

Ordinance No. 2007-41

**AN ORDINANCE AMENDING THE ZONING REGARDING
CONSTRUCTION AND CONTINUATION OF STRUCTURES FOR
ACCESSORY USES**

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

WHEREAS, the City Council amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 200630 and 2007-40; and

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

WHEREAS, the Planning Commission seeks to amend and clarify the official controls relating to accessory buildings, and has recommended the following amendment be adopted at it meeting on October 16, 2007.

The Rockville City Council ordains:

SECTION 1. Section 8, Subdivision 2 of the City Zoning Code is hereby amended by adding the following definition:

PRINCIPAL STRUCTURE. A building or structure that is occupied by, or employed as, a permitted, conditional, or interim use of the zoning district, and that meets all requirements, performance standards, or conditions imposed for the use. Same as a Principal Building.

Insert in the list as appropriate, and renumber.

SECTION 2. Section 9, Subdivision 2 of the City Zoning Code is hereby amended by replacing Subdivision 2(A) with the following:

Subdivision 2: ACCESSORY BUILDINGS.

A. Principal Structure Required. Except where allowed as an interim use, an accessory building may not be

constructed or otherwise located on a parcel of property until after the associated principal structure has been completed. An accessory structure may not remain, and must be removed, if the principal structure is removed, destroyed, or otherwise eliminated. If no structure on a lot is employed as a permitted, conditional or interim use, the structure is no longer a principal structure and no structure on the parcel may be employed for any accessory use.

B. Accessory structure as an interim use. In all zoning districts, the use of a building for a use permitted as an accessory use is allowed as an interim use, notwithstanding the absence of a principal structure, subject to the procedures, and performance and general development standards, set forth in this Ordinance, In addition, the City Council shall impose the following conditions in granting any interim use under this subdivision:

1. An interim use permit under this subdivision shall expire within one year. At the expiration of the permit, the property owner may apply for a second interim use permit for up to one year. No additional interim use permits shall be issued for the same use or structure, under this subdivision.
2. An appropriate principal structure is planned for the site. A plan requires approval of any site plan necessary under the Zoning Code and proof that a valid building permit has been applied for the principal structure, The building permit must be maintained and renewed for the full term of the interim use permit.
3. Upon expiration of the interim use permit, if a structure is not converted into a principal structure, or is not a permitted accessory use to an existing principal structure, the use must be discontinued and any structure or improvement that does not have a permitted use must be removed or demolished, immediately.

Renumber as required.

SECTION 3. Section 16, Subdivision 2 of the Rockville Zoning Code is amended by adding the following to the list

of permitted uses:

- 10. Kennels - Private
- 11. Storage of equipment, materials or items of a residential or agricultural nature. The storage may not be in exchange for any compensation. The owner may make incidental use of such stored items on-site for non-commercial purposes.

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

The following is the summary of Ordinance 2007-41 approved by the Rockville City Council December 5, 2007:

AN ORDINANCE REGARDING CONSTRUCTION AND CONTINUATION OF STRUCTURES FOR ACCESSORY USES

Ordinance No. 2007-41 amends the Rockville Zoning Code regarding accessory uses and providing for interim use of accessory structures.

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

SECTION 5. This Ordinance shall be effective immediately upon passage and publication.

Adopted this 5th day of December, 2007.
Hagen, Herberg, Palmer, Pflepsen, Simon & Volkmuth in favor. None opposed.

Brian Herberg, Mayor

ATTEST:

Verena Weber, City Administrator-Clerk