

Ordinance No. 2007-40
AN ORDINANCE AMENDING THE CITY ZONING CODE

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, and 2006-30; 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 its meeting on July 24, 2007.

NOW, THEREFORE, the City Council does ordain:

SECTION 1:

Section 9, Subdivision 2 of the Zoning Code (as amended) is deleted and replaced with the following:

Subdivision 2: ACCESSORY BUILDINGS

- A. Principal Structure Required. In all zones, except A-40 Agricultural District, an accessory building may not be constructed or located on a parcel of property until after the principal structure has been constructed on that parcel.
- B. No Encroachment Over Lot Lines. Doors and windows of accessory buildings must be constructed so that they do not extend beyond the lot lines when they are opened.
- C. Located in Rear Yard Only. In all Residential Districts (i.e. R-1, R-2 and R-3) detached accessory buildings may only be constructed in the rear yard of the lot. For property abutting a lake or navigable river, garages and other auto-oriented structures may be located on the road side of the lot.
- D. Proximity to Principal Structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than ten (10) feet to the principal structure. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
- E. Site Plan Required. All accessory structures exceeding 120 sf in area shall require a building permit and approval of a Site Plan.

F. Setbacks Requirements for Accessory Structures. Attached accessory structures must comply with all applicable setbacks to the principal structure. Detached accessory structures shall maintain rear and side yard setbacks of not less than five feet, except:

1. In the B-1 District, the underlying requirements of that zoning district shall apply; and,
2. For all corner lots, the side yard setback along a public right-of-way shall be 15 feet, or the requirement of the underlying zoning class, whichever is less.

No structure may be constructed over any easement, public or private, without written authorization of the owner of the easement.

G. Design and Appearance of Exterior. All accessory buildings greater than 120 square feet shall be constructed so that the appearance of its exterior is uniform and resembles the color and material of the principal structure.

For purposes of this Subdivision 2(G):

1. Appearance is measured when viewed from adjacent property, or from water bodies, streams, rivers, roads, parks, or other facilities open to the public.
2. Identical material is not required, but the following characteristics should be the same or similar:
 - a. Orientation of boards, grooves, grains, shingles and other exterior characteristics;
 - b. Color of siding
 - c. Color of roofing;
 - d. Style of siding (including, but not limited to, the apparent length and width of boards, shakes or panels and the texture, reflectivity, or gloss of materials); and
 - e. Style of roofing (including, but not limited to, the apparent length and width of shingles, shakes, boards, or panels and the texture, reflectivity, or gloss of materials).
3. Notwithstanding this subdivision, an accessory structure is not required to match granite, brick, stone, concrete masonry or other similar stone-like material used on the principal structure. However, the material used must resemble the color and material of the principal structure, and should, at a minimum, match non-stone-like materials of the principal structure.

H. Prohibited Materials. Unpainted, uncolored or unfinished material is prohibited, except if the material is designed and marketed for residential finish work, and is weather-resistant in its unpainted, uncolored or unfinished state.

I. Number of Structures. Unless the zoning district has a stricter limit, the number of accessory buildings in all zoning districts shall be limited to two (2) detached accessory buildings and/or garages of any size.

- J. Hoop Structures. Hoop structures are prohibited.
- K. Lot Coverage Restriction. All detached accessory buildings on a lot may occupy no more than thirty percent (30%) of the area of the rear yard.
- L. A-40 District Exemptions.
 - 1. Subdivisions 2(G), 2(H), 2(I) and 2(J) do not apply to structures built within the A-40 Agricultural District where the structure is built at least 100 feet from a residential or commercial zoning district.
 - 2. Subdivision 2(K) does not apply to the A-40 Agricultural District.

SECTION 2:

Section 17, Subdivision 6 of the Zoning Code (R-1 Single Family Residential District Accessory Buildings) is deleted. Renumber Section 17 of the Zoning Code, accordingly.

SECTION 3:

Section 18, Subdivision 6 of the Zoning Code (R-2 Two Family Residential District Accessory Buildings) is deleted. Renumber Section 18 of the Zoning Code, accordingly.

SECTION 4:

Section 19, Subdivision 5 of the Zoning Code (R-3 Multiple Family Residential District Lot, Yard and Height Requirements) is amended by deleting Subdivision 5(5)(2)(C) and Subdivision 5(5)(3)(B). Renumber Section 19, accordingly.

SECTION 5:

This Ordinance shall be effective immediately upon its passage and publication.

Adopted this 5th day of September, 2007.

Brian Herberg, Mayor

ATTEST:

Verena Weber, City Administrator-Clerk