

**ORDINANCE NO. 2017-87**

**ORDINANCE AMENDING SECTION 14, SUBDIVISION 9  
OF THE CITY OF ROCKVILLE 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 has previously amended the Zoning Code by Ordinance Numbers 2003-06, 2004-18, 2004-19, 2004-20, 2004-25, 2004-26, 2006-30, 2007-40, 2007-41, 2007-42, 2007-43, 2007-44, 2008-45, 2008-46, 2008-47, 2008-49, 2008-50, 2008-51 and 2008-53; 2009-58, 2009-61, 2009-62, 2009-63, 2010-64, 2011-69, 2011-70, 2011-73, 2012-74, 2012-76, 2014-82, 2015-84, 2016-85, and 2017-86; and

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

**WHEREAS**, the City Council has been made aware of a recent court ruling where the court applied Section 14, Subdivision 9 of the Zoning Code in a manner that was not intended by the City; and

**WHEREAS**, the City Council desires to amend the Zoning Code to clearly reflect that Section 14, Subdivision 9 was not intended to require that lawful, nonconforming lots of record in existence when the Zoning Code was enacted in 2003 be brought into dimensional conformity with the building lot area, lot width, lot depth, or lot frontage requirements in the Zoning Code as a condition of expanding, enlarging, or reconstructing a structure on such a lot; and

**WHEREAS**, a public hearing was held on December 5, 2017 before the City Planning Commission, and members of the public were given an opportunity to comment on the proposed Amendment.

**NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY ORDAIN TO AMEND THE  
ROCKVILLE  
ZONING CODE AS FOLLOWS:**

**SECTION 14: NON-CONFORMING USES, Subdivision 9: EXPANSION OF STRUCTURE is amended to read as follows:**

**Subdivision 9: EXPANSION OF STRUCTURE**

No structure existing at this Ordinance’s adoption may be expanded, enlarged, or reconstructed to increase its floor area by twenty-five percent (25%) or more without bringing the site into compliance with this Ordinance’s requirements, including but not limited to businesses and industrial properties providing sufficient parking for the entire building, paving the parking lot area if not previously paved, providing fencing as may be required by this Ordinance, and providing screening for refuse storage. The term “site” as used in this Subdivision does not include a legal, non-conforming lot of record in existence when this Code was adopted, and this Subdivision does not apply to a situation where a structure on such a legal, non-conforming lot is being expanded, enlarged or reconstructed to increase the structure’s floor area by twenty-five percent (25%) or more.

**EFFECTIVE DATE:** This ordinance shall become effective upon its passage and publication in the official newspaper.

Dated this 13th day of December, 2017

**ATTEST:**

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**Martin M. Bode**  
**City Administrator/Clerk**

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**Duane Willenbring**  
**Mayor**

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