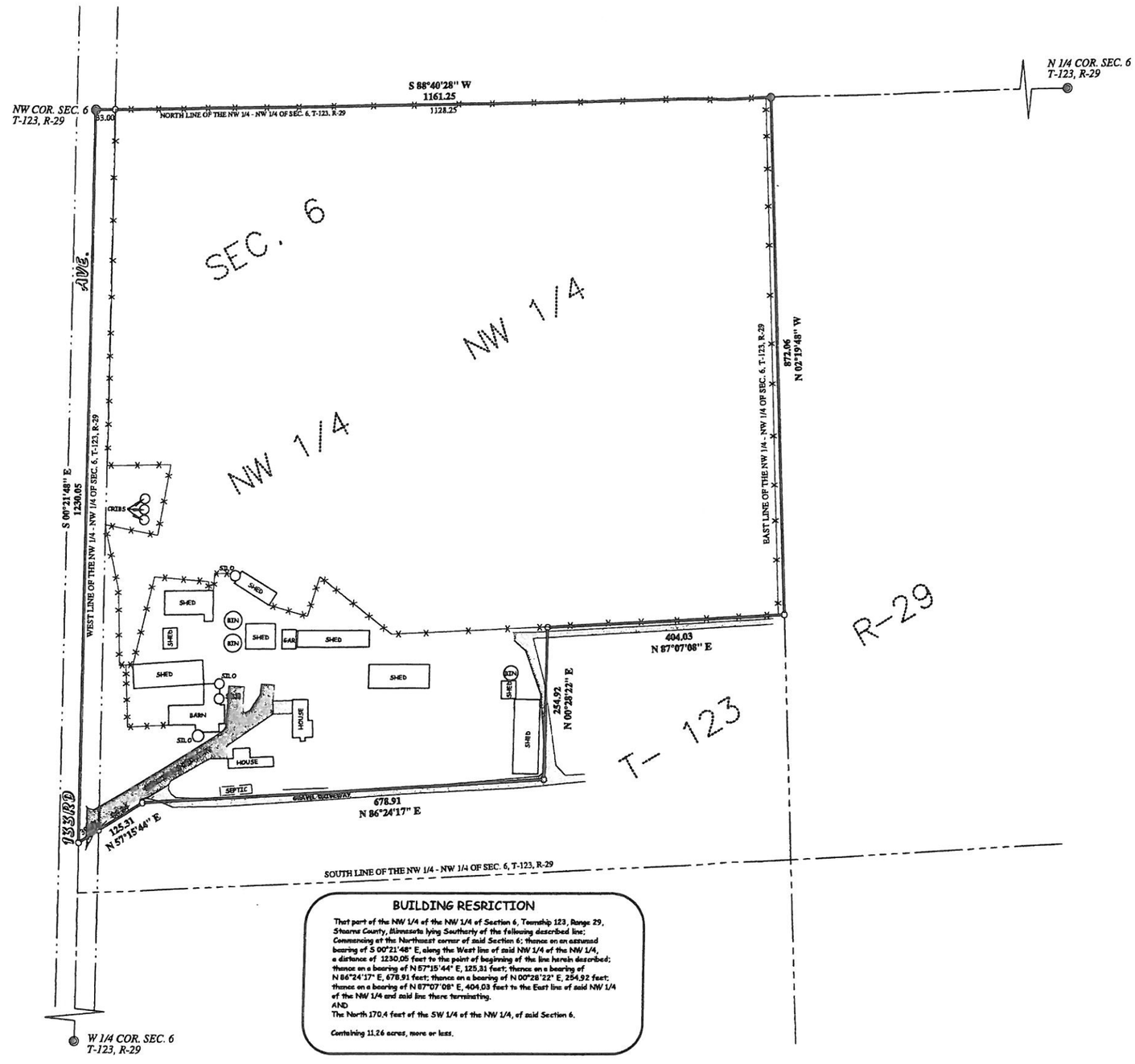
The foregoing instrument was acknowledged before me this_____day of _____ 2011, by Terry R. Mueller.

_____

Notary Public

THIS INSTRUMENT DRAFTED BY:
Verena M. Weber-CMC
Administrator/Clerk
229 Broadway Street East
Rockville, MN 56369
(320) 251-5836

LEGAL DESCRIPTION PROVIDED BY: O'Malley and Boe Land Surveyors, Inc. 370 Chapel Hill Rd. Suite 105
Cold Spring, MN 56320
320-685-5905



LEGAL DESCRIPTION

Tract of land lying and being in the County of Stearns, State of Minnesota, described as follows, to-wit:

That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Northerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW 1/4 of the NW 1/4 and said line there terminating.

Subject to easements of record.

Subject to the rights of the public in 133rd Ave.

Containing 28.74 acres, more or less.

BUILDING RESRICTION

That part of the NW 1/4 of the NW 1/4 of Section 6, Township 123, Range 29, Stearns County, Minnesota lying Southerly of the following described line; Commencing at the Northwest corner of said Section 6; thence on an assumed bearing of S 00°21'48" E, along the West line of said NW 1/4 of the NW 1/4, a distance of 1230.05 feet to the point of beginning of the line herein described; thence on a bearing of N 57°15'44" E, 125.31 feet; thence on a bearing of N 86°24'17" E, 678.91 feet; thence on a bearing of N 00°28'22" E, 254.92 feet; thence on a bearing of N 87°07'08" E, 404.03 feet to the East line of said NW 1/4 of the NW 1/4 and said line there terminating.
AND
The North 170.4 feet of the SW 1/4 of the NW 1/4, of said Section 6.

Containing 11.26 acres, more or less.

100 0 50 100 200
SCALE IN FEET

Legend

- INDICATES IRON MONUMENT FOUND
- INDICATES IRON MONUMENT PLACED
- INDICATES STEARNS COUNTY CAST IRON MONUMENT
- INDICATES FENCE LINE

CERTIFICATE OF SURVEY PREPARED FOR:
GREG MUELLER

JOB NO: 2011-94
FILE NAME: 2011-94.SCJ
LOCATION: 6-123-29

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

CERTIFICATE OF SURVEY PREPARED BY:
O'MALLEY & BOE
LAND SURVEYORS, INC.

370 CHAPEL HILL RD., SUITE 105
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

328 SW 3RD ST.
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-214-9380

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

_____ DATE: 9-20-2011
BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300

SHEET 1 OF 1

CITY OF ROCKVILLE, MINNESOTA
APPLICATION FOR ADMINISTRATIVE PLATTING
PLATTING FEE: $100.00

PLEASE NOTE: ANY COSTS (i.e. LEGAL, ENGINEERING, ADMINISTRATIVE, ETC) INCURRED OVER AND ABOVE THE APPLICATION FEE ARE THE RESPONIBILITY OF THE PETITIONER)

Date Application Submitted: 10.11.2011 Parcel # 76.42050.0002

Location: Section 09 Township 123 Range 029

Legal Description OLD # 28.17321.104

Detailed Description of the request and why it is being made: NEVER WANTED IT PLOTTED OFF OF ORIGINAL 5 ACRES THE COUNTY MADE ME SEPARATE IT.

Land is presently zoned RES Zone Requested _____ Total Amount of land involved: Acres 1.78

Owners Name EUGENE (First Name) A. (Middle Initial) MICK (Last Name) Phone 320-253-2917

Address 24935 CO RD. 138 ST. CLOUD, MN. Email: MICKEUGENE@MSN.COM

Surveyors Name WESTWOOD WELLON ASSOC. Phone 320-253-9485 Fax _____

Address 1513 St. Germain st. St. Cloud, MN. 56301

The following must be submitted with the Administrative plat:

N/A Certificate of Survey (15) Fifteen copies 11x17

✓ Proof of ownership (copy of tax statement or deed) Have

✓ Vicinity map (with surrounding property owners and roads identified) Have

___ Required fee as noted above

Eugene A Mick Date 10-7-11
Signature of person submitting administrative plat

Complete Application Date _____

R# _____ Administrative Plat Fee Check #12683 Date 10/11/11 101.41000.34103 $100.00 Permit # 11-06A

Administrative Plat Application.forms.wp

Subdivision 2: ADMINISTRATIVE MINOR SUBDIVISIONS

1. **Administrative Minor Subdivision.** It is intended that Administrative Minor Subdivisions generally be allowed for non-building purposes, for utilizing a Registered Land Survey, for purposes of correcting a boundary line, for the limited attachment of certain properties, for the establishment of a life estate, and for subdivisions as provided by Section 17, subd. 7(4) of the City Zoning Code. The following conveyances may be allowed as Administrative Subdivisions:

   A. The conveyance is by metes and bounds description and:

      1. The conveyance is for a purpose other than to create a building site; and

      2. The conveyance does not require the creation or altering of any public road right-of-way.

   B. The conveyance is part of a Registered Land Survey or standard plat and the conveyance is for a purpose other than the creation of a building site.

   C. The conveyance qualifies pursuant to Section 16, subd. 7(4) of the City Zoning Code.

   D. The conveyance is, in the opinion of the Zoning Administrator, solely for the purpose of correcting a boundary line.

2. **Standards.**

   A. An Administrative Minor Subdivision for the purpose of attachment to a contiguous lot, tract, or parcel may be allowed, provided any residual tract does not become nonconforming with any applicable ordinance. The deed shall state that the subdivision is for the purpose of attachment, and the lot, parcel, or tract to be attached, together with the lot, parcel, or tract to which it being attached, shall, upon attachment, be considered as one lot, parcel, ortract. The deed shall be accompanied by a Declaration of Restriction that shall restrict the parcel receiving the attachment and shall also restrict the parcel that is being attached. The Declaration of Restriction shall state that the parcel receiving the attachment, together with the attached parcel, shall not be further subdivided unless platted

COVENANT

In consideration of the approval to combine two lots into one for homestead credit purposes, the undersigned owners covenant and agree with the City of Rockville, Stearns County, Minnesota, a municipal corporation, which no dwelling, structure of other building shall be constructed on: Lot 3, Block 1, Mickville and must be sold with Lot 2, Block 1, Mickville. This shall be forever conveyed only as an integral and inseparable parcel, and all deeds of conveyance shall so provide, and the purchasers, grantees, and encumbrances, by acceptance of the conveyance covenant and agree for themselves, their heirs and assigns forever that the foregoing restrictions shall be a covenant running with and binding both lots and block.

In Witness whereof, the undersigned Eugene A. Mick and Janet A. Mick, husband and wife, fee owners; have signed this covenant October 11, 2011

Eugene A. Mick

Eugene A. Mick

Janet A. Mick

Janet A. Mick

STATE OF MINNESOTA)

CITY OF ROCKVILLE) SS

COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this 11 day of October, 2011, by Eugene A Mick and Janet A. Mick, husband and wife, fee owners.

Judith R. Neu

Judith R. Neu

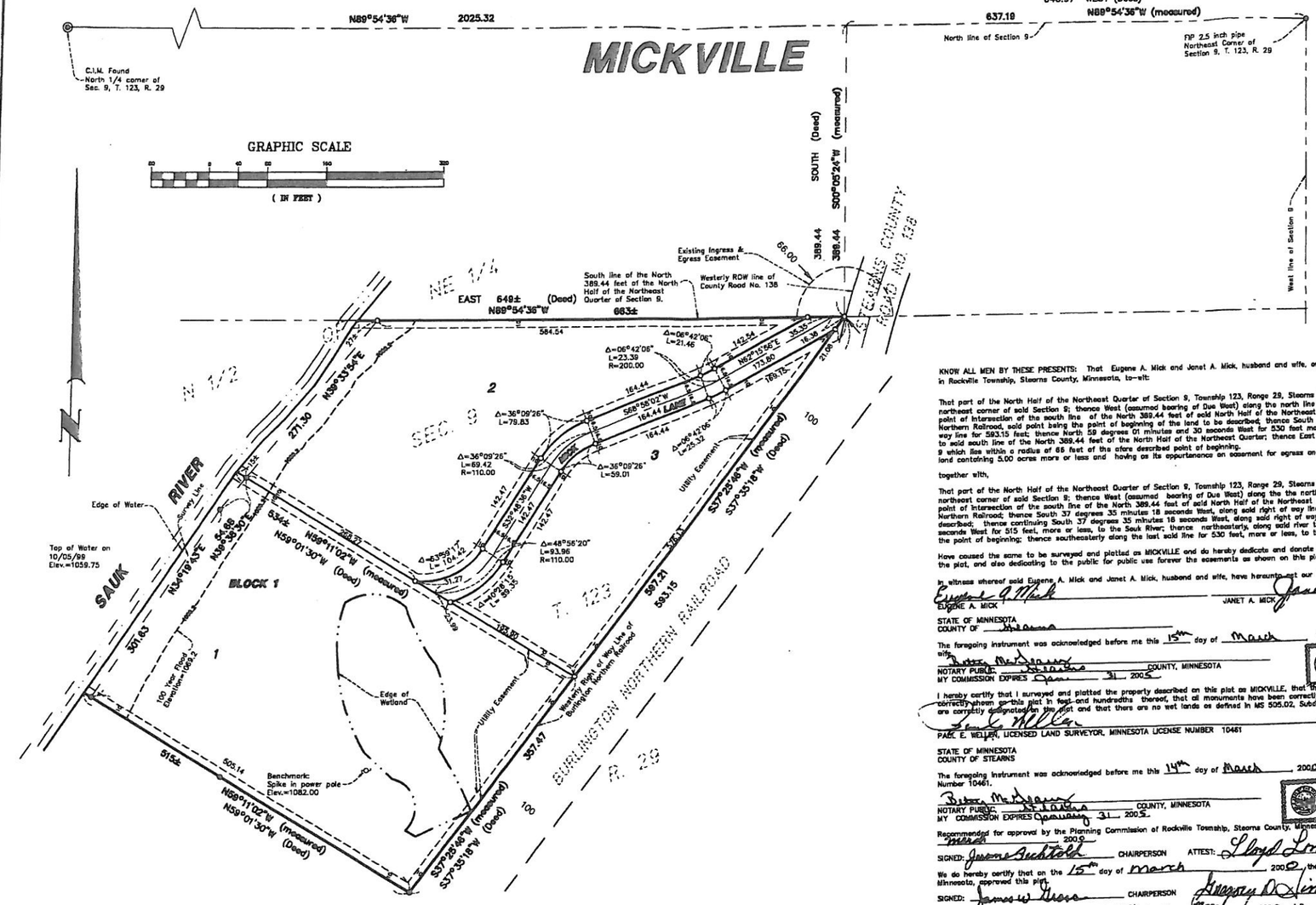
JUDITH R. NEU
NOTARY PUBLIC - MINNESOTA
My Commission Expires 01/31/2015

THIS INSTRUMENT DRAFTED BY:
City of Rockville
Verena M. Weber-CMC
Administrator/Clerk
Rockville, MN 56369
(320) 251-5836

OFFICIAL PLAT

Plat Cabinet 656

MICKVILLE



KNOW ALL MEN BY THESE PRESENTS: That Eugene A. Mick and Janet A. Mick, husband and wife, owners and proprietors, of the following described property, situated in Rockville Township, Stearns County, Minnesota, to-wit:

That part of the North Half of the Northeast Quarter of Section 9, Township 123, Range 29, Stearns County, Minnesota described as follows: Commencing at the northeast corner of said Section 9; thence West (assumed bearing of Due West) along the north line thereof for 640.97 feet; thence South for 389.44 feet to the point of intersection of the south line of the North 389.44 feet of said North Half of the Northeast Quarter and the westerly right of way line of the Burlington Northern Railroad, said point being the point of beginning of the land to be described; thence South 37 degrees 35 minutes and 18 seconds West along said right of way line for 593.15 feet; thence North 59 degrees 01 minutes and 30 seconds West for 530 feet more or less to the Sauk River; thence northeasterly along said river to said south line of the North 389.44 feet of the North Half of the Northeast Quarter; thence East thereon for 649 feet more or less to the point of beginning. Said 9 which lies within a radius of 66 feet of the afore described point of beginning.
land containing 2.00 acres more or less and having as its appurtenance an easement for egress and ingress over that part of the North 389.44 feet of said Section

together with,

That part of the North Half of the Northeast Quarter of Section 9, Township 123, Range 29, Stearns County, Minnesota described as follows: Commencing at the northeast corner of said Section 9; thence West (assumed bearing of Due West) along the the north line thereof for 640.97 feet; thence South for 389.44 feet to the point of intersection of the south line of the North 389.44 feet of said North Half of the Northeast Quarter and the westerly right of way line of the Burlington Northern Railroad; thence South 37 degrees 35 minutes 18 seconds West, along said right of way line for 357.47 feet; thence North 59 degrees 01 minutes 30 described; thence continuing South 37 degrees 35 minutes 18 seconds West, along said river to a line drawn North 59 degrees 01 minutes 30 seconds West from seconds West for 515 feet, more or less, to the Sauk River; thence northeasterly, along said river to the point of beginning; thence southeasterly along the last said line for 530 feet, more or less, to the point of beginning.

Have caused the same to be surveyed and platted as MICKVILLE and do hereby dedicate and donate to the public for public use forever Mick Lane as shown on the plat, and also dedicating to the public for public use forever the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Eugene A. Mick and Janet A. Mick, husband and wife, have hereunto set our hands this, 15th day of March 2000

Eugene A. Mick — EUGENE A. MICK

Janet A. Mick — JANET A. MICK

STATE OF MINNESOTA
COUNTY OF Stearns

The foregoing instrument was acknowledged before me this 15th day of March 2000 by Eugene A. Mick and Janet A. Mick, husband and wife.

Betty McSeary
NOTARY PUBLIC — Stearns COUNTY, MINNESOTA
MY COMMISSION EXPIRES January 31, 2005

BETTY J. McSEARY
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2005

I hereby certify that I surveyed and platted the property described on this plat as MICKVILLE, that this is a correct representation of the survey, that all distances are correctly shown on this plat in feet and hundredths thereof, that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat and that there are no wet lands as defined in MS 505.02, Subd. 1, or public highways to be designated other than shown.

Paul E. Wellen
PAUL E. WELLEN, LICENSED LAND SURVEYOR, MINNESOTA LICENSE NUMBER 10461

STATE OF MINNESOTA
COUNTY OF STEARNS

The foregoing instrument was acknowledged before me this 14th day of March 2000 by PAUL E. WELLEN, Licensed Land Surveyor, Minnesota License Number 10461.

Betty McSeary
NOTARY PUBLIC — Stearns COUNTY, MINNESOTA
MY COMMISSION EXPIRES January 31, 2005

BETTY J. McSEARY
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2005

Recommended for approval by the Planning Commission of Rockville Township, Stearns County, Minnesota, at a regular meeting thereof, on the 15th day of March 2000

SIGNED: Jerome Seuntjens CHAIRPERSON ATTEST: Lloyd Lommel SECRETARY

We do hereby certify that on the 15th day of March 2000 the Board of Supervisors for Rockville Township, Stearns County, Minnesota, approved this plat.

SIGNED: James W. Hess CHAIRPERSON Gregory D. Simones CLERK

Examined and recommended for approval this 16TH day of March 2000 A.D.

STEARNS COUNTY SURVEYOR, MINNESOTA LICENSE NUMBER 25044

The most North line of Section 9 is assumed to bear WEST (Deed), North 89 degrees 54 minutes 36 seconds West, (Measured)

○ Denotes 1/2 inch by 14 inch iron monument set and marked by License No. 10461.

⊙ Denotes 3/4 inch iron monument found.

◎ Denotes county cast iron monument

Benchmark noted based on National Geodetic Vertical Datum 1929.

STEARNS COUNTY PLANNING DIRECTOR, MINNESOTA

I hereby certify that the taxes on the land described hereon are paid for the year 2000 and all years prior to the year 2000 and transfer entered.

Date March 29, 2000

Carol Schultz
STEARNS COUNTY AUDITOR-TREASURER

Dani H. Kiss
DEPUTY AUDITOR-TREASURER

28-16865-000 & 28-16865-005
TAX PARCEL NUMBER

Approved by the Stearns County Board of Commissioners this 28th day of March 2000

Frank R. Schaly
CHAIRPERSON

Carol A. Schultz
COUNTY AUDITOR-TREASURER

Document Number 934282

I hereby certify that this instrument was filed in the office of the County Recorder for record on this 29th day of March 2000 at 1:48 o'clock P. m. and was duly recorded in Plat Cabinet 6 Number 656

Patricia M. Overman
COUNTY RECORDER, STEARNS COUNTY, MINNESOTA

Gail Herold
By DEPUTY

Westwood Wellen Associates
Westwood Professional Services, Inc
1513 St. Germain Street
St. Cloud, Minnesota 56301
Phone: 320-253-9495
Fax: 320-253-8737

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TABLE OF CONTENTS

		PAGE
SECTION 1.0	STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE	1
1.1	Statutory Authorization	1
1.2	Findings of Fact	1
1.3	Statement of Purpose	1
SECTION 2.0	GENERAL PROVISIONS	1
2.1	Lands to Which Ordinance Applies	1
2.2	Establishment of Official Zoning Map	1
2.3	Regulatory Flood Protection Elevation	2
2.4	Interpretation	2
2.5	Abrogation and Greater Restrictions	2
2.6	Warning and Disclaimer of Liability	2
2.7	Severability	2
2.8	Definitions	2
2.9	Annexations	4
SECTION 3.0	ESTABLISHMENT OF ZONING DISTRICTS	5
3.1	Districts	5
3.2	Compliance	5
SECTION 4.0	FLOODWAY DISTRICT (FW)	5
4.1	Permitted Uses	5
4.2	Standards for Floodway Permitted Uses	6
4.3	Conditional Uses	6
4.4	Standards for Floodway Conditional Uses	6
SECTION 5.0	FLOOD FRINGE DISTRICT (FF)	8
5.1	Permitted Uses	8
5.2	Standards for Flood Fringe Permitted Uses	8
5.3	Conditional Uses	8
5.4	Standards for Flood Fringe Conditional Uses	8
5.5	Standards for All Flood Fringe Uses	10
SECTION 6.0	GENERAL FLOOD PLAIN DISTRICT	11
6.1	Permissible Uses	11
6.2	Procedures for Floodway and Flood Fringe Determinations	11

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SECTION 7.0 SUBDIVISIONS 12

7.1 Land Suitability Review Criteria 12
7.2 Requirements for Floodway/Flood Fringe Determinations 12
7.3 Removal of Special Flood Hazard Area Designation 12

SECTION 8.0 UTILITIES, RAILROADS, ROADS, AND BRIDGES 12

8.1 Public Utilities 12
8.2 Public Transportation Facilities 13
8.3 On-site Sewage Treatment and Water Supply Systems 13

SECTION 9.0 ADMINISTRATION 14

9.1 Zoning Administrator 14
9.2 Permits, Certification Requirements and Record Keeping 14
9.3 Appeals and Variances/Duties of the Board of Adjustment 15
9.4 Conditional Uses-Standards and Evaluation Procedures 17

SECTION 10.0 NONCONFORMING USES 18

SECTION 11.0 PENALTIES FOR VIOLATION 19

SECTION 12.0 AMENDMENTS 20

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SECTION 9.0 . MANUFACTURED HOMES/TRAVEL TRAILERS AND¶
TRAVEL VEHICLES . . . . . 13¶
¶
9.1 . New Manufactured Home Parks . . . . . 13¶
9.2 . Replacement Manufactured Homes-Existing Parks . . . . 13¶
9.3 . Recreational Vehicles . . . . . 13 .

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ORDINANCE NO. 2011-73

FLOOD PLAIN MANAGEMENT ORDINANCE
THREE DISTRICT - ONE-MAP FORMAT[1]

[1]A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.

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SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the *City Council* of the City of Rockville, Minnesota does ordain as follows:

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1.2 Findings of Fact:

1.21 The flood hazard areas of the City of Rockville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.22 Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

1.23 National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by provisions contained herein.

SECTION 2.0 GENERAL PROVISIONS

2.1 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Rockville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

2.2 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas; Flood Insurance Rate Map panels therein numbered 27145C0600E, 27145C0615E, 27145C0620E, 27145C0810E, 27145C0820E, and 27145C0830E; and the Flood Insurance Rate Map Index (Map Numbers 27145CIND1A and 27145CIND2A), all dated _____ and prepared by the Federal Emergency Management. The Official Zoning Map shall be on file in the Office of the *Administrator/Clerk* and the *Zoning Administrator*

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2.3 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.4 Interpretation:

2.41 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.42 The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

2.5 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

2.6 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Rockville or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

2.7 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.8 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

2.811 Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2.812 Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.813 Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
(a) Certain conditions as detailed in the zoning ordinance exist.

Deleted: *(Note: For future annexation of floodplain lands, it is a requirement of the National Flood Insurance Program that a community legally apply the provisions of its floodplain ordinance to the annexed land on the date of annexation (see Section 2.9 that follows). The flood insurance rate map panels adopted into Section 2.2 above must be inclusive enough so that they encompass all of the unincorporated area of the county that may be annexed into the city into the foreseeable future. This may mean that a city will need to adopt flood insurance rate map panels in addition to those flood map panels that contain the current corporate boundaries of the city.)*¶
¶

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(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

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2.814 Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.815 Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

2.816 Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

2.817 Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas.

2.818 Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

2.819 Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.820 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.821 Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

2.822 Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.823 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

2.824 Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

2.825 Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.826 Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of

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this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

2.827 Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

2.828 Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

2.829 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes and other similar items.

Deleted: , recreational vehicles not meeting the exemption criteria specified in Section 9.31 of this Ordinance

2.830 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.831 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.832 Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

2.9 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Rockville at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Rockville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Rockville.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

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3.1 Districts:

3.11 Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.2.

3.12 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 2.2 as being within Zones AE but being located outside of the floodway.

3.13 General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Section 2.2.

3.2 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance.

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3.22 Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 11.0.

3.23 As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 10.0 of this Ordinance.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Boat launching ramps, swimming areas, parks, wildlife and nature preserves, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas, and play areas.

4.2 Standards for Floodway Permitted Uses:

4.21 The use shall have a low flood damage potential.

4.22 The use shall be permissible in the underlying zoning district if one exists.

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4.12 . Industrial-commercial loading areas, parking areas, and airport landing strips.¶

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Deleted: , game farms, fish hatcheries

Deleted: target ranges, trap and skeet ranges,

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4.23 The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.38 below.

4.32 Extraction and storage of sand, gravel, and other materials.

4.33 Railroads, streets, bridges, utility transmission lines, and pipelines.

4.34 Storage yards for equipment, machinery, or materials.

4.35 Placement of fill or construction of fences.

4.36 Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

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4.33 . Marinas, boat rentals, docks, piers, wharves, and water control structures.¶

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Deleted: 4.37 . Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 9.3 of this Ordinance.¶

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4.4 Standards for Floodway Conditional Uses:

4.41 All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 All floodway conditional uses shall be subject to the procedures and standards contained in Section 10.4 of this Ordinance.

4.43 The conditional use shall be permissible in the underlying zoning district if one exists.

4.44 Fill:
(a) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
(c) As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.

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4.45 Accessory Structures:
(a) Accessory structures shall not be designed for human habitation.
(b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

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(1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

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(c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

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(3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.46 Storage of Materials and Equipment:

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

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4.47 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

4.48 A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 5.2 and the "Standards for all Flood Fringe Uses" listed in Section 5.5.

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5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

5.22 As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 4.45 (c).

5.23 The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance.

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5.24 The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

5.25 The provisions of Section 5.5 of this Ordinance shall apply.

5.3 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 5.21 - 5.22 and or any use of land that does not comply with the standards in Section 5.23 - 5.24 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses:

5.41 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices

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provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

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5.42 Basements, as defined by Section 2.812 of this Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 5.43 of this Ordinance.

5.43 All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

5.44 When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

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5.45 Storage of Materials and Equipment:

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

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5.46 The provisions of Section 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

5.51 All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

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5.52 Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

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¶

5.53 Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

5.54 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5.55 Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

Deleted: 5.56 Standards for recreational vehicles are contained in Section 9.3.¶

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5.56 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

SECTION 6.0 GENERAL FLOOD PLAIN DISTRICT

6.1 Permissible Uses:

6.11 The uses listed in Section 4.1 of this Ordinance shall be permitted uses.

6.12 All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 6.2 below. Section 4.0 shall apply if the proposed use is in the Floodway District and Section 5.0 shall apply if the proposed use is in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

6.21 Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

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(b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
(c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
(d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

6.22 The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
(a) Estimate the peak discharge of the regional flood.
(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

6.23 The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the City Council shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this Ordinance.

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SECTION 7.0 SUBDIVISIONS[2]

7.1 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

Deleted: [2]Note: This Section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.¶

7.2 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Section 6.2 of this Ordinance to determine the

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100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.3 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

8.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

8.2 Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 12.0 of the Ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

Deleted: SECTION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.¶
¶
9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.¶
¶
9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.¶
¶
9.21 . All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.¶
¶
9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.¶
¶
9.31 . Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:¶
(a) Have current licenses required for highway use.¶
(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.¶
(c) . The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.¶
¶
9.32 . Areas Exempted For Placement of Recreational Vehicles:¶
(a) . Individual lots or parcels of record.¶
(b) . Existing commercial recreational vehicle parks or campgrounds.¶ ... [1]

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10.22 Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

10.23 State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

10.24 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

10.25 Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 12.0 of this Ordinance.

10.26 Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

10.27 Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

10.28 Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.29 Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

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10.31 Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.

10.32 Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.

10.33 Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
(b) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.35 Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

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10.36 Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

10.37 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 Conditional Uses. The *Rockville Planning Commission* shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to *the Planning Commission* for consideration.

10.41 Hearings. Upon filing with the *Planning Commission* an application for a conditional use permit, the *Zoning Administrator* shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

10.42 Decisions. The *Rockville City Council* shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

10.43 Procedures to be followed by the *Rockville City Council* in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

(a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Rockville City Council for determining the suitability of the particular site for the proposed use:

(1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

(2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(c) Based upon the technical evaluation of the designated engineer or expert, the *Rockville City Council* shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

10.44 Factors Upon Which the Decision of the *Rockville City Council* Shall Be Based. In passing upon conditional use applications, the *Rockville City Council* shall consider all relevant factors specified in other sections of this Ordinance, and:

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(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
(b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
(e) The importance of the services provided by the proposed facility to the community.
(f) The requirements of the facility for a waterfront location.
(g) The availability of alternative locations not subject to flooding for the proposed use.
(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
(l) Such other factors which are relevant to the purposes of this Ordinance.

10.45 Time for Acting on Application. The Rockville City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 10.43 of this Ordinance. The *Rockville City Council* shall render a written decision within 60 days from the receipt of such additional information.

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10.46 Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the *Rockville City Council* shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

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(a) Modification of waste treatment and water supply facilities.
(b) Limitations on period of use, occupancy, and operation.
(c) Imposition of operational controls, sureties, and deed restrictions.
(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
(e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SECTION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.831(b) of this Ordinance, shall be subject to the provisions of Sections 11.11 – 11.15 of this Ordinance.

11.11 No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

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11.12 Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.16 below.

11.13 The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(Note: This cumulative tracking over time provision of this section is optional. If a community wishes to delete this cumulative tracking provision, please contact the respective DNR Waters' area hydrologist for replacement wording.)

11.14 If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

11.15 If any nonconforming use or structure is substantially damaged, as defined in Section 2.830 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.

11.16 If a substantial improvement occurs, as defined in Section 2.831 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SECTION 12.0 PENALTIES FOR VIOLATION

12.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

12.2 Nothing herein contained shall prevent the City of Rockville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

12.21 In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to

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the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.22 When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

12.23 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

12.24 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 13.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

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EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the Rockville City Council
(Community Name)

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This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____, Mayor
JEFF HAGEN

Deleted: County Board Chairperson/

Deleted: (Name of Elected Official)

Attest: _____, Administrator/City Clerk
VERENA M. WEBER-CMC

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Stamp With Community Seal:

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SECTION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

9.2 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5.51, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

9.21 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

9.3 Recreational vehicles that do not meet the exemption criteria specified in Section 9.31 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 9.33-9.34 below.

9.31 Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 9.32 below and further they meet the following criteria:

(a) Have current licenses required for highway use.
(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
(c) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

9.32 Areas Exempted For Placement of Recreational Vehicles:

(a) Individual lots or parcels of record.
(b) Existing commercial recreational vehicle parks or campgrounds.
(c) Existing condominium type associations.

Recreational vehicles exempted in Section 9.31 lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

9.34 New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Section 5.51 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 9.31 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

REQUEST FOR COUNCIL ACTION

Originating Department: Maintenance Requested By: Rick Hansen Date: 10/19/11

Please approve the purchase of salt for the upcoming snow removal season. Prices are as follow.

Amcon $85.36/ton delivered-24 ton minimum

Holicky Bros. $75/ton delivered-24 ton minimum

2011 state bid price $76.39/ton delivered

Please approve Holicky Bros for 48 tons of salt for a price of $4097.28

We will be getting the sand from Kraemer Trucking and Exc. at a price of $5.00/ton. We will need approximately 144 yds.

Fund # 101-43100-228 balance in 2011 budget $7,843.64

Motion by: _____ 2nd by: _____ Vote: _____