CITY OF ROCKVILLE

P.O. BOX 93 **229 Broadway Street East** **ROCKVILLE, MN 56369**

For Your Information – FYI Council Action Needed – CA

CITY COUNCIL AGENDA
TUESDAY, NOVEMBER 20, 2018
ROCKVILLE FIRE HALL and ROCKVILLE CITY HALL
9:00 A.M.

1. **Call to Order at Rockville Fire Hall** Roll Call-RT.JT.VS.DW.DS
2. **Roll Call –** (Silence Electronic Devices)
3. **Reconvene at City Hall**
4. **Additions/Approval of Agenda**
5. **Ordinance Review**
6. **Fee Schedule**
7. **Long Term Rental Status**
8. **Other**
9. **Adjourn**

CITY OF ROCKVILLE

ZONING ORDINANCE

FINAL

April 16, 2003

AMENDED

ORDINANCE # 2003-06: Certain sections of Zoning & Ordinance Special Protection District Overlay (September 17, 2003)

ORDINANCE # 2004-14: Public Land Dedication (June 16, 2004) (Amended Public Land Dedication # 2007-44 December 19, 2007)

~~ORDINANCE # 2004-15: "SP-1" Special Protection District (May 5, 2004) (Amended "SP-1" Special Protection District # 2006-31 February 22, 2006)~~

ORDINANCE # 2004-18: "Buildable Lot Area" "Bluff" "Lot Frontage" (August 4, 2004)

ORDINANCE # 2004-19: Creating Setbacks from Wetlands (August 4, 2004)

ORDINANCE # 2004-20: Planning Commission to hold Public Hearings (August 4, 2004)

ORDINANCE # 2004-24: Adopting Subdivision Ordinance (December 15, 2004)

ORDINANCE # 2004-25: Towers (December 2004)

ORDINANCE # 2005-26: Planning Commission Ordinance Amendment Regarding Chairperson Voting Rights (February 9, 2005)

~~ORDINANCE # 2006-31: Amending Section 24 regarding SP-1 Special Protection District (February 22, 2006)~~

ORDINANCE # 2007-40: Amending Accessory Buildings (September 5, 2007)

ORDINANCE # 2007-41: Amending Construction and Continuation of Structures for Accessory Uses (December 5, 2007)

ORDINANCE # 2007-42: Restricting Water-Oriented Structures (December 5, 2007)

ORDINANCE # 2007-43: Setbacks for Industrial Zoned Property (December 5, 2007)

ORDINANCE # 2007-44: Amending Public Land Dedication (December 19, 2007)

ORDINANCE # 2008-46: Amending Section 16 "Ag-40" by deleting Subdivision 9 (Setback Requirements) and by adding it in Section 9 General Requirements under Subdivision 27 (Setback Requirements)

Amending Section 17 "R-1", Section 18 "R-2", Section 19 "R-3" by deleting Subdivision 5 (7) and replacing it with "Impervious Surface.

ORDINANCE # 2008-47: Amending Section 24, Subdivision 5 Use of Planned Unit Development Is Restricted

ORDINANCE # 2008-50: Amending the Code as it applies to Shoreland Property (September 17th 2008)

ORDINANCE # 2008-51: Amending the Code by adding a section on Stormwater Management (September 17th 2008)

ORDINANCE # 2008-53: Amending Providing For Event Centers in the Agricultural Zoning Districts (December 17th 2008)

ORDINANCE # 2009-54: Amending the City Zoning Code Definitions (March 18th 2009)

ORDINANCE # 2009-58: Regulations for Wind Energy Conversion Systems(July 15th 2009)

ORDINANCE # 2009-62: Amending Sections 17, 18, & 19 Residential Districts to include Provision for Interim Use Permit allowing farm animals with conditions. (December 16th 2009)

ORDINANCE # 2009-63: Amending Section 5 Planning Commission Membership (December 16th 2009)

ORDINANCE # 2010-64: Amending Section 1 Subdivision 12(B) of the Stormwater (March 17th 2010)

ORDINANCE # 2011-70: Allow for Rural Residential Development & amendments to Corresponding Zoning Ordinances (May 18th 2011)

ORDINANCE # 2012-74: Amending Definition, Signs, B-1 & I-1 (Used for Residential Purposes) (June 20th 2012)

ORDINANCE # 2012-76: Amending Rural Residential (October 17, 2012)

ORDINANCE # 2015-84: Amending Definition, Adding Trailer Storage Restrictions, Adding R-1 Rear Yard Setback (July 21st 2015)

ORDINANCE # 2016-85: Amending Section 9 "Opt out" temporary Family Health Care Dwelling (August 17th 2016)

RESOLUTION 2016-57: Transferring the Powers and Duties of the Local Board of Appeals and Equalization to Stearns County (December 21st, 2016)

ORDINANCE# 2017-86: Amending Site Plan, Design & Appearance, Accessory Buildings requirements.

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EFFECTIVE DATE

Business/Industrial: Wherever "and/or" is used, the answer must come from the Planning Commission, not the City Administrator. **I'm unsure of where this would be applicable. I've reviewed all instances of "and/or" and they seem quite straight forward.**
Business/Industrial: Contact EDA to get sign to advertise Rockville Business. **Not zoning ordinance update related, but should meet sign standards.**
Business/Industrial: NOTE: on complete book – Intent or purpose should be used under all subdivisions to make wording more uniform.

ORDINANCE NO. 2003-04
City of Rockville, Minnesota
ZONING ORDINANCE

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE ZONING OF LAND AND CONTROL OF LAND USE

THE CITY COUNCIL OF THE CITY OF ROCKVILLE, IN THE COUNTY OF STEARNS, STATE OF MINNESOTA, DOES ORDAIN AS FOLLOWS:

SECTION 1: INTENT AND PURPOSE

Subdivision 1: GENERAL PURPOSE

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, as amended, and for the purpose of:

1. promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the City of Rockville;

2. protecting and preserving the physical character, social, and economic stability of agricultural, residential, commercial, industrial and other use areas;

3. securing the most appropriate use of land;

4. preventing the overcrowding of the land and undue congestion of population;

5. providing adequate light, air and reasonable access;

6. facilitating adequate and economical provision of transportation, water supply and sewage disposal;

7. planning for location of schools, recreation facilities and other public requirements

Subdivision 2: ZONING ORDINANCE SCOPE

This Ordinance which shall be known and cited as the Rockville Zoning Ordinance, an ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

SECTION 2: TITLE

This Ordinance shall be known as “The Zoning Ordinance of Rockville, Minnesota” and will be referred to as “this Ordinance.”

SECTION 3: JURISDICTION, APPLICATION AND INTERPRETATION

Subdivision 1: JURISDICTION

This Ordinance applies to all of the area within the corporate limits of the City of Rockville.

Subdivision 2: APPLICATION AND INTERPRETATION

1. **Higher Standards Prevail**. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

2. **Building Permits**. (Ag-40 Committee – Building Permits –Further definition of "structure" and "Fence", reword as "Open fence". Concerned about clarification for those citizens that live outside the core city.) *See proposed language below.*

   Residential: Fences – need to define in more detail. *See proposed new definitions in Section 8, Subd. 2.*

   A. Building Permit Required. No structure, **fence** or sign may be erected, converted, enlarged, **moved,** demolished, reconstructed or altered without first obtaining a Building Permit, **except agricultural fences in the A-40 and Rural Residential Districts shall not require a building permit. The terms "Structure" and "Fence" are as defined in Section 8, Subd. 2 of this Ordinance.** No structure or land may be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance. The Building Official will issue a Building Permit only after determining that the building plans, together with the application, comply with this Ordinance. If the Building Code does not require a Building Permit, a Site Permit must still be obtained to ensure compliance with setback, height and use restrictions and this Ordinance.

   B. Application. Building Permit Applications must be made to the Building Official on forms to be furnished by the Zoning Administrators office. Site Permit Applications must be submitted to the Zoning Administrator on forms to be furnished by the Zoning Administrators office.

C. Fee. Each applicant shall pay at the time of the application the required fees as established by resolution of the City Council. **Fees submitted with complete applications are non-refundable.** Ag-40 Committee – is fee reimbursed if application is rejected? *Fees for applications that are found to be complete for review are typically non-refundable as staff time is needed to review the request.*

D. Residential: Plan – Pole Barn/Solar Farms – needs to be reworded "Foundation" is an issue. *I'm unsure of the meaning of this comment.*

Plan. Ag-40 Each Building Permit Application to construct or alter any building with a foundation must be accompanied by a Certificate of Survey, if deemed necessary, drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected as well as existing structures, easements and ingress and egress routes. Building Permit Applications must also contain any other information the Building Official or City Clerk deems necessary.

E. Municipal Improvements. Subject to a Development Agreement, all municipal improvements serving the property must be completed (with roadways having at least one lift of blacktop) before building permits will be issued.

F. Certificate of Occupancy. All newly constructed buildings must obtain a Certificate of Occupancy from the Building Official prior to use or occupancy of the building.

Subdivision 3: SEPARABILITY

1. If any court of competent jurisdiction shall declare any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

2. If any court of competent jurisdiction declare invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Subdivision 4: LOTS OF RECORD

All lots which were separate tax parcels, were legally recorded in the office of the County Recorder, and were of legally sufficient size to meet minimum lot size requirements for a building at the time of this Ordinances adoption shall be considered lots of record and shall continue to be legally build able. It is the obligation of the owner of the property to demonstrate to the satisfaction of the Zoning Administrator that the lot is a lot of record which was legally build able at the time of the adoption of this Ordinance.

SECTION 4: ADMINISTRATION

Subdivision 1: ZONING ADMINISTRATOR

The City Council will appoint a Zoning Administrator who will administer and enforce this Ordinance. The City Council may authorize the Zoning Administrator to appoint assistants.

Subdivision 2: ZONING ADMINISTRATOR POWERS AND DUTIES

The Zoning Administrator will have the following powers and duties and may delegate them to assistants.

1. To receive and review applications for Site Permits and issue Site Permits if such Site Permit request is in full ~~conformance~~ compliance with the provisions of this Ordinance.

2. To receive and review application requests for action by the City Council and/or Planning Commission and provide such information, data and testimony as may be necessary for action to be taken.

3. To make inspections to discover violations and check for compliance with this Ordinance. If violations of this Ordinance are discovered the Zoning Administrator will notify the violators and take such other steps as are necessary to correct the violation.

4. To maintain records of all actions taken pursuant to the provisions of this Ordinance.

5. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.

6. To identify and locate jurisdiction and zoning district boundaries and public waters by on-site investigation, interpretation of official maps and other appropriate methods.

7. To forward a summary of all permits applied for and issued, by date, to the Planning Commission no less than once a month to be reviewed by the Planning Commission at their monthly meetings.

8. To accompany Planning Commission representatives on site visits.

SECTION 5: PLANNING COMMISSION

Subdivision 1: MEMBERSHIP

Ag-40 and Residential: omit or state "former": City of Pleasant Lake and the Town of Rockville.

There is hereby created, **established, and continued** a Planning Commission ~~initially consisting of the planning commissions~~ for the City of Rockville. ~~, City of Pleasant Lake and the Town of Rockville.~~ **The Planning Commission shall be the City Planning Agency authorized by Minn. Stats. § 462.354.**

~~Initial appointments shall be made by the Council upon adoption of the first Zoning Ordinance for the combined City of Rockville.~~ The term of the appointive members shall be five years and no person may be appointed to more than two successive terms as a Planning Commission member. Any vacancy during the unexpired term of an appointed member shall be filled by the Council for the remainder of the term.

Subdivision 2: DECISIONS

Residential: Decisions, voting structure handcuffs the chair with equal members present.

All decisions of the Planning Commission require the affirmative vote of a simple majority of the members present. ~~The Chair shall have the right to vote on any matter and shall break all tie votes, but in the case where the Chairs vote would create a tie he or she must vote with the majority.~~

Subdivision 3: DUTIES

The Planning Commission is advisory, except as other powers and duties are imposed on it by Sections 462.351 to 462.364 of Minnesota Statutes or by other state statute or City ordinance. The Planning Commission has the following powers and duties:

1. The Planning Commission may elect a Chairperson and Secretary from among its members.

2. The Planning Commission shall hold the public hearings and will review Conditional Use Permit applications and make recommendations to the City Council as to whether or not a Site Permit should be granted, and if so, what conditions should apply. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.

3. Ag-40 and Residential: “recommendations”
The Planning Commission shall hold the public hearings and will review all re-zoning applications and make ~~recommend~~ recommendations on re-zonings to the City Council. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision with regard to rezoning.

4. The Planning Commission will assist in developing a Comprehensive Land Use Plan for the City and will review and make recommendations on the adoption of or amendment to the City’s Comprehensive Land Use Plan.

5. The Planning Commission may prepare Zoning and Subdivision Ordinances or amendments to any zoning and subdivision ordinances and recommend such ordinances to the City Council. The Planning Commission will review and make a recommendation on any proposed amendments to the City’s Zoning and Subdivision ordinances.

6. The Planning Commission shall hold the public hearing and will review variance requests and make recommendations to the City Council as to whether or not a variance should be granted. The City Council, acting as the Board of Adjustment will make the final decision on all variances.

7. The Planning Commission will review appeals of decisions made by the Zoning Administrator and make recommendations to the City Council. The City Council, acting as the Board of Adjustment, will make the final decision on all appeals of decisions of the Zoning Administrator.

8. The Planning Commission will review for compliance with the comprehensive land use plan proposed acquisitions and disposals of publicly owned interests in real property within the City as well as proposed capital improvements (including those constructed by other political subdivisions having jurisdiction within the City).

9. The Planning Commission will have such additional duties and responsibilities as may be assigned by the City Council.

10. The Planning Commission may appoint a viewing committee to conduct site visits or may request that the Chair conduct site visits and report back to the Planning Commission.

Subdivision 4: REVIEW OF ACQUISITION OR DISPOSAL OF PUBLIC LANDS AND CAPITAL IMPROVEMENT PROJECTS

No publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the Planning Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the Planning Commission to report on the proposal within 45 days after such a reference, or such other period as may be designated by the City Council shall be deemed to have satisfied the requirements of this subdivision. The City Council may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the Comprehensive Plan.

SECTION 6: BOARD OF ADJUSTMENT

Residential: does it also pertain to dealing other than "tax related issues", if not should be clarified. *I don't know why this section is contained in the zoning ordinance. For zoning purposes the entity that acts on variance requests is often cited as the Board of Adjustments and Appeals or the Board of Zoning Adjustments and Appeals. It is separate and independent of any board that would consider whether or not assessed values of properties as set by the County Assessor's Office are appropriate. As such I am suggesting enabling language pertaining to Board of Zoning Adjustments and Appeals be added. Section 30 of this Ordinance sets the Council as the entity that acts on variances. If that is not the case (i.e. the Planning Commission holds the public hearing, makes recommendation to CC, and the CC ultimately takes action; then, Section 30 should be updated.*

~~**Subdivision 1: TRANSFERRING THE POWERS AND DUTIES OF THE LOCAL BOARD OF APPEALS AND EQUALIZATION TO STEARNS COUNTY**~~
~~City of Rockville hereby transfers the powers and duties of the Local Board of Appeals and Equalization to Stearns County under M.S. 274.01, Subdivision 3. Effective for the Assessment year of 2017 and this agreement is considered permanent~~.

Subdivision 1: A Board of Zoning Appeals and Adjustment is hereby established and vested with such authority as provided under Section 30 of this Ordinance. The City Council shall serve as the Board of Zoning Appeals and Adjustment.

SECTION 7: PERMITS AND FEES

Subdivision 1: SITE PERMITS

For purposes of enforcing this ordinance, a site permit shall be required of all persons prior to:

1. Erection or construction of any structure or building.

2. Erection of signs except those exempt from permitting by this Ordinance.

3. Installation, alteration, repair or extension of any sewage disposal system or solid waste disposal operation.

4. Shore land Alterations, including removal of trees and shore land vegetation.

5. Land Alterations, including mineral extraction and landfills.

6. Erection, alteration or relocation of feedlots, holding ponds, and slurry systems.

7. Location of all essential services.

8. Fences, retaining walls and berms higher than two (2) feet, **except for agricultural fences in the A-40 and Rural Residential Districts**. (Per Ag Committee they want it remove or amend to not include Rural Residential and AG 40 Districts.)
   Residential: Should disregard Ag-40, eliminate or not be included. *Some retaining walls require a building permit, all retaining walls and berms can impact stormwater. As such I recommend retaining site permit for retaining walls and berms.*

9. The construction or modification of a dam or dike.

10. Within the flood plain, the erection, addition, or alteration of any building, structure, or portion thereof; the use or change of use of a building, structure, or land; the change or extension of a nonconforming use; and the placement of fill, excavation of materials, or the storage of materials or equipment.

11. Residential: should be any addition, not just bedroom. Any structural change.

The addition of **habitable square footage** a ~~bedroom~~ ~~room (Ag-40)~~ to a residence when requiring a structural change.

Subdivision 2: SITE PERMIT PROCEDURES

1. **Application.** Persons requesting a Site Permit must fill out an application available from the Zoning Administrator. Application requirements will be established by the Zoning Administrator and may include, but are not limited to, the following information: a site plan showing the nature, location, and dimensions of the lot, existing and proposed structures, locations to be filled or where materials will be stored, and the location of the foregoing in relation to the shoreline and floodplain, if applicable.

2. **Requirements.** Site Permits will be issued only if the proposal is in compliance with applicable portions of this ordinance including, but not limited to:

   A. Zoning district land uses.

   B. Zoning district dimensional standards and setbacks.

   C. Performance standards provided for certain activities of this Ordinance.

   D. Other requirements established by the Zoning Administrator, the Planning Commission and the City Council.

3. Residential: Atypical? What is the fee, what is it for? *Fees are typically associated with staff time to review as cost associated with development review is usually considered to be the responsibility of the petitioner vs. general tax payer.*
   Fee. A fee, established by the City Council must be submitted with the permit application. An additional fee may be charged for atypical projects, whether based on size or type of use. Such fees may include reimbursement of the City for administrative time and professional services costs incurred by the City.

Subdivision 3: OTHER REGULATIONS

Issuance of a Site Permit does not imply compliance with other applicable City regulations or regulations of other agencies unless otherwise stated.

SECTION 8: RULES AND DEFINITIONS

Subdivision 1: RULES

For purposes of this Ordinance the following rules apply:

1. **MEASUREMENTS.** All measured distances will be to the nearest integral foot. Unless clearly specified to the contrary, all references to height shall be measured from "grade" as defined by this Ordinance.

2. **DEFINITIONS.** Whenever a word or term appears in the text of this Ordinance, the Subdivision Code (Ord. 2004-24), as amended, the Stormwater Management Ordinance (Ord. 2008-51) or other land use ordinance or regulation, its meaning should be construed as defined within this section, except:

   A. Where the context of the ordinance or regulation clearly requires a different definition;
   B. Where the definition is required by statute or regulation that preempts this Ordinance, for example as it is used within the Building Code as adopted by the City.

Subdivision 2: DEFINITIONS

For the purpose of this Ordinance, the following terms are defined:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally. (Shoreland Committee)

"ABANDON" The cessation of a specific use of a property for a period of 12 or more months.

"ABANDONED SIGN" means a Signs and Sign structures not used for signage for twelve (12) consecutive months and/or signs and their structures which identify, advertise or provide direction to a use, business, industry or service which has ceased existence for ninety (90) days or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

"ABUTTING" means making direct contact with or immediately bordering.

"ACCESS LOT" is a parcel of land that provides access to public waters.

"ACCESSORY BUILDING" means "Structure, Accessory."

"ACCESSORY STRUCTURE" means "Structure, Accessory."

Accessory structure or facility. Any building or improvement subordinate to a principal use. (Shoreland Committee)

"ACCESSORY USE" means "Use, Accessory."

"ADDITION" means a structure added laterally to an existing building and occupying ground. The addition of minor structural elements such as chimneys, bay windows, and roof overhangs of two (2) feet or less shall not be considered as an addition. The enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition. "Addition" differs from "Alteration."

"ADJACENT" In close proximity to or neighboring, not necessarily abutting.

"AGGREGATED PROJECT" Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one (1) or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

"AGRICULTURAL BUILDING" A structure on agricultural land designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. An agricultural building shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

"AGRICULTURAL LAND USE" means the cultivating or pasturing of a parcel of land or using it for the raising of animals for non-commercial purposes other than a feedlot or farming. Agricultural Land Use includes hobby farms.

"**AGRICULTURAL USE"** means the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

1. Field crops including but not limited to: barley, soybeans, nursery stock, garden crops, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

2. Livestock including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.

3. Livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur and honey.

"ALLEY" means any public or private street providing a secondary means of ingress and/or egress to land.

"ALTERATION" means an increase in the height or volume of a building.

"ANIMALS"

1. Domestic Animals. House pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. Domestic animals shall include birds and rabbits normally sheltered outside the home.

2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

3. Wild Animals or Exotic Animals. Any mammal, amphibian, reptile or bird which is of a species not usually domesticated, and of a species which, due to size, wild nature or other characteristics, is dangerous to humans. The term includes animals and birds the keeping of which is licensed by the state or federal government, such as wolves, and raptors. By way of example and not of limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves.

"ANIMAL FEEDLOT" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative

cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

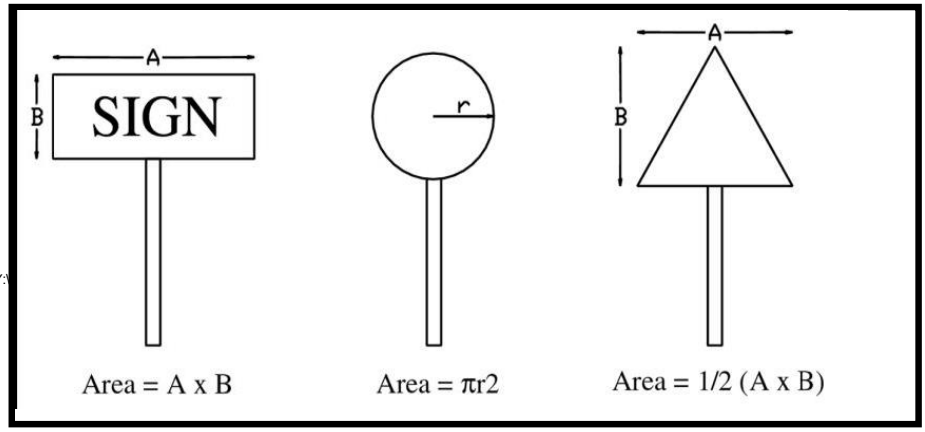
Animal feedlot. A facility as defined by Minnesota Rules, part 7020.0300. (shoreland Committee)

"ANTENNA" means any structure or device used to collect or transmit electrical magnetic waves, including but not limited to directional antennas such as panels, microwave and satellite dishes, and omni-directional antennas such as whip antennas.

"AREA OF SIGN" means the area of a sign face enclosed in a frame or cabinet shall be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle, or circle, the sign face area shall be determined by enclosing the extreme limits of the frame or cabinet within a single continuous perimeter in a common geometric shape. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Double-faced (back-to-back) freestanding signs shall be considered as a single sign face for purposes of calculating allowable sign area only if the distance between each sign face does not exceed two feet and the copy is identical on both faces. Standard formulas for common geometric shapes shall be used for computing sign area(s). Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign for purposes of in calculating the overall square footage. Nothing in the paragraph shall be interpreted to authorize any specific type of sign. *See* Figure 1.

Figure 1.

Measurement of Sign Area Examples



“ARTERIAL STREET” means “Street - Arterial.

“APPLICANT” means the owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

“AWNING” means a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

“AWNING SIGN” means a building sign or graphic printed on or in some fashion attached directly to the awning material.

“BALCONY” means a landing or porch which may project from the wall of a building and which may serve as a means of egress.

“BALLOON SIGN” means a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

“BASEMENT” means that floor of a building, or portion thereof, which is wholly or partially, underground or below grade, except any portion or floor more than 50% above grade is not a basement.

“BED AND BREAKFAST” means an owner occupied single family dwelling unit in which rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests.

“BERM” means a mound or embankment of earth, usually two to six feet in height, used to shield or buffer properties from adjoining uses, streets or noise.

“BIORETENTION BASIN” is a constructed stormwater management practice that accepts and treats stormwater runoff through filtration and/or infiltration. The basin is not in a direct flow path for runoff, but is sufficiently adjacent for efficient water diversion.

“BLOCK” means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

"BLUFF" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

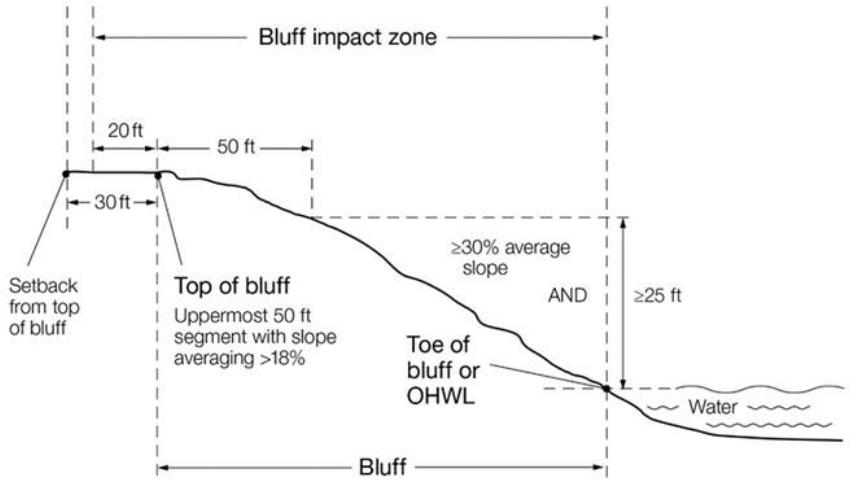
A. Part or all of the feature is located in a Shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
D. The slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more within the bluff shall be exempted from the bluff standards.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics: (Shoreland Committee)

A. Part or all of the feature is located in a shoreland area;
B. The slope rises at least 25 feet above the toe of bluff;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
D. The slope must drain toward the waterbody.

Bluff, Bluff Impact Zone, Top and Toe of Bluff



"BLUFF IMPACT ZONE" means a bluff and land located within thirty (30) feet from the top of a bluff.

Bluff impact zone. A bluff and land located within 20 feet of the top of a bluff. (Shoreland Committee)

Bluff, Toe of. The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher. (Shoreland Committee)

Bluff, Top of. For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
(Shoreland Committee)

"BOARDING HOUSE" means any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten (10) persons.

"BOATHOUSE" means a structure designed and used solely for the storage of boats. See "Structure, Water-Oriented."

Boathouse. A facility as defined by Minnesota Statutes Section 103G.245 (Shoreland Committee)

Buffer. A vegetative feature as defined by Minnesota Statutes, Section 103F.48. (Shoreland Committee)

"BUFFER YARD" means a landscaped area along lot lines provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. No structures except fences shall be allowed in the buffer yard.

"BUILDABLE AREA" is the minimum contiguous area necessary for the construction of water supply systems, sewage treatment systems, public utilities, structures and driveways, while still providing for adequate setbacks. Except as otherwise provided, the "Buildable Area is that area remaining on a parcel after all setback requirements, bluffs, areas with slopes greater than 15 percent, easements and rights-of-way, historic sites, wetlands, sensitive resource management areas, and land below the ordinary high water level of public

waters are subtracted. The "Buildable Area" may contain soils with certain limiting characteristics such as shallow bedrock or high water table.

"BUILDABLE LOT AREA" means "Buildable Area."

"BUILDING" means any structure, either temporary or permanent, having a roof, and used or built for the sheltering or enclosure of any person, animal, or chattel or property of any kind.

"BUILDING HEIGHT" means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

"BUILDING INSPECTOR" means the City of Rockville Building Inspector, or their designee.

"BUILDING LINE" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
(Shoreland Committee)

"BUILDING, PRINCIPAL" means a building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

"**BUILDING SIGN"** means any sign attached or supported by any Building.

"BUSINESS" means any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

"**CABINET SIGN"** means any wall sign that is not of channel or individually mounted letter construction.

"CAMPER/TRAILER" means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle, or is designed to provide temporary living quarters during recreation, camping, or travel.

"CAMPGROUND" means a development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreational camping vehicles, or other temporary shelters.

"CANOPY" means a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway or entrance.

"CANOPY SIGN" means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover.

"CEMETERY" means a parcel or tract of land used or intended to be used for the burial of the dead including columbarium's, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

"CERTIFICATE OF OCCUPANCY" is a certificate issued by the Building Official in accord with Building Code Section 109, as amended.

"CERTIFICATE OF SURVEY" means a legal graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor. Unless waived by the Zoning Administrator, a Certificate of Survey must show boundaries of all structures on the parcel, and distance from lot lines and structures.

"CHANNEL" A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

"CHURCH" A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

"CITY" The City of Rockville, Minnesota.

"CITY ATTORNEY" The person designated by the City Council to be the City Attorney for Rockville.

"CITY COUNCIL" The Rockville City Council.

"CITY ENGINEER OR CONSULTING ENGINEER" means that professional engineer as designated by the City Council.

"CLEAR-CUTTING" means the removal of an entire stand of vegetation.

"CLINIC, HUMAN" means a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by one or more doctors.

“CLINIC, VETERINARY” means a public or proprietary institution providing for the medical treatment of domestic animals by one or more veterinary doctors.

“CLUSTERING” or **“CLUSTERED”** means a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

Commercial planned unit developments. Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
(Shoreland Committee)

“**COMMERICAL SPEECH”** means a speech advertising a business, profession, commodity, service or entertainment.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
(Shoreland Committee)

“COMMERCIAL WECS” A WECS of equal to or greater than 40 kW in total name plate generating capacity.

“COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES” means licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Commissioner. The commissioner of the Department of Natural Resources.
(Shoreland Committee)

“COMMON INTEREST COMMUNITY” means contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair or

replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

"COMMON OPEN SPACE" means a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of twenty-five (25) feet around each structure or any impervious surface.

"COMMUNITY WATER AND SEWER SYSTEMS" means utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems.

"**COMPREHENSIVE MUNICIPAL PLAN"** means a compilation of the City's policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. The comprehensive plan represents recommendations for the future development of the community.

Conditional use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
(Shoreland Committee)

"CONDOMINIUM" means a common interest community in which portions of the real estate are designated as units and the remainder of the real estate is designated for common ownership solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners.

"CONTIGUOUS TRACT" the following rules shall apply when determining contiguous property:

A. Tracts that are geometrically touching at any one point are contiguous.

B. Contiguous tracts which cross political subdivision boundaries remain contiguous.
C. Tracts purchased under separate documents remain individual and unique.
D. Except when determining lot coverage, property that would be contiguous under these rules, but for the fact that the property is separated by a public or private road, driveway, thruway etc., shall be deemed to be contiguous.

"CONTRACTOR" General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway and utility construction.

Controlled access lot. A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
(Shoreland Committee)

"CONSERVATION SUBDIVISION" is a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped road-ways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use Stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

"**COVENANT (PROTECTIVE/RESTRICTIVE)"** means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area, which are recorded in the Office of the Stearns County Recorder. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

"CONVENIENCE STORE" means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide variety of consumable products (predominantly food or food and gasoline) and services.

"CONVENTIONAL SUBDIVISION" means a pattern of subdivision development

that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common opens space is provided.

"COOPERATIVE" means a common interest community in which the real estate is owned by an association, each of whose members are entitled by virtue of the member's ownership interest in the association to a proprietary lease.

"CORRUGATED METAL" A structural sheet metal, usually galvanized, shaped in parallel furrows and ridges for rigidity with exposed fastners systems.

"CRAWL SPACE" means any areas or rooms with 3.5 feet or less ceiling height measured to the finished floor or grade below.

"CUL-DE-SAC" is a "Local Street" with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

"DAY CARE" means the regular providing of care or supervision for pecuniary gain or otherwise to one or more children for periods of less than twenty-four (24) hours per day, conducted entirely within a dwelling and with the only employees being residents of that dwelling.

"**DAY CARE, FAMILY"** means the regular providing of care or supervision for pecuniary gain or otherwise to one or more children for periods of less than twenty-four (24) hours per day, conducted entirely within a dwelling and with the only employees being residents of that dwelling.

"DECIBEL" A unit of measurement of the intensity of sound level.

"DECIDUOUS SHRUB" means a woody plant that ranges from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

"DECIDUOUS TREE" means a shade producing woody plant.

"DECK" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

(Shoreland Committee)

"DEPOSITION" Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains, or wetlands.

"DESIGNATED TROUT STREAM" means officially designated trout streams designated as such by order of the Commissioner of Natural Resources.

"DITCH" any depression two (2) feet or more below the surrounding land serving to give direction to a current of water and having a bed and well-defined bank. A ditch is generally not able to be plowed or tilled due to its depth or width.

"DISPLACEMENT (VIBRATION)" means displacement is the amount of motion involved in a vibration.

"DRAINING" means the removal of surface water or ground water from land.

"DREDGING" means to enlarge or clean out a waterbody, watercourse, or wetland.

"DUPLEX," "TRIPLEX," and **"QUAD"** means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities. The meaning also applies to existing uses where the dwelling structures may not be attached by common walls.

Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
(Shoreland Committee)

"DWELLING" means a building or portion thereof, designed or used exclusively for residential occupancy by a single family, but not including hotels, motels, and garage space.

"**DWELLING, SINGLE FAMILY"** means a building with a single dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for only one (1) family.

"DWELLING SITE" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. (Shoreland Committee)

"DWELLING, TWO FAMILY" means a building so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.

"DWELLING UNIT" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Dwelling unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins. (Shoreland Committee)

"EASEMENT" means a property interest or right of use over the property of another.

"ELEVATION" means the view of the side, front, or rear of a given structure(s).

"**ELEVATION AREA"** means the area of all walls that face any lot line.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
(Shoreland Committee)

"ENCROACHMENT" means advancement beyond the usual or proper limits. When used for determining animal feedlot setback requirements, encroachment is determined by measuring from the closest point of the existing permitted or registered animal feedlot.

"ERECT" means activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

"EROSION CONTROL AND WILDLIFE DEVELOPMENTS" means those structures, water control developments, and ponds which are installed to control

soil erosion or increase the habitat for wildlife, including but not limited to; erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.

"ESSENTIAL SERVICES" means overhead or underground electric, gas, communication, sewage, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

"EVENT CENTER" is a fixed facility or establishment meant solely for private banquets, receptions, recitals and social functions. Food and beverage must brought on site or prepared in an approved kitchen on site. No retail sale of food and beverage may occur, except as accessory activity to the reserved event. Use shall be by reservation only, and no reserved event may be held open to the public. Entertainment scheduled in conjunction with the reserved events may be permitted as an accessory activity of the use. A reception facility shall not be operated as a restaurant or liquor establishment, and may not be used as such.

"EVERGREEN /CONIFER TREE" means an upright cone-bearing plant having green needle-like foliage throughout the year and at least fifteen (15) feet at maturity.

"EVERGREEN/CONIFER SHRUB" means a woody plant having green needle-like foliage throughout the year and ranging from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

"EXCAVATION" means the mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the site.

"EXISTING GRADE" means the grade prior to grading.

"EXPANSION" An increase in the floor or land area or volume of an existing building.

"EXTRACTIVE USE" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

"FALL ZONE" The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is

less than the total height of the structure.

"FAMILY" mean those persons living together on the premises in a single dwelling unit under one of the following conditions:

1. Four (4) or fewer unrelated persons, or;
2. Any number of persons related by blood, marriage or legal adoption, or;
3. Any number of persons related by blood, marriage or legal adoption, and two (2) unrelated persons.

"FARM" means a tract of land, which is principally used for agricultural activities such as the production of crops, and/or animals. A farm may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm and must meet the definition of Afarm@ under Minnesota's Green Acres Law Minnesota Statutes Chapter 273.111, as amended.

"FARMING" means the cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

"FEEDER LINE" Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

"FEEDLOT" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance Minn. R. 7020.0300, Subp. 3.

"FENCE" means any lineal structure including walls, hedges or similar barriers used to prevent access by persons or animals or acting as a visual or sound barrier.

"FENCE, AGRICULTURAL" means an artificially erected barrier, other than buildings, vehicles or machinery, constructed of manmade material, or a combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of

barbed, electric, meshed, and/or woven wire. Agricultural fences are only allowed in the A-40 and Rural Residential Districts.

"FENCE, COMMERCIAL" means a fence on a lot zoned for commercial or industrial use. Commercial fences shall normally not exceed six (6) feet in height; however, a Conditional Use Permit may be issued for a commercial/industrial fence providing it does not exceed eight (8) feet in height and meets State Building Code requirements.

"FENCE, OPEN" means a Fence that permits fifty percent (50%) or greater visibility.

"FENCE, RESIDENTIAL" means a fence on a residential lot which shall not exceed six (6) feet in height.

"FENCE, SOLID" means a fence that permits less than fifty percent (50%) visibility.

"FILL" means a deposit of each material placed by artificial means so as to elevate the grade of a site.

"FILLING" means the act of depositing any rock, soil, gravel, sand, or other material so as to fill or partly fill a waterbody, watercourse, wetland, channel, natural or excavated hole, trench, or other swell or depression in the earth.

"FISH HOUSE" means a structure set on the ice of state waters to provide shelter while taking fish by angling as defined by Minnesota Statute 97A.015 Subd. 21

"FLAG" means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

"FLASHING SIGN" means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

"FLOOD" means a temporary rise in stream flow or stage which results in inundation of the areas adjacent to the channel.

“FLOOD FRINGE AREA” means the portion of the flood plain outside of the floodway.

“FLOODPLAIN” means the areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

“FLOODWAY” means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

“FLOOR AREA” means the area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or unenclosed porches.

“FOOT CANDLE” means a unit of illumination intensity.

“FOREST FLOOR DUFF LAYER” is all dead vegetation on the mineral soil surface in the forest, including leaf litter, and unincorporated humus.

“FOREST LAND CONVERSION” means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
(Shoreland Committee)

“FREESTANDING SIGN” means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

“FREQUENCY” means the number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

“FRONTAGE ROAD” is a street intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is restricted.

“GAZEBO” means a freestanding accessory structure or pavilion. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

“GARAGE, COMMERCIAL” is any premises used for storing or caring for motor

vehicles, or premises where any such motor vehicles are equipped for operation, are repaired or are kept for remuneration, for hire or for sale.

"GARAGE, PRIVATE" is an accessory building designed or used for the storage of motor vehicles, boats, trailers, and recreational equipment owned and used by the occupants of the building to which it is accessory.

"GASOLINE SERVICE STATION" is a building or structure designed or used for the retail sale or supply of fuels, lubricants and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

"GRADE" means the average elevation of the finished surface of the ground, paving or sidewalk within 20 feet of the structure.

"GREEN SPACE" means areas of natural growth such as grass, trees, or shrubs. Minimal landscaping may be permitted if it accents the Green Space.

"**GREENHOUSE"** means an enclosure used for the cultivation or protection of plants.

"GUEST COTTAGE" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
(Shoreland Committee)

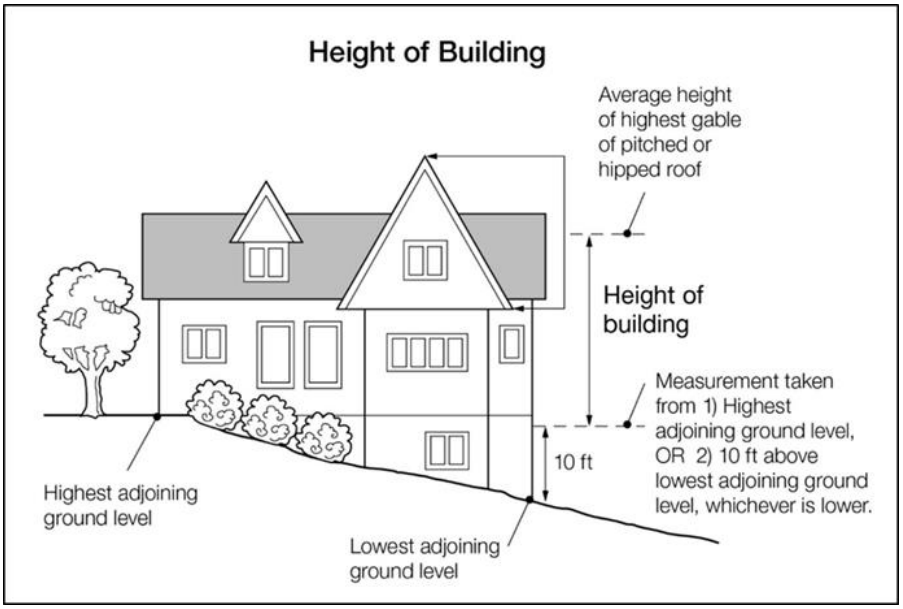
"HALF STREET" means a street having only one-half of its intended right-of-way width developed to accommodate traffic.

"**HARD SURFACED"** means a surface that is improved and maintained with an asphalt or portland cement binder material or such other surface as may be approved by the City, to provide a durable and dust free surface.

"HARDSHIP" means the same as that term is defined in Minnesota Statutes, Section 462.357, Subdivision 6(2); or successor statutes.

"HEIGHT" is the vertical distance measured from the grade adjoining the subject, structure or improvement to the highest point of the same.

Height of building. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. (Shoreland Committee)



"**HEIGHT OF SIGN"** means the height of the sign shall be computed as the vertical distance measured from the highest attached component of the sign to either the grade or the top of the nearest curb of the street on which the sign fronts, whichever is greatest.

"HIGHWAY" Any public thoroughfare or vehicular right-of-way with a federal, state, or county numerical route designation.

"HOME EXTENDED BUSINESS" means an occupation or profession engaged in by the occupant of a dwelling unit, within said unit or accessory structure, which involves the storage of vehicles and equipment (as limited by this Ordinance and the conditions established by the City Council upon the review and recommendation of the Planning Commission); repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premise,

and shall only include the sale of merchandise incidental to the Home Extended Business.

"HOME OCCUPATION" means any occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in any accessory building, and which shows no activity other than activity normally present in a residential dwelling unit.

"HOOP STRUCTURE" is a structure ~~not designed for permanent year round, long-term use, intended to shelter property of any kind~~, with a membrane, fabric or similar roof and/or walls. Said structure shall be anchored in place, will be considered as another building, will be required to go through the same procedure as accessory buildings, and must meet setback requirements. If permanent it needs to be certified and meet wind and snow-load requirements. **(AG Committee – Hoop Structure is permanent allowed)**

"HYDRIC SOILS" is soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

"HYDROPHYTIC VEGETATION" Macrophytic plant life growing in water, soil or on substrata that is at least periodically deficient in oxygen as a result of excessive water content.

"ILLUMINATED SIGN" means any sign which contains an element designed to emanate artificial light internally or externally.

"IMPERVOIUS SURFACE" An artificial or natural surface that is highly resistant to infiltration by water. It includes, but is not limited to surfaces such as compacted sand, clay, or gravel as well as most conventionally surfaced streets, roofs, swimming pools, sidewalks in excess of 3 feet in width, parking lots, and other similar structures, but not including decks or platforms where at least ¼ inch gaps are provided between deck boards for water to drain.

Impervious surface. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.
(Shoreland Committee)

"IMPROVEMENTS" means Pavement, curbs, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings and other items for

the welfare of property owners and/or the general public.

"INDIVIDUAL SEWAGE TREATMENT SYSTEM" shall have the meaning given in Minnesota Rules, Chapter 7080.0020, Subpart 21; or successor rules.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
(Shoreland Committee)

"INDUSTRY" An enterprise that involves the production, processing, or storage of materials, goods or products.

"INFILTRATION TRENCH" means is a type of best management practice (BMP) that is used to manage stormwater runoff, prevent flooding and downstream erosion and improve water. It is a shallow excavated trench filled with gravel or crushed stone that is designed to infiltrate stormwater though permeable soils into the groundwater aquifer.

"INTENSIVE VEGETATION CLEARING" means the complete removal of trees or shrubs in a contiguous patch, strip, row or block or the removal of greater than 25% of the trees 5" diameter breast height (DBH) and/or 25% of the trees/shrubs less than 5" DBH.

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
(Shoreland Committee)

"INTERIOR SIGN" means a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

"JUNK YARD" means an open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

"KENNEL, COMMERCIAL" means a structure, building or fenced area whose principal purpose is to house or confine three (3) or more pets.

"KENNEL, PRIVATE" means any premise or fenced area whose principal

purpose is to house or confine two (2) or less pets over six (6) months of age owned by the residents of the principal structure.

"LAND USE PLAN" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. A land use plan may also include the proposed densities for development.

"LANDFILL" means a type of operation in which earth is deposited in alternate layers of specified depth in accordance with a definite plan on a specified portion of open land, with each layer being compacted by force applied by mechanical equipment.

"LANDSCAPED AREA" means the area within the boundaries of a given lot consisting primarily of plant material, including but not limited to grass, trees, shrubs, flowers, vines, ground cover and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate.

"LEGALLY ESTABLISHED NONCONFORMING SIGN" means any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

"LOADING SPACE (OFF-STREET)" means a formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

"LOT" means "Parcel."

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
(Shoreland Committee)

"LOT AREA" means "parcel area."

"LOT, CORNER" is a parcel situated at the junction of two (2) or more intersecting streets, or a parcel at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

"LOT COVERAGE" means the part of percentage of the parcel covered by impervious surfaces.

"LOT FRONTAGE" means the width of the front of a lot or building site measured on the line separating it from the public street or way. The front line of corner lots shall be considered the shortest street line. The front of a lot shall be that boundary abutting a public right–of-way having the least width. If no public right-of-way exists, the boundary abutting a private right-of-way leading to a public right-of-way shall be used to determine lot frontage.

"LOT LINE" is a property boundary line of any parcel held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the edge of the street or alley right-of-way.

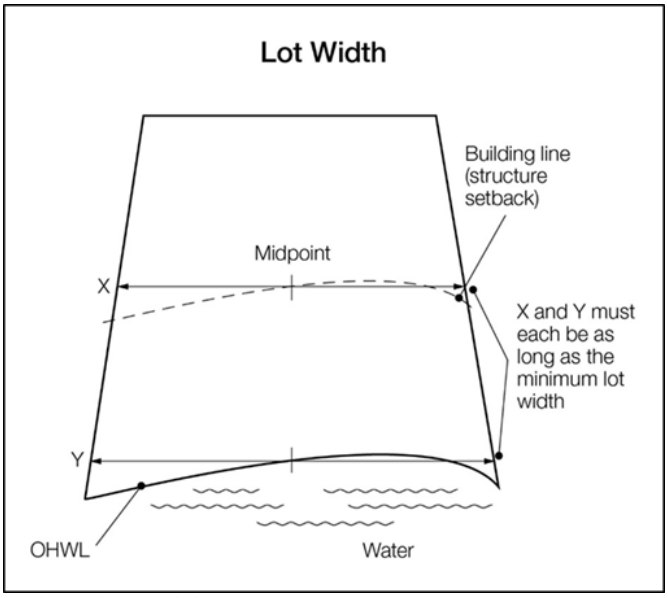
Lot line front. That boundary of a lot which abuts an exiting or dedicated public street.
(Shoreland Committee)

"LOT OF RECORD" is a parcel which is part of a subdivision, the map of which has been recorded in the office of the Stearns County Recorder or a parcel described by metes and bounds, the deed to which has been recorded in the office of the Stearns County Recorder prior to May 6th**,** 2003 and which has an individual tax parcel identification number and which was a legally build able lot as May 6th, 2003.

"LOT WIDTH" means the shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

Lot width. The minimum distance between: (Shoreland Committee)

A. Side lot lines measured at the midpoint of the building line; and
B. Side lot lines at the ordinary high water level, if applicable.



"LOWEST FLOOR" means the lowermost floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building's lowest floor.

"MAJOR SUBDIVISION" means any division of a parcel of land involving the establishment of three or more lots.

"MANUFACTURED HOME" shall have the meaning given in Minnesota Statutes, section 327.31, subdivision 6; or successor statutes.

"MANUFACTURED HOME PARK" means any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

"MARINA" means either an island or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided.

"MARQUEE" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

"**MARQUEE SIGN"** means any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Metallic minerals and peat. "Metallic minerals and peat" has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.
(Shoreland Committee)

"METEOROLOGICAL TOWER" For the purposes of this Chapter, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

"METES AND BOUNDS" means a description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

"MINERALS" means soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

"MINING" means any Extractive Use as defined by this Ordinance.

"MINIMUM STREET LANDSCAPING" means the minimum landscaped area which must be provided in a front yard, expressed as a percent of the total area contained within that street yard.

"MODEL HOME" is a home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

"MONUMENT SIGN" means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

"MOTEL/HOTEL" is a business comprising a series of attached, semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests and travelers.

"MPCA" means the Minnesota Pollution Control Agency.

"MULTIPLE TENANT SITE" means any site which has more than one (1)

tenant, and each tenant has a separate ground level exterior public entrance.

"NATRUAL DRAINAGE SYSTEM" all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

"NONCOMMERCIAL SPEECH" means dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

"NON-COMMERCIAL WECS" A WECS of less than 40 kW in total name plate generating capacity.

Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
(Shoreland Committee)

"NONCONFROMING LOT" means a lot that does not comply with the minimum lot area or frontage requirements of the district in which it is located.

"NONCONFORMING STRUCTURE" means a structure which, although it conformed to the legal requirements at the time of its construction, no longer conforms to the requirements of this Ordinance (including but not limited to characteristics such as setbacks, building height, or lot coverage).

"NONCONFORMING USE" means any use of land or a structure that was legally established, which use is no longer permitted within that particular zoning district.

"NOXIOUS MATTER OR MATERIAL" is material capable of causing injury to living or capable of causing detrimental effects on the physical or economic well being of individuals.

"NURSERY, RETAIL" is a parcel that is principally used for the planting and growing of trees, flowering and decorative plants and shrubs for experimental purposes or for transplanting, and which provides for retail sales.

"NURSERY, WHOLESALE" is a parcel that is principally used for the planting and growing of trees, flowering and decorative plants and shrubs for experimental purposes or for transplanting. Wholesale nurseries may not conduct on-premises retail sales.

"OCCUPANCY" The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

"OFF-PREMISE SIGN" means a sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

"OFFICIAL CONTROLS" are the Ordinances and regulations which control the physical development of the City.

"OFFICIAL MAP" means a map adopted in accordance with Minnesota Statues Section 462.359 which may show existing and proposed future streets, roads, and highways of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, existing and proposed air space and subsurface areas necessary for mined underground space development pursuant to Minnesota Statutes Sections 469.135 to 469.141, and existing and future county state aid highways and state trunk highway rights-of-way.

"**ON-PREMISE MESSAGE"** means identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

"OPEN SPACES" means an area of natural growth without any improvements, other than essential services that cannot be located elsewhere.

"ORDINARY HIGH WATER LEVEL" (OHWL) OR "ORDINARY HIGH WATER MARK" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Ordinary high water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point

where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
(Shoreland Committee)

"OUTLOT" is a parcel of land, included in a plat, which is smaller than the minimum size permitted for lots and which is thereby declared unbuildable until combined through platting with additional land; or, a parcel of land which is included in a plat and which is at least double the minimum size and which is thereby subject to future platting prior to development; or a parcel of land which is included in a plat and which is designated for public or private open space, right-of-way, utilities or other similar purposes.

"OWNER" means any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.

"PARCEL" is an area of land designated by metes and bounds, registered land survey, plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. "Parcel" may be used in the singular to identify a group of parcels which are being treated a single area of land separate from that area not in the group.

"PARCEL AREA" means the area of a horizontal plane within the boundaries of the parcel.

"PARKING AREA" means an area subject to vehicular traffic, including but not limited to access-ways, driveways, loading areas, service areas and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures, underground parking lots or public streets.

"PARKING SPACE" means an enclosed or unenclosed area of not less than two hundred (200) (10x20) square feet, with adequate access drives to streets, but exclusive of the access or maneuvering areas, to be used exclusively as a temporary storage space for one (1) motor vehicle and which has a surface constructed of asphalt, concrete or a similar permanent hard surface.

"PASTURES" are the areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of

temporary supplemental feeding or watering devices.

"PATIO" means an open recreation area that is often paved and within one (1) foot of pre-existing grade. A patio may not have attached railings, trellises, seats, or other features that extend more than one (1) foot above pre-existing or natural grade.

"PEDESTRIAN AND/OR BICYCLE TRAIL" an easement or land dedication given to the City for the purpose of providing walking and/or bicycling areas to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

"PEDESTRIAN WAY" means a public or private right-of-way across private or public property to provide access to be used by pedestrians and which may also be used for the installation of utility lines.

"PERFORMANCE STANDARD" A criterion established for, but not limited to, setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage, off-street parking, and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in use of land or buildings.

"PERSON" means any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word person is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, who are responsible for the violation.

"PLAN, CONCEPT" is a sketch, preparatory to a formal request for the subdivision of land, to enable the subdivider to communicate its plans with an intent to save time and expense in reaching consensus with planning entities. The concept plan must be drawn to scale and should show all existing buildings and site improvements. It should be informative as to the general lot layout and approximate sizes, park location, and street location.

"PLANNED UNIT DEVELOPMENT" is the method of developing or the resulting development a parcel pursuant to Section 26 of this Ordinance.

Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide

areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
(Shoreland Committee)

"PLANNING COMMISSION" means the Planning Commission of the City of Rockville.

"PLAT" is the drawing or map of a subdivision prepared for filing of record pursuant to Minn. Statutes Chapter 505 and containing all elements and requirements set forth in regulations adopted pursuant to Minn. Statute Section 462.358 and Chapter 505.

"PLAT, FINAL" is a drawing or map of a subdivision meeting all the requirements of the City and in such form as required by the County for purposes of recording.

"PLATFORM" means a horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending less than three feet above ground.

"PLAT, PRELIMINARY" is the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

"POLE BUILDING" Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings, metal wall coverings hung vertically of less than twenty-eight (28) gauge; or any structure constructed using post-frame design.

"POLE SIGN" means See Pylon Sign.

"**PORTABLE SIGN"** means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

“PREMISES” means a lot or plot with the required front, side and rear yards for a dwelling, structure, or other use as allowed under this Ordinance.

“PRINCIPAL BUILDING” A building or group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use on the property.”

“PRINCIPAL USE” The primary or predominant use of any land and/or buildings and the main purpose for which the land and/or buildings exist.

“PROJECTING SIGN” means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

“PROPERTY LINE” The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

“PROTECTIVE COVENANTS” are contracts made between private parties as to the manner in which land may be used, with the view to protect and preserve the physical, social and economic integrity of any given area

“PUBLIC CONSERVATION LANDS” Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this Chapter, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

“PUBLIC NOTICES” means official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

“PUBLIC UTILITY” means entities supplying gas, electric, transportation, sewer, water or land line telephone service to the general public, not including commercial wireless telecommunication service facilities.

“**PUBLIC STREET RIGHT OF WAY”** means the entire right of way of any public

street.

"PUBLIC WATERS" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a.

Public waters. Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.
(Shoreland Committee)

"PYLON SIGN" means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

"RAIN BARRELS/RAINWATER TANK" is a water tank which is used to collect and store rain water runoff, typically from rooftops via rain gutters. Rainwater tanks are devices for collecting and maintaining harvested rain.

"RAIN GARDENS" means a depressed area in the landscape with perennial native plant materials designed to provide natural filtration of runoff.

"RECREATION, COMMERCIAL" are all uses relating to outdoor recreation uses such as campgrounds, hunting & shooting camps, shooting ranges, driving ranges, golf courses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public. The definition does not include movie theaters, bowling alleys or lodging facilities that are unrelated to an outdoor recreational activity.

"RECREATION, PUBLIC" are uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

"RECREATIONAL VEHICLE" means a vehicle used to provide temporary living quarters including, but not limited to: motorhomes, travel trailers, campers, camping trailers, popups, or watercraft.

"REGIONAL FLOOD" is a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year

recurrence interval.

"REFUSE" Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal, roofing materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials, junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

"RESIDENTIAL DISTRICT" means any district zoned for residential uses.

Residential planned unit development. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
(Shoreland Committee)

"RESORT" means a commercial establishment, that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. Resorts allow no residential use of a dwelling unit/site for more than 30 days within a calendar year, except dwellings used as residences for the service providers or dwelling units/sites for renters. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Resort. "Resort" has the meaning in Minnesota Statute, Section 103F.227. (Shoreland Committee)

"RETAINING WALL" is a wall or terraced combination of walls used to provide barrier or restrain lateral forces of soil or other material and not used to support, provide a foundation for, or provide a wall for a building or structure.

"REZONING" means changing any parcel or parcels from one zoning district to another through procedures established by this Ordinance.

"RIGHT-OF-WAY" means the land which, by public or private easement or other property interest, is dedicated for use by the public as a street. May also apply to other property interests for ingress and egress, such as alleys, trails, or walkways, as appropriate.

"RIPARIAN" means land that abuts the bank of a stream, river, lake, wetland, or other natural watercourse.

"RIPARIAN BACK YARD" means land that abuts a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
(Shoreland Committee)

"RIPARIAN FRONT YARD" means land that abuts the bank of a stream, river, lake, wetland, or other natural watercourse.
(Shoreland Committee)

"ROAD" means a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

"**ROOF"** means the exterior surface and it supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

"**ROOF LINE"** means the upper-most edge of the roof or in the case of an

extended facade or parapet, the upper-most height of said facade.

"**ROOF SIGN"** means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"**ROOF SIGN, INTEGRAL"** means any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

"**ROTATING SIG**N" means a sign or portion of a sign which turns about on an axis.

"ROTOR DIAMETER" The diameter of the circle described by the moving rotor blades.

"SAND BLANKET" means a placement of sand above the Ordinary High Water Level.

"SCHOOL" means an accredited learning institution which provides primary or secondary instruction. "Schools" does not include home schools.

"SECONDARY SHORELINE BUFFER ZONE" means the land located between the shore impact zone and the structure setback.

"SELECTIVE CUTTING" means the removal of individual or small groups of trees and shrubs.

"SEMI-PUBLIC USE" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Semipublic use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
(Shoreland Committee)

"SENSITIVE RESOURCE MANAGEMENT" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or

expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

"SETBACK" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and a property line or other property interest, topographical or natural resource feature or another facility.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
(Shoreland Committee)

"SEWAGE" means any water-carried domestic waste, exclusive of footings and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

"SEWAGE TREATMENT SYSTEM" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rules, chapter 7080.

Sewage treatment system. "Sewage treatment system" has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
(Shoreland Committee)

"SEWAGE TREATMENT SYSTEM SUITABLE AREA" is the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.

"SEWER SYSTEM" means pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
(Shoreland Committee)

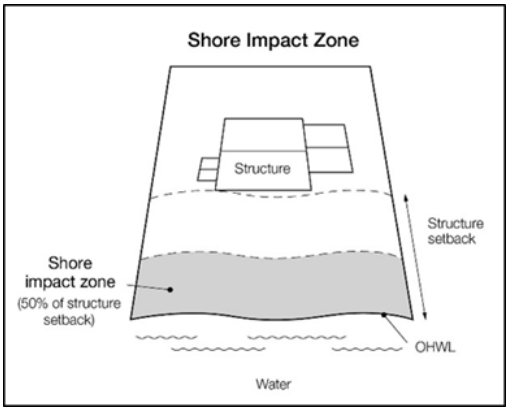
"SEWERED LAKES, RIVERS AND STREAMS" means shoreland areas that are serviced by a publicly owned sewer system.

“SHARED-INTEREST COMMUNITY” Real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate and occupying a part of the real estate pursuant to a proprietary lease or covenant for residential use for more than thirty (30) days within a year, by reason of their ownership or occupancy, to pay for real estate taxes levied against insurance premiums payable with respect to, maintenance of , or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

“SHIMMERING SIGNS” means a sign which reflects an oscillating sometimes distorted visual image.

“SHORE IMPACT ZONE” means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback, but not less than fifty (50) feet. This area serves as the primary shoreline buffer.

Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback. (Shoreland Committee)

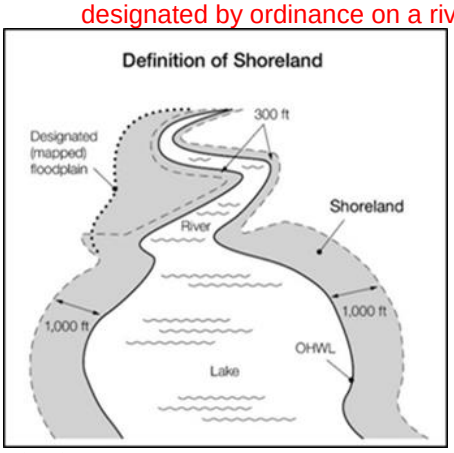


“SHORELAND” means land located within the following distances from public water, as defined in Section 10.2.3 of Stearns County Ordinance 209, as amended: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater.

Shoreland. "Shoreland" means land located within the following distances from public waters: (Shoreland Committee)

A. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and

B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



"SHORELINE BUFFER" means a method of filtering stormwater runoff consisting of natural native plants immediately adjacent to the shoreline. Refer to Ord. 2008-51, subd. 13(d)(4).

"SHORELINE RECREATION AREA" is an area of open space or park type facilities for recreational uses located in the shoreland with common ownership of a common-interest community or a resort.

Shore recreation facilities. Swimming areas, docks, watercraft mooring areas, and launching ramps and other water recreation facilities.
(Shoreland Committee)

"SIDEWALK" is a "Pedestrian Way" primarily designed to move pedestrian traffic off of a street.

"SIGN" is a name, identification, description, display, illustration or device which is affixed to, painted, or represented directly or indirectly upon a building, structure, land, rock, pole, fence or tree and which directs activity, or which is displayed for informational purposes about a person, institution, organization or business and is visible to the general public.

"SIGN, BILLBOARD" is a sign which directs attention to a business, commodity,

service or entertainment not exclusively related to the premises where such a sign is located or to which it is affixed.

"**SIGN, FACE"** means the surface of the sign upon, against, or through which the message of the sign is exhibited.

"SIGN, FREESTANDING" is a sign which is not attached to a building but is permanently attached to the ground.

"SIGN, STRUCTURE" means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

"SIGN, TEMPORARY" means any sign, including without limitation, banners, pennants and private flags that is intended to be transportable or moveable, whether fixed or not to the ground or a structure.

"SIGN, WALL" means a Sign painted on or placed against or attached to the exterior wall surface of a building or structure.

"SIGNIFICANT HISTORIC SITE" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites. (Shoreland Committee)

"SITE" means a lot or combination of contiguous lots which are intended, designated, and/or approved to function as an integrated unit.

"SITE MAP" means a map showing existing conditions including all platted

parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.

"SITE PLAN" means an illustration showing the existing conditions of the entire parcel, including the dimensions of the parcel, easements on or adjacent to the parcel, right-of-way on or adjacent to the parcel and any predominant topography platted parcels, streets, right-of-ways, easements and any predominant topography or natural features such as lakes and wooded areas.

"SLOPE" The degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.

"SOIL" means the surface layer of earth, supporting plant life, land, country [native soil] and ground or earth. See Stearns County Soil Survey.

"STEEP SLOPE" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Steep slope. Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
(Shoreland Committee)

"STREET" means a public or private right-of-way affording primary access by pedestrians and/or vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

"STREET, ARTERIAL" means a street that provides traffic movement to and from the City and surrounding rural areas and cities, to and from regional highways and collector streets, and between major parts of the City.

"STREET CENTER LINE" means the line running parallel and between the boundaries of the traveled portion or, alternatively, the right-of-way, of a street.

"STREET, COLLECTOR" means a street that carries traffic from the arterial systems to local street destinations. Provides traffic circulation within neighborhoods and within commercial and industrial areas.

“STREET GRADE” means the distance vertically (up or down) from the horizontal for each one hundred feet of horizontal distance, as measured along the centerline of the street.

“STREET FRONTAGE” means “Lot Frontage.”

“STREET, FRONTAGE” means “Frontage Road.”

“STREET, LOCAL” means a street that serves to provide direct access to abutting properties. Through traffic is discouraged.

“STREET YARD” means “Lot Frontage.”

“STRINGER” means a line of string, rope, cording, or an equivalent to which is attached a number of pennants, signs or other items intended to communicate a message or draw attention to a property.

“STRUCTURE” means any building or appurtenance, including decks, platforms, carports, and roof overhangs, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
(Shoreland Committee)

“STRUCTURE, ACCESSORY” means any building or improvement occupied by or installed for an “Accessory Use.”

“STRUCTURAL ALTERATION” means any change in a building or structure affecting its supporting members, including but not limited to bearing walls or partitions, beams, girders, roof, and all exterior walls.

“STRUCTURE, PRINCIPAL” means any building or improvement occupied by or installed for an “Principal Use.”

“STRUCTURE, WATER ORIENTED” means a small, above ground building or other improvement, except stairways, fences, docks and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include utility storage buildings,

gazebos, screen houses, fish houses, pump houses and detached decks.

"SUBDIVISION" Improved or unimproved land which is divided for the purpose of sale, transfer, rent or lease, into two or more lots or parcels including planned unit developments.
Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
(Shoreland Committee)

"SUBDIVISION, MINOR" means the division of a tract of land into two or three lots or the relocation of the boundary between two abutting metes and bounds parcels of property provided such relocation shall not cause the creation of an additional parcel or parcels and the resulting parcels comply with all lot dimensional standards.

"SUBSTATIONS" Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

Suitability analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
(Shoreland Committee)

"SUSPENDED SIGN" means any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

"TEMPORARY FAMILY HEALTH CARE DWELLING" see Minnesota Statutes Section 462.3593.

"TILLABLE LAND" Any land capable of producing small grains, row crops or may with normal tillage practices, woodland excluded.

"TOE OF THE BLUFF" means the lower point of a bluff.

"TOP OF THE BLUFF" means the higher point of a bluff.

“TOTAL HEIGHT” The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

“TOTAL SITE SIGNAGE” means the maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

“TOWER” means any free-standing ground or roof-mounted pole, spire, structure or combination of them taller than fifteen (15) feet, including supporting lines, cables, wires, braces and masks, not wholly contained within a building or other structure and intended primarily for the mounting of an antenna, meteorologic device, rotor blades or similar apparatus above grade.

“TOWER, COMMERCIAL” means a Tower designed or used for Commercial Wireless Telecommunications Services, public radio transmission or commercial television transmission.

“TOWER, MULTI-USER” means a “Tower” with antennas of more than one Commercial Wireless Telecommunications Service provider or governmental entity attached.

“TOWER, SINGLE-USER” means a “Tower” with only the antennas of a single user attached, although the Tower may be designed to accommodate antennas of multiple users as required by this Ordinance.

“TOWNHOUSE” means a single family dwelling utilizing a cluster or row arrangement where each dwelling unit has its own private entrance, and one or more common walls. Townhouse may be located so that all dwelling units are on the same lot or so that each dwelling unit has its own lot. Row houses and patio homes are types of townhouses.

“TRAIL” is a “Pedestrian Way” primarily designed to connect two parks, open spaces, recreation areas or commercial centers, or combinations thereof.

“TRANSMISSION LINE” Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

“UNSEWERED” means land, usually shoreland that are not serviced by a sanitary sewer system.

“USE” means the purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or

maintained.

"USE, ACCESSORY" is a use on the same lot with, and of a nature customarily incidental, auxiliary and subordinate to, the principal use.

"USE, AGRICULTURAL" includes the following activities and uses: farming, wind farming, dairying, pasturage, agriculture, horticulture, floriculture and animal and poultry husbandry; provided that the use is not otherwise excluded by the ordinance. "Agriculture" also includes the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

"USE, COMMERCIAL" means the use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

"USE, CONDITIONAL" is a use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a Conditional Use Permit allowing the use may be granted.

"USE, EXTRACTIVE" is the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat. Extractive Use also includes, without limitation, mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals (whether or not such materials originated on site or were transported to the site), and the removal thereof from the site.

"USE, INDUSTRIAL" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

"USE, INTERIM" is a temporary use of property, with conditions imposed as may be appropriate and related to the use; until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

"USE, PERMITTED" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

"USE, PRINCIPAL" means the primary or predominant use of any parcel. A principal use must be a permitted, conditional, or interim use of the zoning district, and must meet all requirements, performance standards, or conditions

imposed for the use

"USE, WATER ORIENTED COMMERCIAL" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

"UTILITY EASEMENT" means a property interest for the use of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

"VARIANCE" means the waiving of a specific provision of the Zoning Ordinance in instances where the strict enforcement of that provision would cause undue hardship because of circumstances unique to the individual property under consideration. See Section 30 for details on the procedure and requirements for granting a variance.

Variance. "Variance" means the same as that defined in Minnesota Statutes, Section 394.27 Subd. 7 (for counties) or Section 462.357 Subd. 6 (2) (for municipalities).
(Shoreland Committee)

"VEGETATION" means all plant growth, including, without limitation, trees, shrubs, mosses and grasses.

"**VISIBLE"** means capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

"WALL" means any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

"**WALL SIGN"** means any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

"WATERCOURSE" means a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

Water-dependent use. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.
(Shoreland Committee)

"WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY" means a small, building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks and platforms.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water , reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.
(Shoreland Committee)

"WATERSHED" The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

"WATERWAY" is a natural or constructed channel that is shaped or graded and is established in sustainable vegetation for the stable conveyance of run-off.

"WELLHEAD PROTECTION PLAN" means a plan developed for the protection of a public water supply.

"WETLAND" shall have the meaning given in Minnesota Rules, Chapter 8420.0110, Subpart 52; or successor rules, which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change, and refers to land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh or slough..

Wetland. "Wetland" has the meaning given under Minnesota Rule, part 8420.0111(Shoreland Committee)

"WILDLIFE MANAGEMENT AREA" means land where the principal use is for promotion of wildlife through raising of feed or provision of environmental conditions.

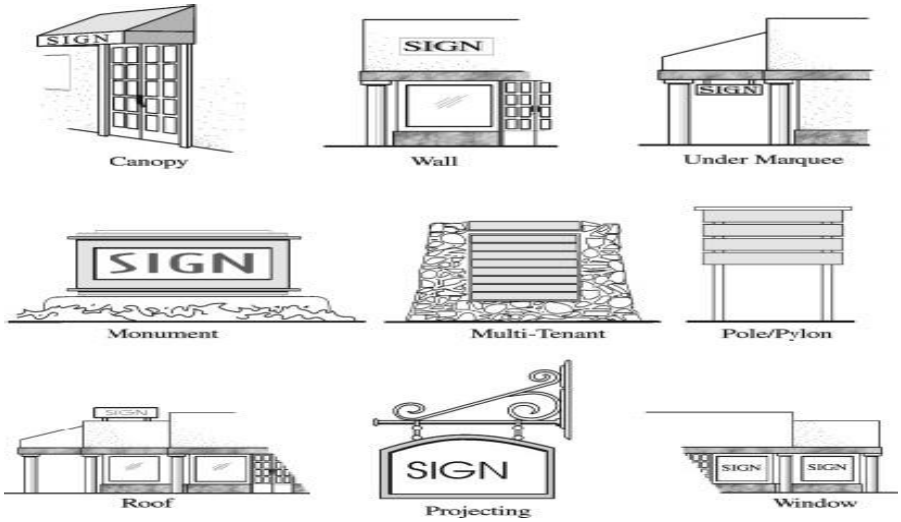
"WIND ENERGY CONVERSION SYSTEM (WECS)" An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

"WIND TURBINE" A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

"WINDOW SIGN" means any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 2.
Select Examples of Types of Signs

"YARD" means an open space on the parcel which is unoccupied and unobstructed from its lowest level to the sky.



"YARD, FRONT" means that portion of the yard located between the front lot line, the side lot lines, and the front building line.

"YARD, REAR" means that portion of the yard located between the rear building line, the side lot lines, and the rear lot line.

"YARD, SIDE" means that portion of the yard located between the front and rear yards and between the side building lines and the side lot lines.

"ZONING ADMINISTRATOR" As appointed by the City Council.

"ZONING AMENDMENT" A change authorized by the City, either in the allowed use within a district or in the boundaries of the district.

“ZONING DISTRICT” An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.

“ZONING DISTRICT OVERLAY” A zoning district containing regulations superimposed upon other zoning district regulations and where the more restrictive district use regulations shall apply.

“ZONING MAP” means the map setting forth the boundaries of the Zoning use Districts of the City, which map is a part of this Ordinance.

SECTION 9: GENERAL REQUIREMENTS

Subdivision 1: PURPOSE AND INTENT

The **purpose and** intent of this Section of the Zoning Ordinance is to establish general development performance standards. The regulations provided in this Section shall apply equally to all districts except where special provisions provide otherwise.

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.

C. **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.

D. **Location on Property.** Accessory structures must be located on the property as provided in this paragraph:

1. In all Residential Districts (i.e. R-1, R-2 and R-3) detached accessory buildings may only be located in the rear yard of the lot, except as required by Section 9, subd. 2(D)(2) or allowed by Section 9, subd. 2(D)(3)

2. No detached accessory structure may be located within the setback from the Ordinary High Water Line (OHWL) as established by the Shoreland Overlay District. This restriction does not apply to stairs, paths, fences or docks, that are otherwise permitted.

3. For property abutting a lake or navigable river, garages and other auto-oriented structures may be located on the road side of the lot.

E. **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.

F. **Site Plan Required.** All accessory structures shall require a building permit and approval of a Site Plan.

G. **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.

H. Residential: Resembles the color and material – identical material is not required, steel vs. asphalt shingles.

Design and Appearance of Exterior. All accessory buildings greater than 200 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.

I. **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.

J. **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.

K. **Hoop Structures.** Hoop structures are prohibited in all districts, **except the A-40 and Rural Residential Districts. Hoop structures may be allowed under conditional use permit in Industrial Districts but shall be structurally engineered.**
Business/Industrial: no hoop structures allowed in R-1 and R-2 districts. Must be structurally engineered in an industrial district.

L. **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.

M. **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.

N. **Opt-Out Temporary Family Health Care Dwelling**

1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Rockville opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Subdivision 3: OUTSIDE STORAGE, SCREENING AND LANDSCAPING

1. Residential Uses. All outside storage of materials and equipment for residential uses (excluding functional agricultural equipment actively used in a farming operation on a property within the A-40 district) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

   a. Clothes line pole and wire.

   b. Parking of licensed and operable vehicles in compliance with this Title (Off street parking).

   c. Any combination of four or fewer licensed and operable recreational vehicles (RV's, boats, snowmobiles on a trailer, etc.) and/or seasonal automobiles may be parked or stored on property outside a home, provided:

i. They are not stored within the front yard, except if parked on an approved driveway.

ii. If stored within the side or rear yard they are at least five feet from the property line and landscaped/screened so as to be less visible from adjacent properties. If stored on a corner lot said storage must not interfere with motorist's views from intersecting streets.

iii. Residential: Commercial vehicle rated 15,000 lbs. or more cannot be parked, need to be enforced.
Storage and/or parking of commercial vehicles and/or equipment, or any combination thereof, greater than 22 feet in length and ten feet in height and/or having a gross vehicle weight rating of more than 15,000 pounds is prohibited.

iv. Standards of the City's Abandoned Car Ordinance are met.

d. Construction and landscaping material currently being used on the premises for a period not to exceed 6 months of any given project start date.

e. Lawn furniture or furniture used and constructed explicitly for outdoor use.

f. Rear or side yard exterior storage of firewood for the purpose of consumption only by those inhabiting the property on which it is stored.

2. Commercial/Industrial Uses. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require an interim use permit subject to the provisions of this Ordinance and all non-residential outside storage shall conform to the following conditions:

a. The area occupied is not within a required front yard.

b. The storage area is totally fenced, fully screened, and/or landscaped according to a plan approved by the City. **"Fully screened" shall mean screening to seventy (70) percent opacity year-round** (AG Committee –concern about "fully fenced" does not seem to apply to all owners/enforced to all)

c. If abutting a Residential District or a residential use a landscaped buffer of no less than 15 feet in width is provided according to a plan approved by the City.

d. The storage area is covered to control dust as approved by the City and proper storm water drainage is maintained, except drive aisles and entries/exits shall be covered with asphalt and/or cement.

e. All lighting is directed away from the public right-of-way and from neighboring residences.

f. All parking requirements are being met.

3. Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.

4. Waste Materials. Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.

Subdivision 4: LANDSCAPING

A. This Section's purpose is to eliminate the problems of excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping in the City.

B. This Section's standards shall promote harmonious development in the City, increase the desirability of residence, encourage investment or occupation in the City, optimize use and value of land and improvements, increase the stability and value of property, provide for visual relief and aesthetics, add to the conditions affecting the City's peace, health and welfare of the City and establish a proper relationship between the taxable value of property and cost of City services.

C. Maintaining certain standards is essential to ensure compatible relationships between land uses within the City. All permitted or conditional uses within the City's various zoning districts shall conform to the following general provisions and performance standards and the standards listed within the individual zoning classification.

D. In all zoning districts, except the A-40 District, the lot area remaining after providing for buildings, parking areas, driveways, loading areas, sidewalks or other structures must be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques. Within six (6) months of issuance of a certificate of occupancy, residential dwellings located within A-40 District must have landscaping, as provided for above, covering the building site (as determined by the minimum lot size for a single family dwelling located in an A-40 District) surrounding the dwelling. All new uses other than single and two family dwelling units must provide a landscaping plan as part of their site plan review.

E. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

F. Installation and Maintenance of Landscaping Materials.

1. All landscape materials shall be installed to current industry standards.

2. Maintenance and replacement of landscape materials shall be the responsibility of the property owner.

3. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.

4. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species.

5. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.

6. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

7. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning

primarily for plant health and public safety, replacing dead materials annually.

Subdivision 5: TOPSOIL REMOVAL

A. No person shall strip, excavate or otherwise remove topsoil for sale or for use off premises except:

1. In connection with the construction or alteration of a building on the premises;

2. In connection with agricultural crop operations within the A-40 district;

3. In connection with excavation or grading incidental to the work on the premises; or

4. In compliance with this Ordinance.

Subdivision 6: DWELLING UNIT RESTRICTIONS

A. The purpose of this Section is to maintain neighborhood property values and otherwise promote health, safety, order and general welfare providing for manufactured homes in safe, attractive, residential neighborhoods with all urban services and desired amenities as other residential dwellings.

B. Manufactured Homes Outside Manufactured Home Parks: No single-family manufactured home shall be located outside of a manufactured home park (or an RR District) unless it is in compliance with this Section and with Minnesota Statutes sections 327.31 through 327.35.

C. No cellar, garage, tent, accessory building, or basement (except when used as an accessory portion of the living space of the family or as an earth sheltered home as defined in Minnesota Statutes '216C.06, Subd. 2, as amended) may be used as a residence or Dwelling Unit.

D. Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district, the building code as defined and related codes.

E. No dwelling shall hereafter be erected or altered unless it abuts a public street.

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

G. Developments involving Manufactured Homes and/or patio homes (single story slab on grade homes) must provide a storm/fall out shelter (or room if applicable) meeting guidelines adopted by Stearns County.

Subdivision 7: CONNECTION TO PUBLIC SANITARY SEWER AND WATER REQUIRED

A. All newly constructed principal structure must be connected to the City's public sewer and water services when:

1. Said sewer/water facilities are within 350 feet from the proposed development; and/or,

2. The proposed development is located within a area guided toward future urban development (but not transitional development) within the Comprehensive Plan; and/or,

B. Where municipal sewers are not available all sewage facilities must be connected to approved septic tanks and disposal fields.

C. Existing buildings which are not connected to municipal sanitary sewer services must connect to City sanitary sewer services if City sanitary sewer services are within three hundred fifty (350) feet of the building.

D. Existing buildings which are not connected to municipal water services must connect to City water services if municipal water services are within three hundred fifty (350) feet of the building. This provision does not apply to temporary construction sites or portable units approved by the City for temporary use. Connections along any force main section of municipal sewer services may be excluded.

Subdivision 8: LIGHTING

A. **Purpose.** The purpose of this section is to create standards for outdoor lighting which will provide for nighttime safety, security and utility while reducing light pollution, light trespass, and conserving energy. It is the intent of this Section to require appropriate lighting levels, efficient (watts to lumens) lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.

B. **Exemptions.** The following are exempt from the standards contained in this section.

1. Decorative seasonal lighting.

2. Lighting for one-and two family dwellings.

3. Lighting utilized for the purpose of illuminating national, state or local flags on flagpoles; provided no more than two luminaries are employed, the light fixtures include a cutoff component and the light source is directed at the flag and arranged to minimize the amount of light pollution, trespass, or glare on to adjacent properties and public streets.

4. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaries.

5. Hazard warning luminaries which are required by federal regulatory agencies.

6. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.

7. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential properties.

8. Exterior lighting in existence on the effective date of this chapter shall be exempt from the standards of this chapter and shall be considered legally nonconforming. Such fixtures may be repaired and maintained. However, if any legal nonconforming luminary is moved or damaged by any means to an extent that its total replacement is necessary, the luminary, or replacement, shall comply with this subdivision.

C. **Lighting Standards**. Following are general standards for lighting on private property.

1. Lighting plans shall be submitted with site plan reviews as required within individual multiple-family, commercial and industrial developments.

2. No flashing lights, beacons, search lights, lights that change colors, lights that flash on and off, lights that change intensity and/or similar lights shall be permitted.

3. Street, parking lot, security, walkway and building lights shall be designed to function as full cutoff luminaries which focus the light emitted only on the area to be lit and not onto adjacent properties or toward the sky.

4. Lighting intended for outdoor advertising which projects light into the sky shall be prohibited.

5. All luminaries located on commercial, industrial, or institutional property shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of adjacent lot lines, a transitional yard or at any location on residentially zoned property.

6. All luminaries located on private property shall be designed or positioned so that the maximum illumination at the property line shall not exceed one-half (1/2) foot candle.

7. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.

Subdivision 9: POLLUTION

A. **Smoke Emissions.** The emission of smoke by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.

B. **Dust and Other Particulate Matter.** The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.

C. **Odors.** The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.

D. **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota.

E. **Fuel Storage**. No tank for the storage of fuel shall be placed or maintained above ground unless complying with all applicable MPCA regulations and approved by the City Council after review and comment by the Planning Commission.

Subdivision 10: SOLAR COLLECTORS

Solar collectors must adhere to the setback requirements of the district in which they are placed. When placed on the roof of structures, solar collectors are subject to the height requirements of the district in which they are located. When considering a variance for the placement of solar collectors, the City Council shall consider inadequate access to direct sunlight as a legitimate hardship pursuant to Minnesota Statutes Section 462.357, Subd. 6, as amended.

Subdivision 11: HEIGHT EXCEPTIONS

This Ordinance's height limitations do not apply to chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, silos, stacks, flag poles, tanks, water towers, pumping towers, permitted radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located.

Subdivision 12: YARD SETBACK EXCEPTIONS

A. The following are not considered encroachments on setback requirements: Boiler flues, chimneys, fireplaces, belt courses, leaders, sills, pilasters, lintels, steps, landings, cornices, eaves and gutters (all of which may not project more than thirty-six (36) inches into the setback), stone or cement patios and non-barrier creating landscape plantings.

B. For clarification purposes, the following is a list of features that are not exempt and may not be located within the setback area: outside stairways, fire escapes, porches, platforms, decks, balconies and other similar projections.

Subdivision 13: BUILDING RELOCATION

Each location of a relocated building requires a building permit. Relocated buildings must conform to the Building Code, must be situated in a properly zoned area, and must meet all other requirements of this Ordinance.

Subdivision 14: STREET PLAN CONFORMANCE

No structure may be placed in a location which will interfere with future street or

road construction as shown on the City's street plan or Official Map.

Subdivision 15: TEMPORARY STRUCTURES LIMITED

No temporary structure, trailer, tent or shack may be constructed, placed or maintained except as an accessory to and during construction of permanent buildings. In no event will any such structure be permitted for longer than one (1) year.

Subdivision 16: WETLAND SETBACKS

A. **Purpose.** The purpose of this subdivision is to prevent negative impacts to the function, value, and quality of wetlands by establishing setbacks for structures, decks, driveways, patios, fences or other improvements.

B. **Setbacks.** In addition to the setbacks established by the Zoning Ordinance, no structure, deck, driveway, patio, fence, or other improvement shall be located in any zoning district within the following setbacks.

1. 10 feet from the limit of a wetland 0 – 5 acres.

2. 20 feet from the limit of a wetland greater than 5 acres.

The owner of the property shall be responsible for submitting proof in a form acceptable to the City of the limit of the wetland. The City may require surveying, staking, and/or a certified delineation approved by Stearns County.

Subdivision 17: HANDICAPPED ACCESSIBILITY

When applicable, structures and/or facilities, including their exterior environment, must meet the accessibility portion of the State Building Code, Minnesota Rules Chapter 1341, or successor rules.

Subdivision 18: BUILDING NUMBERS

Every building shall have a proper building address number(s) made of durable material affixed to the building and clearly posted and placed to be easily seen from the public street. Building addressing and identification must comply with Stearns County's 911 policies. (AG Committee- Clarify fire number or house numbers identify correctly for each district on the house, or by driveway/mailbox.)

Subdivision 19: PROTECTION OF EASEMENTS

A. Applicability: This section applies to all zoning classifications. In the case where more restrictive language applies, the more strict standard shall be followed.

B. All structures, plantings, landscaping, fences and similar items shall be set back from pipeline, drainage and utility easements except as provided for in subsection (C) below.

C. Plantings such as trees and bushes may be placed in and utility easements (but not drainage easements) at the risk of the property owner. The city does not encourage extensive plantings or landscaping in the easement area because of the possibility of utility work in the easements. The city or utility service providers shall not be required to replace plantings or landscaping removed or damaged during work within the easement area.

Subdivision 20: MINING/EXTRACTIVE USES

A. **Required Permits.** When permitted as an interim use in any applicable zoning district, mining/Extractive Use operations may be allowed as an interim use subject to the procedures set forth in this Ordinance. Unless a different time is specified in the interim use permit, one year shall be the presumptive term of any interim use permit allowing an Extractive Use.

B. **Operations Regulated.** Operations regulated by this Subdivision shall be Extractive Uses, including without limitation, mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site.

C. **Application Requirements.** The following information shall be provided by the person requesting an interim use permit for a mining operation:

1. The name and address of the applicant.

2. The name and address of the owner of the land.

3. The address and legal description of the land involved.

4. The following maps, drawn at a scale of one (1) inch to one hundred (100) feet, unless otherwise stated below:

a. Map A - Existing condition to include:

(1) Contour map in two (2) foot intervals
(2) Existing vegetation

(3) Wetlands and existing surface water drainage patterns
(4) Existing structures
(5) Existing wells

b. Map B - Proposed operation to include:

(1) Structures to be erected (including 911 addressing)
(2) Location of sites to be mined showing depth of proposed excavation
(3) Location of machinery to be used in the mining operation
(4) Location of storage of mined materials, showing maximum height of storage deposits
(5) Location of vehicle parking, access roads and local routes to truck routes
(6) Location of storage of explosives
(7) Erosion and sediment control structures

c. Map C - End use plan to include:

(1) Final grade of proposed site showing elevations and contour lines at two foot intervals
(2) Location and species of vegetation to be replanted
(3) Reclamation staging plan

5. A soil erosion and sediment control plan.

6. A plan for dust and noise control.

7. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each state and time schedule for reclamation.

8. The highway, street or streets, or other public ways in the City upon and along which any material is to be hauled or carried.

9. A security statement by the applicant demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.

10. A statement by the applicant for compliance with all conditions of the interim use permit.

11. A written right-of-entry given to the City or the City's agent to enter the land for the purpose of determining compliance, any time, with all applicable conditions imposed on the operation.

D. **Performance Standards.** The following performance standards shall apply to all mining operations approved after the effective date of this Ordinance.

1. General provisions. All equipment used for mining operations shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property. Additionally, the excavation shall be properly fenced.

2. Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the mining operation.

3. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the Planning Commission.

4. Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the Public Works Director.

5. Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier (vegetative or non-vegetative) may be required between the mining site and adjacent properties or public roads as provided for in this Ordinance.

6. Setback. The following setback requirements shall apply to mining operations:

   a. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.

   b. Mining of any materials shall not be conducted closer than two hundred (200) feet of any residential dwelling unit or residential zoning district boundary.

c. Mining of any materials shall not be conducted closer than thirty (30) feet to any property line or within thirty (30) feet of any public road right of way.

7. Hours of Operation. All hours of operation shall be set in the Interim Use Permit as approved by the Planning Commission. Hours of operation (including without limitation excavation, crushing, washing and hauling) shall be presumptively limited to 7:00 a.m. to 9:00 p.m. The City Council after review and recommendation by the Planning Commission may further limit the hours of operation.

8. Access Roads and Roadway Restoration. All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or otherwise maintained to control dust. The City may require that the applicant pave or upgrade roads used for hauling from the property. The City may also require the applicant to provide financial security to ensure that any damage or excessive wear caused by hauling to or from the property is repaired by the owner and/or operator.

9. Land Reclamation. All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

a. Within a period of three (3) months after final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an interim use permit for a mining operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.

b. The peaks and depressions of the mined area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen percent (18%) grade.

c. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded or planted.

d. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

10. Security/Bond. A bond or other financial security acceptable to the City Council shall be provided by the applicant to ensure compliance with the requirements of this Ordinance, to ensure completion of the land reclamation, and to ensure compliance of any conditions imposed as part of the interim use permit issued for any Extractive Use.

Subdivision 21: HOME OCCUPATIONS

Residential: Subdivision 21 & 22 Home Occupations – 1, 3, 4, 5 why are they needed, irrelevant. *The intent of these standards are to limit the intensity of home occupations in residential neighborhoods. Helps protect the integrity of residential areas and keep home businesses from operating more efficiently than similar businesses in commercial districts which have higher costs of doing business (i.e. taxes). Recommend home occupation standards apply to R-1, R-2, R-3, and residential uses in commercial districts only. Also, it appears home occupations are similar to home extended businesses. Perhaps consider deleting home extended business language – if 1,3,4, & 5 are retained here.*

A. A Home Occupation in **the R-1, R-2, and R-3 Districts and a Home Occupation in a residential unit in a Commercial District** ~~use~~ shall comply with the following standards:

1. The home occupation shall be clearly incidental and subordinate to the residential use of the property. (AG Committee Why?)

2. The home occupation shall be conducted only by persons residing on the premises. No person other than the residents of the premises shall be employed or engaged in such home occupation.

3. Operation of the home occupation shall be limited to the residential dwelling and any attached garage. (AG Committee Why?)

4. The use of any accessory or agricultural buildings for storage or business activity is prohibited. (AG Committee Why?)

5. The outdoor display or storage of goods, equipment or other materials used for the home occupation is prohibited. (AG Committee Why?)

6. The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.

7. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or behind the property line.

8. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

9. The home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

10. Signs shall meet the requirements of this Ordinance.

11. Parking shall meet the requirements of this Ordinance.

Subdivision 22: HOME EXTENDED BUSINESSES

A. A Home Extended Business shall comply with the following standards:

1. The home extended business shall be clearly incidental and subordinate to the residential use of the property.

2. The home extended business shall be conducted only by persons residing on the premises. No person other than the residents of the premises shall be employed or engaged in such home extended business unless specifically approved as part of the conditional use permit. (Different from Home Occupation)

3. Operation of the home extended business shall be limited to the residential dwelling and accessory or agricultural buildings on the same parcel. (Different from Home Occupation)

4. Areas used for the outdoor display or storage of goods, equipment, vehicles, or other materials used for the home extended business shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with this Ordinance.

5. The home extended business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.

6. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

7. The home extended business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

8. The home extended business at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

9. Signs shall meet the requirements of this Ordinance.

10. Parking shall meet the requirements of this Ordinance.

Subdivision 23: SHORELANDS

Section 10.2 of the Stearns County, Minnesota Zoning Ordinance (as amended) relating to the Shoreland overlay district is hereby adopted by reference in its entirety.

Subdivision 24: FLOODPLAINS

Section 10.1 of the Stearns County, Minnesota Zoning Ordinance (as amended) relating to the floodplain overlay district is hereby adopted by reference in its entirety.

Subdivision 25: FEEDLOTS

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

Subdivision 26: INDEPENDENT SEWAGE TREATMENT SYSTEMS

Stearns County Ordinance 198 (as amended) relating to independent sewage treatment systems is hereby adopted by reference in its entirety.

Subdivision 27: SETBACK REQUIREMENTS

Except where more strict standards are provided in this Ordinance, the following setback requirements shall apply:

1. Minimum Building Setbacks
   A. Roadway:

Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50

Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way*
County Road	100	50
City Road	63	30
Private Road Easement	63	30

*THE MORE RESTRICTIVE SETBACK SHALL APPLY

SECTION 9A : LANDSCAPING

Subdivision 1: INTENT/PURPOSE

The landscaping and screening regulations are intended to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, and noise and by promoting natural percolation of storm water; reducing the visual impact of parking lots, unsightly equipment, or materials from the view of persons on the public streets or adjoining properties and buffering from uncomplimentary land uses and by improving the quality of air, to buffer potentially incompatible land uses from one another and to conserve the value of property and neighborhoods within the City.

The scale and nature of landscaping materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility. Growth characteristics should

be considered.

Subdivision 2: APPLICABILITY

A. Landscaping and Buffering Standards shall apply to development within all commercial and industrial Districts. In addition the following standards shall apply to all residential lots to which urban utility service (either/both sanitary sewer, drinking water) is available.

B. Exemptions: Unless specifically noted agricultural property is exempt from this requirement.

C. The landscaping and screening requirements standards shall apply to:

1. New development, including principle and accessory structures on property located with the Districts listed in this Section.
2. Expansion and reconstruction of parking lots with fifty (50) or more parking spaces.
3. Expansion and major renovation of an existing building that includes significant site modification where the proposed modifications exceed thirty (30) percent of the floor area of said structure or ten-thousand (10,000) square feet, whichever is less.

D. The landscaping and screening requirements include a number of design elements as identified in this Section. These elements will have varying applicability depending on the Zoning District and adjoining land uses.

Design Element	Applicable Districts
Street Front Landscaping	Multiple family, general commercial and industrial districts.
Native Landscaped Buffer	Commercial and industrial lots abutting T.H. 23
Buffer yards	All nonresidential uses adjacent to areas guided for residential use within the Comprehensive Plan, except nonresidential uses within the central business district.
Areas of Low Visual Interest	Multiple family, general commercial and industrial districts.

Subdivision 3: GENERAL REQUIREMENTS

Landscaping and Screening requirements shall be subject to the following general requirements:

A. Landscaping shall be provided as part of the site plan review process. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.

B. To enable the City to conduct a thorough yet expedient review the required landscaping plan shall include the following:

1. Names and addresses of the applicant and owner.

2. The street address and legal description of the property.

3. Zoning classification of site and all adjoining property(ies).

4. Footprints and dimensions of all lot lines, structures, parking/driveway surfaces, easements, drainage ways/surface water controls and rights-of-way.

5. Location and description of existing plant materials and designation of all vegetation to remain and/or be removed.

6. Proposed landscaped planting by location and scientific name and common name.

7. Other information or documentation as the Zoning Administrator may deem necessary to allow a full and proper consideration and disposition of the particular plan.

C. Placement of trees and shrubs shall be designated to meet City requirements regarding minimum sight lines from driveways and intersections, proximity to utility lines and utility easements. These factors shall be addressed as part of the landscaping plan review.

D. Existing appropriate mature trees and vegetation may be incorporated into overall site design and shall be considered in meeting the requirements of this Ordinance. The extent that such existing vegetation meets the requirements of these standards shall be reviewed and approved by the City.

E. Buffer yards between various types of land use and residential areas, both existing and planned shall include design elements in a combination to provide effective buffering with consideration of existing topography and site conditions. Buffer yards shall employ plant materials and/or screening materials so as to lessen the view of land uses between said lots. Buffer yards are subject to review/approval by the Zoning Administrator and Planning Commission.

F. Installation. All landscaping required by this section shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of June 1 immediately following the date of said temporary certificate of occupancy.

G. Maintenance of Required Landscaping. Trees and vegetation, irrigation systems, fences, wall and other landscaping elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular Maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease; pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition in order to maintain the required landscaping of the site.

H. Rights-Of-Way, Easements, and Drainage. Required landscaping shall not disturb drainage systems or be placed upon easements of rights-of-way.

I. Changes to Approved Landscape Plan. The landscaping shall be installed and maintained according to the approved landscape plan except where authorized changes are permitted. The approved landscape plan and supporting data shall be binding on the applicants, their successors, and grantees.

Subdivision 4: LANDSCAPING STANDARDS

1. All lots are subject to the following requirements.

   a. All exposed ground area surrounding the principal building and accessory buildings which are not driveways, sidewalks or patios shall be landscaped with grass, shrubs, trees or other ornamental landscape material.

   b. In addition, a minimum of two (2) trees shall be required per lot area covered by buildings, parking lots, and exterior storage. Trees proposed to satisfy buffer requirements and/or landscaping within parking lots, may also be applied toward meeting this requirement but those required for front landscaping shall not be used to satisfy this requirement.

2. Street front landscaping for multiple family, general commercial and industrial districts shall be subject to the following standards.

   i. All areas adjoining public or private street frontage shall be landscaped to include trees, shrubs, and/or living ground cover.

   ii. Landscape areas between the public or private street and parking areas are strongly encouraged.

   iii. Required landscaping based on street frontage.

      a. Trees: One hearty, native tree per thirty (30) feet of street frontage, or fraction thereof, shall be required within the front setback area. The trees may be arranged in a clustered fashion and need not be placed at even intervals except where such placement would complement existing landscape design patterns for the area. A minimum of fifty percent (50%) of the required trees shall be at least two inch (2”) diameter shade trees. The remaining trees may be any combination of shade trees, flowering trees and or evergreen trees.

      b. Shrubs: Six hearty, native (6) shrubs per one hundred feet (100’) of street frontage where parking does not adjoin street. Required shrubs may be replaced by ornamental grasses or hardy, perennial flowers at a rate of five (5) such plants per shrub replaced. Where parking adjoins the street sufficient shrubs to provide sixty-six percent (66%) screening to a height of three and one half feet (3.5’) where parking adjoins a street.

c. Street front landscaping shall include all areas along public or private street frontage, public or private street side setbacks, and setbacks along other property lines boarding a public or private side setback, and setbacks along other property lines bordering a public or private street.

d. Ground Cover: Living ground cover, such as grass, shall be provided within all required street frontage landscaped areas. Non-living materials (such as walk-on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the landscaped area.

e. The specific location of trees and landscaping within the required setback area shall be approved by the Planning Commission based on site characteristics.

3. Native landscape buffer for commercial and industrial developments abutting T.H. 23. A buffer a minimum of forty (40) feet in width shall be maintained in its natural state adjacent to all property lines abutting T.H. 23. The purpose of the buffer is to maintain a natural viewing corridor adjacent to T.H. 23. Lots with existing and operable commercial/industrial uses at the time of this ordinance shall provide as wide a native landscaped buffer as possible. The native landscape buffer shall remain as much as possible in its natural state however removal of deceased and/or diseased vegetation is allowed. The buffer yard shall be construed to be part of the required yard setback and not an additional setback.

4. Buffer yards. Where a nonresidential use is adjacent to property guided to residential use as illustrated on the Future Land Use map contained in the Comprehensive Plan a landscaped buffer shall be provided. It is the objective of the landscaped buffer to lessen, rather than completely eliminate land use conflicts between such uses. It is not expected that landscaped buffers will totally screen such uses. It is expected that the landscaped buffer design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Landscaped buffers may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the landscaped buffer as approved by the City. Retention of existing mature trees is strongly encouraged in meeting the requirements of this Section. Rear and side yard landscaped buffers shall have a minimum depth of fifteen feet (15').

5. Areas of Low Visual Interest. For all uses except agricultural and single or two family residential, landscaping shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection,

open storage, HVAC, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required.

SECTION 9B. SITE PLAN

Subdivision 1: FINDINGS/PURPOSE/INTENT

1. For purposes of enforcing this ordinance, a site plan shall be required of all persons prior to:

   i. The erection or construction of any principal structure or building and/or any accessory structure within any zoning classification require submittal of a site plan to the City; except that single/two family residential units on lots within approved subdivisions shall be exempt providing they adhere to elevations and building types as approved with the grading/drainage plan.

   ii. Shoreland Alterations exceeding 50 cubic feet within the Shoreland structure setback, including removal of trees and Shoreland vegetation, as per Stearns County Zoning Ordinance Section 10.2 as may be amended.

   iii. Land disturbing activities including any extraction, mining, landfills, excavating, grading, clearing, filling, or other earth change which may result in:

      a. The movement of more than ten thousand (10,000) cubic yards of soil;

      b. Any alteration of land by more than one foot from the existing contour of the ground on any contiguous four hundred fifty (450) square feet of ground;

      c. Any cutting, removal, destroying or loss of ten (10) percent or more of the significant trees of any land; or

      d. Any other activity that changes the existing or natural contour of the land which changes drainage.

      e. For purposes of this Chapter, excavation or grading for agricultural purposes on agriculturally zoned property shall not constitute land disturbing activity.

   iv. Erection, alteration or relocation of feedlots, holding ponds, and slurry systems.

   v. Fences, retaining walls and berms higher than two (2) feet **except for agricultural fences in the A-40 and Rural Residential**

Districts. (AG Committee – omit/change fences, retaining walls AG-40 exempt?, Rural Residential exempt? *Some retaining walls require a building permit, all retaining walls and berms can impact stormwater. As such I recommend retaining site permit for retaining walls and berms.*
(AG Committee – omit/change fences, retaining walls AG-40 exempt?, Rural Residential exempt?

vi. The construction or modification of a dam or dike.

vii. Within the flood plain (as per Section 10.1 of the Stearns County Zoning Ordinance, as may be amended), the erection, addition, or alteration of any building, structure, or portion thereof; the use or change of use of a building, structure, or land; the change or extension of a nonconforming use; and the placement of fill, excavation of materials, or the storage of materials or equipment.

viii. The addition of a bedroom to a residence when requiring a structural change.

Subdivision 2: SITE PLAN PROCEDURES

1. **Application.** Persons requesting Site Plan approval must fill out an application available from the Zoning Administrator. Application requirements will be established by the Zoning Administrator and may include, but are not limited to, the following information: aerial photos, a site plan showing the nature, location, and dimensions of the lot, existing and proposed structures, locations to be filled or where materials will be stored, itemization of vegetation to be removed/retained, location of significant trees (coniferous greater than six inches; deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained and the location of the foregoing in relation to the shoreline and floodplain, if applicable.

2. **Submittal Requirements.**

A. R-1 Single Family and R-2 Two Family Residential Districts.

a. Building permit applications for the construction of principal structures and/or accessory structures in the R-1 single family and R-2 two family district shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

b. The site plan shall be reviewed by the Building Official prior to the issuance of a building permit.

c. The building official may refer the site plan to other City representatives (i.e. City Engineer, City Administrator) if concerns are identified with said site plan. The building official shall compare the proposed site plan with development plans approved for the subject parcel.

d. The building official may require the applicant to either submit a certificate of survey or execute a waiver prior to the issuance of a certificate of occupancy which certifies the finished landscaped grade complies with the approved grading plan for the subject parcel as represented in as-built drawings of said parcel. If the finished landscaped grade is not known at the time of the request for a certificate of occupancy, the building official shall require the applicant (as a condition of issuance of the certificate of occupancy) to furnish a certificate of survey upon completion of the finished landscape grade.

B. A-40 Agricultural District.

a. Building permit applications for the construction of principal and accessory structures in the A-40 Agricultural District shall illustrate the location of the proposed building(s) relative to property lines, easements (public and private), elevations and the uses of all remaining land.

b. The site plan shall be reviewed by the Building Official prior to the issuance of a building permit.

c. The building official may refer the site plan to other City representatives (i.e. City Engineer, City Administrator, Planning Commission) if concerns are identified with said site plan. The building official shall compare the proposed site plan with development plans approved for the subject parcel.

C. R-3 Multiple Family District.

a. No building permit for any structure shall be issued until the Zoning Administrator reviews a site plan to determine that the use and development is compatible with adjacent land uses, compatible the requirements of this Ordinance and

consistent with the stated intent of this zone. Upon the request of the Zoning Administrator and/or the Applicant, the Planning Commission and/or the City Council may review the development plan.

b. The developer shall provide the following items to the Planning Commission for any development located in the R-3 Multiple Family Residential District:

1. Aerial photo of site/building locations.

2. Building location on the lot, drawn to scale.

3. Building elevations; front, rear and side.

4. Building exterior materials and color.

5. Locations of ingress and egress points.

6. Dumpster and solid waste pick-up areas and proposed screening material.

7. Sign location and dimensions.

8. Lighting standard and hood detail.

9. Parking and loading areas identified.

10. Drainage by the use of contours.

11. Screening of heating, ventilation, air-conditioning and similar facilities.

12. Landscaping material including the location, type of plant and size; itemization of vegetation to be removed/retained; location of significant trees (coniferous greater than six inches, deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained.

13. Fire hydrant and fire lane locations.

14. Utility locations.

15. A description of provisions which shall be made on the site for adequate open space, recreational areas, transit options, etc. to properly serve residents of the facility including a discussion of the perceived needs of the residents (i.e. senior citizens, students, families with children).

16. A copy of proposed covenants and/or homeowner's association_agreement(s).

17. Any other fencing, screening, or building accessories to be located in the development area.

18. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of Rockville Storm Water Pollution Prevention Program (SWPPP).

19. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

c. Required Fee/Agreement.

a. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of the Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 100% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.

b. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.

c. Amount. Fees payable under this section for development plan review shall be in an amount as established by resolution of the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

D. Commercial/Industrial Districts.

a. No building permit for any structure shall be issued until the Zoning Administrator (in consultation with the Planning Commission Chair) reviews a development plan drafted by a professional in a corresponding discipline to determine that the use and development is compatible with adjacent land uses, consistent with the stated intent of this zone and consistent with existing ordinances/laws. Upon the request of the Zoning Administrator or the Developer, the development plan may be referred to the Planning Commission and the City Council who will make the final determination on site plan approval.

b. The developer shall provide the following items to the Zoning Administrator for any development located in a commercial or industrial district:

1. Building location on the lot, drawn to scale.

1. Aerial photo with building locations depicted.

2. Building elevations; front, rear and side.

3. Building exterior materials and color.

4. Locations of ingress and egress points.

5. Dumpster and solid waste pick-up areas and proposed screening material.

6. Sign location and dimensions.

7. Lighting standard and hood detail.

8. Parking and loading areas identified.

9. Drainage by the use of contours.

10. Screening of heating, ventilation, air-conditioning and similar facilities.

11. Landscaping material including the location, type of plant and size; itemization of vegetation to be removed/retained, location of significant trees (coniferous greater than six inches; deciduous greater than ten inches at a point one foot above the average grade) with identification of which trees are to be removed and which are to be retained.

12. Fire hydrant and fire lane locations.

13. Utility locations.

14. A description of provisions which shall be made on the site for adequate open space, recreational areas, transit options, etc. to properly serve patrons of the facility(ies) including a discussion of the perceived needs of the patrons (i.e. senior citizens, students, families with children).

15. If applicable, a copy of proposed covenants and/or association agreement(s).

16. Any other fencing, screening, or building accessories to be located in the development area.

17. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of Rockville Storm Water Pollution Prevention Program (SWPPP).

18. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

c. Required Fee/Agreement.

a. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 100% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.

b. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.

c. Amount. Fees payable under this section for development plan review shall be in an amount as established by resolution of the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to

the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

3. **Site Plan Approval** will be issued only if the proposal is in compliance with applicable portions of this ordinance including, but not limited to:

   a. Zoning district land uses.

   b. Zoning district dimensional standards and setbacks.

   c. Performance standards provided for certain activities of this Ordinance.

   d. Other requirements established by the Zoning Administrator, the Planning Commission and the City Council.

Subdivision 3: OTHER REGULATIONS

Site Plan Approval does not imply compliance with other applicable City regulations or regulations of other agencies unless otherwise stated.

SECTION 10: FENCES

Subdivision 1: PURPOSE

The purpose of this Section is to regulate fences in the City, to prevent fences being erected that would be a hazard to the public, or an unreasonable interference with the use and enjoyment of neighboring property and are compatible with existing land uses and other zoning restrictions.

Subdivision 2: FENCE PERMIT

1. **Permit.** No person may construct, erect or cause to be constructed or erected any Fence within the City without first obtaining the required site permit, **except that Agricultural Fences in the A-40 and Rural Residential District shall not require a permit**. (AG 40 Committee – AG 40/Rural Residential exempt?)

2. **Application**. Every application must contain a plot plan clearly describing the proposed Fence's type, location, construction materials, height, proximity to lot lines, anchoring methods and any other information the Zoning Administrator or Building Inspector reasonably requires.

3. **Fee**. Each applicant must pay a Fence permit fee that the City Council establishes by ordinance. (AG 40 Committee – Omit fee for fence permit for AG 40/Rural Residential) *If a non-agricultural fence is proposed in the A-40 and/or Rural Residential District the same fee should apply for fairness purposes.*

Subdivision 3: FENCE REGULATIONS

Fences are permitted in all yards, subject to the following:

1. **Agricultural Districts**. Wire partition fences located within A-40 Districts and/or fences located in A-40 Districts and used solely for farm animal containment shall be governed by the requirements of state statutes and shall be exempt from the standards set out in this Subdivision 3.

2. **Residential Districts**.

   A. Height. Fences may not exceed six (6) feet above adjacent-ground grade.

   B. Within Lot Boundaries. Fences and all supporting structure must be completely within the boundaries of the owner's lot.

C. Front Corner Fences. All Fences erected to the front of the front corner of a dwelling can be no more than forty-eight (48) inches in height for Open Fences and thirty (30) inches in height for Solid Fences.

D. Corner Lot Fences. Fences erected on a corner lot must have two fronts.

E. Property Line Setback. A Fence within two (2) feet of the property line will require the abutting neighbor's consent.

3. **Corner Lot Limitations**. No Fence, wall, structure, hedge, shrubs, trees or other obstruction, other than chain link fences with openings of one and five-eights (1 5/8") to two (2") inches not exceeding forty eight (48") inches in height, may be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of the lot lines. An object within this area not exceeding thirty (30") inches in height as measured from the centerline elevation of the street will not be considered as an obstruction to vision. Fences that will obstruct or impede the clear view of an intersection by approaching traffic may not be erected on corner lots. This paragraph does not apply to the B-1" District.

4. **Fence Face**. The side of the fence considered to be the face (finished side as opposed to structural supports) must face abutting property. If located along a boundary the completed face must be toward the adjoining property.

5. **Public Right-of-Way**. Fences are not permitted on public right-of-way, or on boulevard areas without the City Council's prior written permission.

6. **Fence Height Limits**. In Non-Residential Districts, no fence may exceed eight (8) feet in height and in the case of grade separation, the height of a fence will be determined on the basis of measurement from the average point between the highest and lowest grade.

7. **Fences on Property Line.** A Fence may be erected on the property line upon mutual agreement in writing of both property owners. The written agreement must be provided to the City Zoning Administrator.

8. **Construction.** Every Fence must be constructed in a substantial, workmanlike manner. All construction materials must be of high quality and new or like new, and must be reasonably suited for the purpose for which the Fence is proposed to be used.

9. **Maintenance and Repair**. All Fences must be maintained in a condition of reasonable repair and will not be allowed to become a nuisance, either public or private. Any Fence which is dangerous to the public safety, health, or welfare is a public nuisance and the City may commence proceedings for its abatement. See Minn. Stat. 344, Partition Fences.

Subdivision 4: VIOLATIONS

1. No existing Fence in violation of this Section may be replaced or rebuilt. If an existing Fence is replaced or rebuilt, it must come under this Section's regulations.

2. Violation of this Section may be enforced by injunction and the City will be entitled to the remedy of abatement in order that a Fence erected in violation of this Ordinance may be removed.

Subdivision 5: VARIANCE

Any requested variance from this Section's requirements will be governed by this Ordinance.

SECTION 11: PARKING AND LOADING

Subdivision 1: PURPOSE AND INTENT

This Section is intended to assist in alleviating or preventing congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures. The intent of this section of the zoning ordinance is to establish general standards for off-street parking. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

Subdivision 2: SCOPE OF PARKING AND LOADING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

Subdivision 3: PERMIT REQUIRED

1. No person shall construct, enlarge or change the dimensions of a parking area or driveway, unless and until a permit is secured from the City, except that a separate driveway permit shall not be required if the proposed driveway is constructed as shown on the approved residential subdivision grading plan.

2. A permit shall not be required for the routine maintenance/repair of an existing driveway. However, any expansion, addition or upgrade of an existing driveway shall be compliant with the performance standards of this Article.

Subdivision 4: RULES FOR DETERMINING PARKING SPACES REQUIRED

1. Rounding Up. When the determination of the number of required parking spaces results in a fractional space that fraction, if one-half (1/2) space or greater, shall be rounded up to equal one (1) space.

2. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except as may be hereinafter modified.

3. Except for shopping centers, should a structure contain two (2) or more types of uses, the gross floor area of each use shall be calculated and a ten (10%) percent reduction shall be made for non-productive space. The resulting net useable floor space figure shall be utilized to determine the off-street parking requirement.

4. Provision shall be made in the parking area for adequate snow storage or removal to ensure that the required number of spaces is available at all times during the year.

5. The City Council may consider a reduction in the amount of parking space required for joint or mixed uses (other than purely residential) where it is sufficiently demonstrated and documented that a specific timing element (e.g. differing hours of operation are perpetually maintained; mixed storefront and multiple family residential uses in a single structure) or the nature of the use (e.g. senior housing; proximity to transit terminals/stations, etc.), will demonstrably affect the demand for parking.

6. Within the Central Business District, when strict compliance with the standards relating to parking lot calculation herein will prohibit the rehabilitation and/or reconstruction of a facility within the downtown and providing the amount of required off-street parking for commercial or mixed uses do not increase as a result of the project, the City Council may reduce the number of parking spaced required. In such an instance, the amount of parking space required shall be based on: the anticipated demand for parking; the distance to proposed parking which shall not at any time exceed four hundred lineal feet; the length of visits generated by the particular business; and, the availability of other parking spaces in the area. In addition, joint parking facilities may be considered provided the applicant provides a rational basis for the sharing or facilities (i.e. differing hours of business, population doesn't use passenger automobiles, etc.) and all owners of the facility sign the parking plan application.

7. Use Not Listed. Where a use is not specifically mentioned, off-street parking requirements are the same as for similar uses as determined by the Zoning Administrator.

8. On-street parking is not to be counted when calculating the off-street parking requirements in this Section.

9. Garages. Garage spaces may be counted as parking spaces provided that, a garage space may not be counted if blocked by another space.

Subdivision 5: PARKING SPACES

The amount of required off-street parking for new uses or buildings and additions to existing buildings will be determined using the following table. The number of spaces specified below must be irrevocably reserved for parking purposes for the specified use.

1. Single family, two family and townhouse units. Two (2) spaces per Dwelling Unit.

2. Boarding house. At least two (2) parking spaces for each three (3) persons for whom accommodations are provided for sleeping.

3. Multiple family dwellings. Two (2) spaces per Dwelling Unit.

4. Motels, motor hotels, hotels. One (1) space per each rental unit plus one (1) additional space for each ten (10) units and one (1) space for each employee on any shift.

5. Church, theater, auditorium. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall.

6. Hospitals. Two (2) spaces per each bed.

7. Medical, dental or hospital out-patient clinics. One (1) space for each one hundred ten (110) square feet of net floor area or seven and one-half (7 2) spaces per doctor, whichever number of parking spaces is greater.

8. Rest home, nursing home or day nurseries. Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered.

9. Elderly (senior citizen) housing. One (1) space per unit.

10. Drive-in establishment and fast food. At least one (1) parking space for each thirty-five (35) square feet of gross floor area but not less than fifteen (15) spaces.

11. Office buildings and professional offices. One (1) space for each two hundred (200) square feet of floor area.

12. Bowling alley. At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principle structure.

13. Motor fuel station. At least four (4) off-street parking spaces plus two (2) off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or

service will be required to provide additional parking in compliance with other applicable sections of this Ordinance. Auxiliary uses to a motor fuel station such as a fast-food restaurant must comply with the requirements of this ordinance relative to that type of use.

14. Retail store (including convenience stores) and service establishment. At least one (1) off-street parking space for each two hundred (200) square feet of sales floor area.

15. Retail sales and service business with fifty percent (50%) percent of gross floor area devoted to storage, warehouses and/or industry. One (1) space for each two hundred (200) square feet devoted to public sales and/or service plus one (1) space for each one thousand (1000) square feet of storage area or one (1) space for each employee on the maximum shift which is appropriate.

16. Business/Industrial: should be based on occupancy, not on square footage. *Occupancy is a building code calculation vs. a zoning regulation. If occupancy calculation is used, (e.g. .5 spaces per occupant) you will have very large parking lots required. If customers can't find reasonable parking they will not patronize the establishment, therefore, oftentimes less parking space requirement is not a problem.* Restaurants, cafes, private clubs serving food and/or drinks bars, taverns, nightclubs. At least one (1) space for each sixty (60) square feet of gross floor area. Restaurants with drive thru windows shall submit a vehicular and pedestrian circulation sketch and allow adequate stacking space for drive thru customers.

17. Funeral Homes. At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises. Aisle space may also be provided off the street for making up a funeral procession.

18. Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six (6) or less people, garden supply store, building material sales in structure. Eight (8) off-street parking spaces, plus one (1) additional space for each six-hundred (600) square feet of space.

19. Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices. At least eight (8) spaces, plus one (1) space for each two (2) employees on each shift based on maximum planned employment or at a minimum one (1) space for each six hundred (600) square feet of floor area.

20. Car wash. (In addition to required magazine or stacking space.)

a. Automatic drive through, serviced. A minimum of ten (10) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.

b. Self-service. A minimum of two (2) spaces per wash bay.

c. Motor fuel station car wash. Zero (0) in addition to that required for the station.

Subdivision 6: OFF-STREET PARKING REQUIREMENTS

In all districts where off-street parking is permitted or required, the off-street parking area must be constructed and maintained subject to the following regulations:

1. City Council Approval Required. Prior to starting construction on any off-street parking lot the plans must be approved by the City Council after review and recommendation of the Planning Commission.

2. Off-street parking spaces, parking lots and loading spaces shall not be reduced in number or size unless said number or size of existing facilities exceeds the requirements set forth within this Title for a similar use.

3. No change of use or occupancy of land already dedicated to off-street parking or loading areas shall reduce the area necessary for parking below the minimum described herein.

4. Dwelling Off-street Parking. Off-street parking facilities for residential dwellings must be provided and located on the same lot or parcel of land as the building they are intended to serve.

5. Within urban areas (those with a City utility service available), off-street parking facilities accessory to residential uses shall be comply with observed setbacks unless part of a traditional neighborhood development (parking designed to be in rear of lot). Said parking facilities shall also feature 'improved' surfaces (i.e. cement, asphalt and the like), be connected to driveways and be utilized solely for the parking of licensed and operable passenger automobiles. No more than one (1) truck not to exceed a gross weight rating of eighteen thousand (18,000) pounds as rated by the manufacturer; and recreational vehicles and equipment. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment such as semi trucks/trailers and/or excavation equipment. The standards of this ordinance relating to Outdoor Storage (Section 9) also apply.

6. Shared Parking Areas. Nothing in this Section should be construed to prevent shared off-street parking facilities for two (2) or more buildings; however, the total spaces must be equal to or greater than the sum of the requirements for the various individual uses.

7. Building Expansions Require Compliance with Parking Requirements. If a use requiring off-street parking is increased in floor area, and the use is located in a building existing on or before this Ordinance's effective date, additional parking space for the additional floor area must be provided as required by this Section.

8. Building Expansions Into Parking Areas. Nothing in this Section is intended to prevent the extension of or an addition to a building or structure into an existing parking area when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or is replaced by an additional area within three hundred (300) feet of the building.

Subdivision 7: DESIGN STANDARDS

1. Adequate Ingress and Egress. All off-street parking areas must provide adequate ingress and egress to at least one public street.

2. Site Plan. The application for a multiple family, institutional, commercial or industrial building permit shall be accompanied by a site plan, which in addition to other information, shall show the location of the off-street parking area provided for such building.

3. Business/Industrial would like this eliminated (#3): *Does the City really want to allow class V parking lots in urban areas for commercial uses? Understand it is an expense to require hard-surface but is it acceptable to have a gravel parking lot in downtown, along the highway?* Hard Surface Required. In Urban Areas (with municipal water and/or sewer service available) off-street parking areas, including parking lots and driveways, must be constructed of concrete or blacktop which must be designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways. Gravel and crushed granite type surfaces for parking in industrial areas may be permitted through the issuance of an interim use permit, however all ingress/egress and drive isles shall be asphalt or concrete.

4. Setback From Adjoining Residential Uses. Whenever the boundary of an off-street parking area containing more than five (5) parking spaces adjoins property guided for residential use within the Comprehensive Plan

a setback of fifteen (15) feet from the lot line is required. This setback also applies to driveways to and from parking areas. The setback area shall be fully screened to a height of three and one-half (3½) feet above the parking grade using screening and/or plant materials as directed/approved by the City.

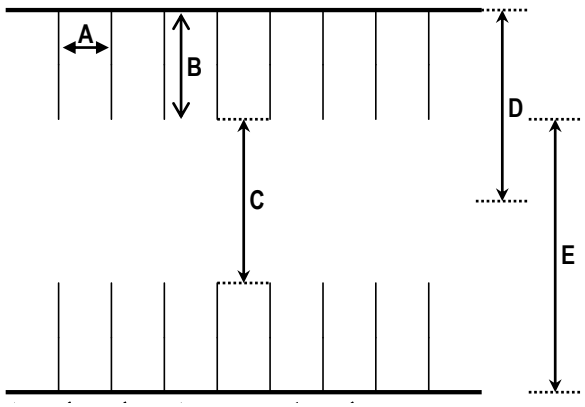
5. Curbing Required Protecting Adjoining Properties. Curbs or other protections against damage to adjoining properties, streets and sidewalks must be provided and maintained as directed by the City Engineer.

6. Parking Space Size. The chart and diagrams below identify parking space/drive aisle requirements. For parking at angles other than those specified, space will be calculated by averaging the closest standards. Where not specified in this Ordinance, parking spaces must contain an area of at least two hundred (200) square feet and must be at least 10 x 20 square feet.

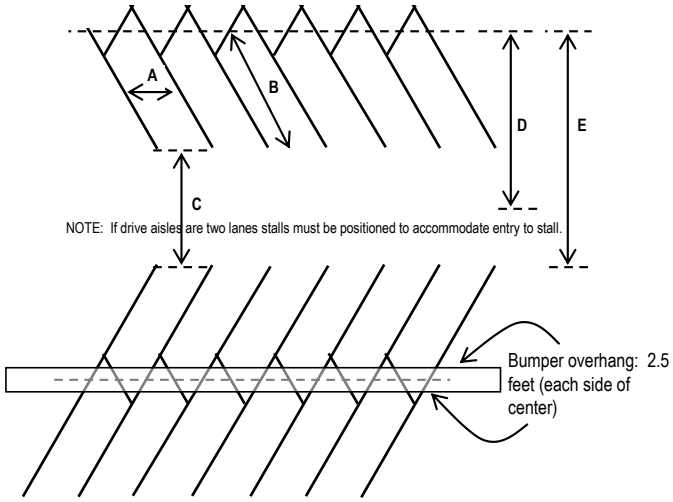
Diagram Reference	A	B	C	D	E
Angle	Minimum stall width	Minimum stall depth	Aisle Width (one/ two way)	Avg. width of one tier of spaces plus one drive aisle (one/two way)	Avg. width of two tiers of spaces plus one drive aisle (one/two way)
90 degree	9'	18'	26'/26'	44'	62.0
60 degree	9'	18'	16'/26'	34'/44'	52'/62'
45 degree	9'	18'	16'/22'	34'/40'	52'/58'
Parallel to curb	9'	22'	n/a	n/a	n/a

Special designs will be considered for unique situations, and are subject to approval of the City Engineer. Handicap stalls shall be provided in accordance with current ADA requirements. Where bumpers overhang sidewalks see diagram for overhang space requirements before considering useable sidewalk width. Where not specified, angle parking must allow a minimum of 2.5 feet of bumper overhang space before considering usable sidewalk width.

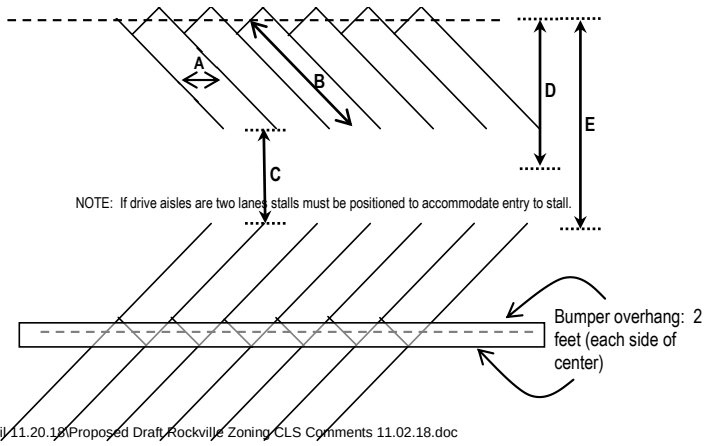
90 Degree Angle



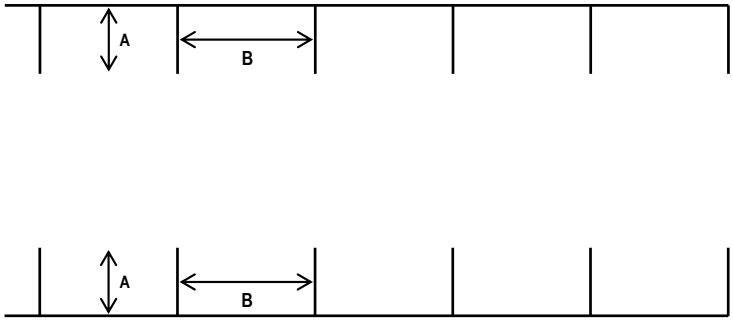
60 Degree Angle



45 Degree Angle



Parallel to Curb - (No Angle)



7. Industrial District - Front Yard Parking. Parking lots for automobiles and other motor vehicles are permitted in the front and side yards in Industrial Districts if screened by landscaping of at least eight (8) feet in width. Industrial Districts adjacent to residentially zoned property have a greater setback as established in specific districts. Screening of a minimum height of three feet (3') and as approved by the City shall be installed by the developer/property owner to prevent headlights from shining onto adjacent properties when abutting a local street.

8. Non-dwelling off-street parking spaces and parking spaces servicing multiple family dwellings must be located within three hundred (300) feet of the building they are intended to serve, as measured from the nearest point of the off-street parking facilities and the nearest point of the structure.

9. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area (e.g. visitor parking, deliveries, handicap parking). Such signs shall not be considered part of the permitted advertising space and shall be subject to signage regulations.

10. Except in the case of single-family, two-family, and townhouse developments, parking areas and driveways shall be designed to prevent the backing out onto a right-of-way, however, all lots having direct driveway access onto collector or arterial roads, regardless of use shall provide turn around facilities on the lot to eliminate vehicles backing onto the collector or arterial roads.

11. Shared driveways with adjacent lots where practical or required by the City, County or State, shall be installed as a means of minimizing the number of access points along collector or arterial road.

12. No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines. Within intersections of highways this standard shall yield to requirements of Stearns County or the Minnesota Department of Transportation.

13. Curb cut openings and/or driveway accesses shall be a minimum of five (5) feet from the side property line.

14. All properties shall be entitled to at least one (1) curb cut or driveway access. Urban lots subject to single-family uses shall be limited to one (1) curb cut access per property. Residential curb cuts shall not measure more than 24 feet in width. Commercial/industrial curb cuts shall not exceed 26 feet in width unless specific circumstances are documented to exist.

15. Driveway aprons shall be surfaced in concrete in urban areas (lots with municipal service available).

16. Any off-street parking area containing five (5) or more parking spaces shall be striped (painted) so as to illustrate the organizational pattern of parking.

17. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of water onto adjacent properties or walkways.

18. Screening. Any off-street parking area containing five (5) or more parking spaces adjacent to a residential zoning district or residentially developed property must be completely screened to a height of at least three and one-half feet (3.5‘) above the parking grade using approved screening and/or plant materials.

19. Maintenance. All parking areas must be maintained in good condition without holes and free of all dust, trash and other debris.

20. Drainage. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of water onto adjacent properties or walkways.

21. Lighting. All parking area lighting must be directed away from adjacent property and must conform to the lighting requirements of this Ordinance.

22. Handicapped Parking. If required by the State Building Code, Handicapped parking must be provided according to State Building Code requirements and meet the requirements of this Ordinance.

23. Driveways and parking lots shall not adversely affect stormwater drainage structures including culverts and/or the rate of stormwater discharge.

Subdivision 8: LOADING AREAS

On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trades, laundry, dry-cleaning establishments or other buildings which do not rely primarily on railroad transfer and where large amounts of goods are received or shipped, erected in any district after the City adopts this Ordinance, loading and unloading space shall be as follows:

1. General Business Districts. In general business districts two (2) off-street loading and unloading spaces shall be provided for each store unit having a gross area of ten thousand (10,000) square feet. One (1) additional space shall be provided for each additional fifteen thousand (15,000) square feet of floor space.

2. Central Business Districts. In neighborhood business districts, one (1) off-street loading and unloading space shall be provided for each store unit.

3. Industrial Districts. In industrial districts, the use of any building requiring loading or unloading of materials to or from trucks shall require two (2) off-street loading spaces for the first ten thousand (10,000) square feet of floor space and an additional space for each additional fifteen thousand (15,000) square feet of floor space.

4. No required off-street loading space shall be less than one hundred feet (100') from any residential district boundary line.

5. Off-street loading spaces adjacent to collector or arterial streets shall be screened from the view from the adjacent roadway.

6. Loading space will not be construed as supplying off-street parking space

7. For new construction occurring after the date of the adoption of this Ordinance, truck loading and receiving areas may not be on the front side of a building facing the street (this does not include truck entrances).

SECTION 12: SIGNS

Subdivision 1: FINDINGS

The City Council hereby finds as follows:

A. Exterior signs have a substantial impact on the character and quality of the environment.

B. Signs provide an important medium through which individuals may convey a variety of messages.

C. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

D. The city's zoning regulations, and those of its predecessor entities, have historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

Subdivision 2: PURPOSE AND INTENT

It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

A. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

B. To establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property; to eliminate confusion in locating goods, services and facilities, and to preserve order and to encourage

business to erect permanent signs and discourage temporary and/or portable signs.

C. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.

D. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

Subdivision 3: EFFECT

A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

A. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.

B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

C. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

D. Provide for the enforcement of the provisions of this sign ordinance.

Subdivision 4: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Subdivision 5: PERMIT REQUIRED

Except when exempted, no sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not (Ag 40 Committee – should) be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information: *Numerous litigation efforts have invalidated reviews of sign content under First Amendment of the Constitution – freedom of speech applies to commercial and non-commercial speech. City cannot comment on content. League of Mn Cities has information on this topic.*

A. Names, addresses and phone numbers of the applicant, owners of the sign and lot and the contact person from firm erecting signage;

B. The address and the lot, block and addition at which any signs are to be erected;

C. The street on which any signs are to front;

D. A complete set of plans showing the necessary elevations, distances, size, location on lot and/or on building, all existing signage on the premises and details to fully and clearly represent the proposed sign request;

E. Photographs of existing topography and any existing signage in the vicinity;

F. A photo quality color rendering of all proposed signage showing its dimensions and describing materials, lettering, colors, illumination and support structure;

G. The cost of the sign;

H. Type of sign (i.e. wall sign, monument sign, etc.);

I. Certification by applicant indicating the application complies with all requirements of the sign ordinance;

J. If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign;

K. Underwriter Laboratories label, if an electrical sign;

L. If requested, engineering data showing the structure is designed to accommodate dead load and wind pressure, in any direction; and

The zoning administrator shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 60 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial within 10 days its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.

Subdivision 6: FEES

Sign permit fees are set by council resolution or ordinance each year, or as often as the City Council determines is necessary. Where work for which a permit is required by this Ordinance is started or proceeded with prior to obtaining a permit, the fee as provided by the City Council shall be doubled. Payment of such double fee shall neither relieve any persons from fully complying with the requirements of this Ordinance in the execution of the work nor from any other penalties prescribed herein. The City may assign a fee per sign for persons wishing to retrieve signs removed by City personnel as identified in the fee schedule. The City may also charge the costs of removal to the individual or enterprise responsible or property owner.

Subdivision 7: EXEMPTIONS

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same, including size, area and location restrictions.

A. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.

B. One sign up to sixteen (16) square feet in size per lot.

C. Governmental signs, including but not limited to, traffic control and other

regulatory purpose signs, street signs, informational signs, danger signs, and railroad crossing signs.

D. Any public sign (directional, safety, danger, trespassing, traffic, warning or public information) whose primary purpose is to communicate community events erected by, or on the order of, a duly constituted public office of City, County, State or Federal governments in pursuance of their public duties and provided signs are erected by or on order of a public officer or employee in the performance of official duty.

E. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

F. Window signs, provided that no more than half of an individual window is covered with signs or painting.

G. Flags of the United States, the state, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole more than 40 feet in length. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.

H. Decorative lighting meeting this entire Ordinance's other requirements.

Unless otherwise noted, no such sign shall be placed on fences, trees or other vegetation, public street/traffic signs, utility poles or City/public property. Signs in violation of this Subdivision may be removed by City personnel at their discretion, without advance notice to the sign owner.

Subdivision 8: TEMPORARY OR PORTABLE SIGNS

Portable, off-premises signs, and signs otherwise allowed, may secure a temporary sign permit by meeting the following requirements:

A. Sign will only be displayed for one (1) week or less, the sign has not been previously displayed in the City during the past three (3) months, and the lot has not received three (3) or more temporary permits within the past twelve (12) months.

B. Signs shall not exceed thirty-two (32) square feet.

C. With the temporary sign, the lot or premises will not exceed the maximum aggregate sign area allowed.

D. Signs shall be affixed to a structure in a weather resistant (wind, rain, snow, etc.) manner. Signs which do not remain affixed shall be immediately removed or re-secured.

E. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

F. There shall be no more than two (2) temporary signs per lot at any one time.

G. Sign must be removed by the expiration date of the permit.

The Zoning/City Administrator may waive those application requirements of Subdivision 6 not applicable for a temporary or portable sign. The Zoning/City Administrator or his/her designee may remove any temporary sign for failure to comply with any of these provisions without notice to the sign owner.

Subdivision 9: GENERAL REQUIREMENTS

A. Extension from Building. Except as specifically provided herein, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen inches over the sidewalk, street or highway. The provisions of this subsection do not prohibit the erection and maintenance of awning, canopy or marquee signs, pursuant to Subdivision 13.

B. Height. The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or 22 feet, whichever height is less. Freestanding Signs, including any superstructure, shall not exceed an overall height of 22 feet, and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the zoning code. In addition to other applicable regulations of this Ordinance, no freestanding sign shall exceed fifteen (15) feet in height at the base of the sign.

C. Electronic Variable Message Signs. The preferred sign type relating to the electronic message sign is a monument type. If the EVM is displayed in a pylon sign type said sign shall include a landscaped base wherein planter boxes, shrubs, flowers, etc. are preferred. Electronic message signs may be allowed under applicable provisions of this Ordinance provided that:

1. The message does not change more than once in Six (6) seconds, excluding time and temperature;

2. The sign shall be at least fifty (50) feet from any residential district or use;
3. The variable message sign shall not exceed twenty-five (25) percent of the maximum allowable aggregate sign area for the use to which it pertains;

4. The following modes of displaying the message shall be permitted, all other modes are prohibited:
   a. Fade in/fade out
   b. Left to right or right to left
   c. Top to bottom or bottom to top

5. Modes which cause the message to flash are prohibited;

6. The sign may only be used to promote activities, products, or services pertaining to the subject property; time and temperature; or other public service oriented messages;

7. Landscaping shall be provided around the base of the monument sign.

D. Number of sign facings. A Sign may not contain more than two (2) surface facings or areas facing the public right-of-way.

E. Notwithstanding any other provision of this ordinance, no sign shall exceed 250 square feet in area.

Subdivision 10: CONSTRUCTION STANDARDS

All signs shall be designed, constructed and maintained in accordance with the following standards:

A. Signs shall be consistent and harmonious with the architectural style of the subject and surrounding properties.

B. The size and style of graphics, its scale, proportion, design, material and texture as well as the size and style of the letter shall relate to the building to which it refers and/or is attached and with the property and with the district that surrounds it.

C. The architecture of the building should allow for specific locations for signs and signage should be limited to those areas.

D. Signs should be an integral part of the design of storefront alterations and new constructions. Signs should not obscure architectural elements of structures.

E. The design and alignment of signs on multiple use buildings shall be coordinated so as to achieve a unified appearance.

F. All signs shall comply with applicable provisions of any applicable Building Code and Electrical Code. Freestanding signs are considered structures and shall meet requirements of the Building Code, including inspection by the Building Inspector.

G. Unless otherwise noted all signs shall be constructed of permanent materials and shall be permanently attached. Signs constructed with high-quality, natural materials such as stone, glass, wood, brick and similar materials are preferred.

H. Unless stated otherwise in this ordinance, permanent signs shall be setback at least ten (10) feet from all property lines. The City may require a greater setback because of public safety reasons that may include, but not be limited to, the following concerns: vehicle sight-distances, distance from an intersection, or function of the adjoining right-of-way.

I. All signs shall contain current information. Outdated signs or signs outdated with information shall be removed by the property owner.

J. Painting, repainting, cleaning, and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.

K. All signs shall be maintained in good condition and areas within six (6) feet around the sign shall be kept free from debris, high weeds and from anything else that would constitute a nuisance.

L. Electrical signs may not be powered by overhead wiring.

Subdivision 11: UNAUTHORIZED SIGNS

The following signs are unauthorized signs and are prohibited by this Section:

A. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal.

B. Off-premise signs, except as provided in Subdivision 9.

C. Signs in Public Right-of-Way. Signs erected or temporarily placed within any street right-of-way or upon public lands or easements or other public right-of-ways (except for governmental Signs) except as this Section specifically provides or the City Council approves. The City may grant a permit to locate Signs or decorations on, over or within the right-of-way for a specified period of time in its discretion.

D. Signs Obstructing Ingress or Egress. A Sign or Sign structure erected or maintained that prevents free ingress or egress from any door, window, fire escape, stairway or other opening.

E. Fire Escapes. A Sign or Sign structure attached to a standpipe or fire escape.

F. Abandoned Signs. Such signs shall be removed within thirty (30) days after written notice from the City.

G. Traffic Obstruction. Any Sign that obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device.

H. Flashing Signs. Any Sign displaying any moving parts, illuminated with any flashing or intermittent lights, or any animated Sign, except Electronic Variable Message Signs in B-1 Central Business and B-2 General Business Districts.

I. Roof Mounted Signs. Signs erected, constructed or attached wholly or in part upon or over a building's roof, including without limitation Signs that project over the building's eave line.

J. Temporary/Portable Signs. Except as permitted by a temporary sign permit.

K. Signs on Rocks, Trees or Fences. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

L. Power Line Obstruction. Signs that will interfere with any electric light, power, telephone wires or their supports.

M. Signs supported by guy wires.

N. Hot air or gas-filled balloons;

O. Bench signs or signs affixed to amenities such as trash receptacles etc.

P. Illuminated signs in which light is directed onto adjacent property or public streets. This includes search lights and beacons, and all methods of attracting attention by directing light radiation away from a sign surface.

Q. Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.

Subdivision 12: CANOPIES, MARQUEES AND FIXED AWNINGS

Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Business Districts if they meet following requirements and the applicable square footage requirements:

A. An awning, canopy or marquee may not project into the public right-of-way more than six (6) feet over a public sidewalk;

B. Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than eight (8) feet above the ground and not impeding pedestrians' free and complete use of the sidewalk;

C. The architectural style of the awning, canopy or marquee shall be consistent with the building being served;

D. Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility.

E. Awnings and Canopies Signs. One (1) awning and one (1) canopy sign per tenant or occupant, provided:

1. The gross surface of an awning or canopy sign may not exceed 50% of the gross surface area of the smallest face of the awning or canopy to which the sign is to be affixed.

2. The sign may not project higher than the top of the awning or canopy or below the awning or canopy.

3. Canopy and awning signage area shall be included in the calculation for determining the total aggregate signage area permitted on a property.

4. The awning/canopy sign shall not exceed twenty-five (25) percent of the maximum allowable aggregate sign area for the use to which it pertains.

F. Marquee Signs. A building with a marquee may erect a marquee sign, provided:

1. The sign may not project higher than the top of the marquee or below the marquee.

2. Marquee signage area shall be included in the calculation for determining the total aggregate signage area permitted on a property.

Subdivision 13: SIGN STANDARDS FOR SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (R-1/R-2)

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

A. Permitted signage. Except as included below, all sign types are prohibited. No signs may have moving parts, rotate, be illuminated, shimmer or otherwise reflect or direct light. The following sign types are permitted:

1. Freestanding signs (including monument and pole/pylon),

2. Wall signs, and

3. Window signs.

B. Maximum sign area. No sign or combinations thereof may exceed sixteen (16) square feet of aggregate sign area per lot.

C. Maximum height. No sign may have a height greater than eight (8) feet.

D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

Subdivision 14: SIGN STANDARDS FOR MULTI-FAMILY DISTRICTS (R-3)

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:

1. Monument signs.

B. Maximum sign area.

1. Maximum aggregate area for lot. No more than sixty-four (64) square feet per apartment complex or one monument sign per vehicle entrance, whichever is greater.

2. Maximum sign area of Monument Signs. No more than thirty-two (32) square feet.

C. Maximum height of freestanding signs. No more than eight (8) feet.

D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

E. Other. Signage shall compliment exterior finish of principal structure on the lot and blend into the neighborhood. Landscaping around monument sign is required.

Subdivision 15: SIGN STANDARDS FOR CENTRAL BUSINESS DISTRICT (B-1)

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:

1. One Monument sign,

2. Wall signs,

3. One Projecting signs,

4. Window signs,

5. Awning and canopy signs, and

6. Sandwich board signs.

B. Maximum sign area.

1. Maximum aggregate area for lot.

a. Single entity occupant property – One (1) square foot per lineal front foot or ten percent (10%) of front facade, whichever is greater.

b. Multiple entity occupant property – One (1) square foot per lineal front foot or fifteen (15%) of front façade, whichever is greater.

2. Business/Industrial: would like this eliminated (B.2.) *Don't recommend removing, perhaps increase to 50% vs. 20% - otherwise downtown windows could be completely covered with signs.* Maximum sign area of Window Signs. Not to exceed **fifty** ~~twenty~~ percent (**5**0%) of the window area.

C. Maximum height of freestanding signs. No more than eight (8) feet.

D. Minimum setback. Signs shall comply with the setback requirements of Section 20, except that side yard setbacks shall be ten (10) feet.

E. Design Standards for B-1 Central Business District. The following standards pertain to signs within the B-1 Central Business District and are in addition to other standards contained herein:

1. The City finds that the unique character, aesthetics and history of the Downtown and Central Business District are valid public resources to preserve, and wishes to balance the needs of property owners and the maintenance of this valuable aesthetic and historical quality, to minimize visual confusion, clutter and distraction and guarantee a well-planned design for the City's traditional business district.

2. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building to which it relates and other signs on other buildings within the B-1 District.

3. Signage should be simple and while advertising the use of the structure, the signage should not overshadow or dominate the character of the structure.

4. If a sign is illuminated, the illumination must be directed toward and limited to the sign's surface. The light source may not shine upon any part of a residence or roadway or in any way distract or obstruct traffic. All displays must be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair any driver's vision. No device may be illuminated to interfere with or obscure indoor signs that are visible from public streets. Illuminated signs may not give off any intermittent, rotating, concentrated or direction beam, or flashing light of any kind. Signs capable of being lit in the evening must limit the view of such lights from motorists and pedestrians.

5. The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property. For buildings without a recognizable style, the sign shall adopt the decorative features of the building, utilizing the same materials and colors.

6. Projecting signs are limited to areas directly adjacent to Broadway Street and must comply with the following:

    a. The projecting sign does not extend beyond the first floor of the building.

b. No less than ten feet of clearance is provided between the highest point of the sidewalk and the lowest point of the projecting sign.

c. Cumulative projecting sign area is not greater than twelve square feet and maximum sign width not greater than three feet.

d. Maximum distance between a projecting sign and the building face doesn't exceed one foot.

7. Sandwich Board Signs are limited to areas directly adjacent to Broadway Street and must comply with the following:

a. No more than one sandwich board sign per business shall be allowed.

b. The sandwich board sign does not exceed 36" in height or 30" in width.

c. The sign is displayed only during store hours.

d. The sign does not require any form of electricity or display lights or moving parts.

e. That such signs do not block driveways, entryways or pedestrian accesses, do not significantly occlude the sidewalk and/or do not impact sightlines/view at street intersections.

f. The sign is made of superior quality, weather/wind resistant materials.

g. The sign is not affixed to the sidewalk, other signage or temporary or permanent structure.

h. A valid sign permit is secured from the zoning/city administrator and/or his/her designee.

i. The sign owner provides proof of liability insurance listing the City as an additional insured and holding the City harmless.

Subdivision 16: SIGN STANDARDS FOR GENERAL BUSINESS DISTRICT (B-2)

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:

1. One Freestanding sign per lot, and

2. Wall signs.

B. Maximum sign area.

1. Maximum aggregate area for lot.

a. Single entity occupant property – One (1) square foot per lineal front foot.

b. Multiple entity occupant property – One and a quarter (1.25) square feet per lineal front foot.

2. Maximum sign area of Wall signs. Not to exceed fifteen percent (15%) of the area of the façade to which it is affixed.

3. Maximum sign area of Freestanding signs.

a. If facing Trunk Highway 23 – One hundred-fifty (150) square feet.

b. If facing other arterial or collector street – One hundred-twenty-five (125) square feet.

c. If facing local street – One hundred (100) square feet.

C. Maximum height of freestanding signs.

1. If facing Trunk Highway 23 – Twenty-two (22) feet.

2. If facing other arterial or collector street – Twenty (20) feet.

3. If facing local street – Eighteen (18) feet.

D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

E. Design Standards for Properties with Highway/Freeway Visibility. The following standards pertain to signs within the B-2 General Business District which are visible from T.H. 23. These standards are in addition to other standards contained herein.

1. The City wishes to balance the need to direct persons and provide commercial/industrial establishments with opportunities for the employment of useful signage; and, to minimize visual confusion, clutter and distraction within commercial and business park districts. The standards contained in this subdivision relate to signs on parcels adjacent to or visible from principal arterials, minor arterials and collector streets.

2. Signs shall employ superior-quality, permanent materials. Natural materials such as wood, brick, stone, glass, etc are highly encouraged.

3. Signs shall be architecturally compatible with the style, composition, materials, color and details of the building to which it relates and other structures within the applicable zoning classification.

4. Signage should be simple and non-obtrusive and, while advertising the use of the structure it should not overshadow or dominate the character of the structure.

5. The use of natural color palettes in freestanding signage is highly desired.

6. All freestanding signs shall employ landscaping that is aesthetically pleasing and complimentary to the quality of uses within the area.

Subdivision 17: SIGN STANDARDS FOR INDUSTRIAL DISTRICTS (I-1/I-2)

Except as provided in Section 12, all signs must comply with the requirements of the underlying zoning district.

A. Permitted signage. Except as included below, all sign types are prohibited. The following sign types are permitted:

1. One Freestanding sign per lot, and

2. Wall signs,

B. Maximum sign area.

1. Maximum aggregate area for lot.

a. Single entity occupant property – One (1) square foot per lineal front foot.

b. Multiple entity occupant property – One and a half (1.5) square feet per lineal front foot.

2. Maximum sign area of Wall Signs. Not to exceed fifteen percent (15%) of the area of the façade to which it is affixed.

3. Maximum sign area of Freestanding signs.

a. If facing Trunk Highway 23 – One hundred-twenty-five (125) square feet.

b. If facing other arterial or collector street – One hundred (100) square feet.

c. If facing local street – Seventy-five (75) square feet.

C. Maximum height of freestanding signs.

1. If facing Trunk Highway 23 – Twenty (20) feet.

2. If facing other arterial or collector street – Eighteen (18) feet.

3. If facing local street – Sixteen (16) feet.

D. Minimum setback. Signs shall maintain a ten (10) foot setback from all property lines and be located on private property.

E. Design Standards for Properties with Highway/Freeway Visibility. The following standards pertain to signs within the Industrial District which are visible from T.H. 23. These standards are in addition to other standards contained herein.

1. The City wishes to balance the need to direct persons and provide commercial/industrial establishments with opportunities for the employment of useful signage; and, to minimize visual confusion, clutter and distraction within commercial and business park districts. The standards contained in this subdivision relate to signs on parcels adjacent to or visible from principal arterials, minor arterials and collector streets.

2. Signs shall employ superior-quality, permanent materials. Natural materials such as wood, brick, stone, glass, etc are highly encouraged.

3. Signs shall be architecturally compatible with the style, composition, materials, color and details of the building to which it relates and other structures within the applicable zoning classification.

4. Signage should be simple and non-obtrusive and, while advertising the use of the structure it should not overshadow or dominate the character of the structure.

5. The use of natural color palettes in freestanding signage is highly desired.

6. All freestanding signs shall employ landscaping that is aesthetically pleasing and complimentary to the quality of uses within the area.

Subdivision 18: MASTER SIGNAGE PLAN REQUIRED

A. A master signage plan shall be included in any non-residential development plan, site or plot plan and/or non-residential planned unit development with more than one individual business or tenant. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the City.

B. The owner/agent shall submit a master signage plan containing the following information:

1. A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any

type, whether requiring a permit or not.

2. Scaled color drawings clearly showing location of sign on building elevation.

3. Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.

C. The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.

D. Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.

E. The plan shall be signed by all owners or their authorized agents in such form as required by the City or as a part of applicable and active restrictive covenants.

F. A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this Ordinance.

G. After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this Ordinance. In case of any conflict between the provisions of such a plan and this code, the code shall govern.

Subdivision 19: NON-CONFORMING SIGNS: COMPLIANCE

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, but will be prohibited under the terms of this section. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon or expanded , nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

A. No sign shall be enlarged or altered in a way which increases its nonconformity.

B. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this ordinance.

C. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this ordinance.

D. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

E. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

F. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

The provisions of this subdivision are in addition to the definitions set forth in Section 14, which shall apply, except that in the event of a conflict, the provisions in this paragraph shall apply.

Subdivision 20: VIOLATIONS

Violation of this section is a violation as a misdemeanor, and enforced under Section 31. Each day that the violation continues is a separate offense.

Subdivision 21: NON-COMMERCIAL SPEECH

Notwithstanding any other provisions of this sign ordinance, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. These signs shall be subject to any applicable restrictions on campaigning in and around polling places.

Subdivision 22: SUBSTITUTION CLAUSE

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

SECTION 13: TOWERS

Subdivision 1: PURPOSE AND INTENT

To accommodate the communication needs of residents and business while protecting public health, safety, and general welfare, the City finds that these regulations are necessary to:

1. Facilitate wireless telecommunication services to City residents and businesses;

2. Minimize adverse visual effects of Towers through careful design and siting standards;

3. Avoid potential damage to adjacent properties from Tower failure through structural standards and setback requirements; and

4. Maximize the use of existing and approved Towers and buildings to accommodate new wireless telecommunication antennas to reduce the number of Towers needed to serve the community.

Subdivision 2: CO-LOCATION REQUIREMENTS

All Commercial Wireless Telecommunication Towers erected, constructed, or located within the City must comply with the following requirements:

1. The City Council will not approve a new Commercial Wireless Telecommunication Service Tower unless it finds that the telecommunications equipment planned for the proposed Tower cannot be accommodated on an existing or approved Tower or building within a one (1) mile search radius (one half (2) mile search radius for towers one hundred twenty (120) feet or less in height and one quarter (1/4) mile search radius for towers eighty (80) feet or less in height) of the proposed Tower due to one (1) or more of the following reasons:

    A. The planned equipment would exceed the structural capacity of the existing or approved Tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved Tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

    B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the

Tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.

C. Existing or approved Towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it not feasible to locate the planned telecommunications equipment upon an existing or approved Tower or building.

E. The proposer must establish their case to the City Council by providing clear easy to interpret evidence.

2. Any proposed Commercial Wireless Telecommunication Service Tower which is over one hundred (100) feet in height must be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas, for at least two (2) additional users.

3. Towers must be designed to allow for future rearrangement of Antennas upon the Tower and to accept Antennas mounted at varying heights.

Subdivision 3: TOWER CONSTRUCTION REQUIREMENTS

All Towers and Antennas erected, constructed, or located within the City, and all wiring, must comply with the requirements of the City Building Code, State Electrical Code and any other applicable codes or regulations.

Subdivision 4: TOWER AND ANTENNA DESIGN REQUIREMENTS

Proposed or modified Towers and Antennas must meet the following design requirements:

1. **Appearance.** Towers and Antennas must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. **Monopole Design.** Commercial Wireless Telecommunication Service Towers must be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment or better accommodate multiple use of the Tower.

Subdivision 5: TOWER SETBACKS

Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, Towers must conform with each of the following minimum setback requirements:

1. **Underlying Zoning District Setbacks**. Unless this Section specifies otherwise, Towers must meet the setbacks of the applicable underlying zoning district.

2. **Residential Property**. In all non-residential zones, at a minimum, all Towers shall be set back from residentially zoned property and all structures (except structures accessory to Towers) a minimum of one hundred fifty percent (150%) of the Tower's height.

3. **Public Right-of-Way**. Towers must be set back from existing or planned public rights of way by a minimum distance equal to one half (2) of the Tower's height including all Antennas and attachments. No part of any Tower, Antenna, support structure, lines, cables, equipment, wires or braces must extend across or over any part of a public right-of-way, public street, highway or sidewalk.

4. **Between Principal Structures and Streets**. Towers may not be located between a principal structure and a public street, with the following exceptions:

   A. In industrial zoning districts, Towers may be placed within a side yard abutting an internal industrial street.

   B. On sites with adjacent public streets on all sides, Towers may be placed within a side yard abutting a local street.

5. **Variance**. A Tower's setback may be reduced or its location in relation to a public street varied, at the City Council's sole discretion, to allow a Tower's integration into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

Subdivision 6: TOWER HEIGHT

1. **Height Determination**. A Tower's height must be determined by measuring the vertical distance from the Tower's point of contact with the ground to the Tower's highest point, including all Antennas or other attachments, and if the Tower is mounted upon another structure, the height of that structure plus the vertical distance from the Tower's point of contact with the structure must be added together to determine the Tower's height.

2. **Height Restrictions**. Notwithstanding anything to the contrary in the regulations applicable to a specific zoning district, Towers are subject to the following height restrictions:

   A. In all residential districts, a Tower's maximum height is thirty-five (35) feet.

   B. In all non-residential districts, a Tower's maximum height shall be one hundred-fifty (150) feet, except that in the Ag-40 districts a Tower may not exceed a maximum height of one hundred ninety-nine (199) feet.

Subdivision 7: TOWER LIGHTING

Towers may not be illuminated by artificial means and may not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular Tower or otherwise approved by the City Council. When incorporated into the Tower's approved design, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the Tower.

Subdivision 8: SIGNS AND ADVERTISING

The use of any portion of a Tower for signs other than warning or equipment information signs are prohibited.

Subdivision 9: ACCESSORY UTILITY BUILDINGS

All utility buildings and structures accessory to a Tower must be architecturally designed to blend in with the surrounding environment and must meet the minimum setback requirements and all other requirements of the underlying zoning district in which the building is located. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood.

Subdivision 10: FENCING

All Commercial Towers and accessory buildings must be enclosed with an aesthetically acceptable fence between eight (8) and ten (10) feet in height with a locked gate to prevent unauthorized entry.

Subdivision 11: LANDSCAPING AND SCREENING

As a condition to approving a Commercial Tower, the City Council will establish reasonable requirements relating to landscaping and screening to improve the aesthetic appearance of the Tower's base and accessory buildings. Existing on-site vegetation should be preserved to the maximum extent possible.

Subdivision 12: MINIMUM SPACING

Commercial Tower locations must be at least one-fourth (1/4) mile apart. Antennas wholly contained within a building or other structure and not visible to the general public are exempt from this spacing regulation as determined by the City Council.

Subdivision 13: LICENSES

All proposals to erect any new Tower must be accompanied by all required federal, state or local agency licenses or proof of application for them.

Subdivision 14: ABANDONED OR UNUSED TOWERS

Abandoned or unused Towers or portions of Towers must be removed as follows:

1. All abandoned or unused Towers and associated facilities must be removed within twelve (12) months after the cessation of operations at the site unless the City Council approves a time extension. If a Tower is not

removed within twelve(12) months after the cessation of operations at a site, the City may remove the Tower and associated facilities and assess the removal costs against the property.

2. Unused portions of Towers above a manufactured connection must be removed within six (6) months of the time of Antenna relocation. The replacement of portions of a Tower previously removed requires the issuance of a new conditional use permit.

Subdivision 15: ANTENNAS MOUNTED ON ROOFS, WALLS AND EXISTING TOWERS

The City Council may approve the placement of wireless telecommunication Antennas on roofs, walls, and existing Towers if the Antennas meet this Ordinance's requirements and after submittal of: 1) a final site and building plan; and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or Tower's suitability to accept the Antenna and the proposed method of affixing the Antenna to the structure. The report must indicate complete details of all fixtures and couplings and the precise point of attachment.

Subdivision 16: INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

No new or existing telecommunications service may interfere with public safety telecommunications. All applications for new service must be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers must notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

Subdivision 17: ADDITIONAL SUBMITTAL REQUIREMENTS

In addition to the information required elsewhere in this Ordinance, all applications to construct Towers must include the following supplemental information:

1. A report from a qualified and licensed professional engineer which does the following:

   A. Describes the Tower height and design including a cross section and elevation;

B. Documents the height above grade for all potential mounting positions for co-located Antennas and the minimum separation distances between Antennas;

C. Describes the Tower's capacity, including the number and type of Antennas that it can accommodate;

D. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

E. Includes an engineer's stamp and registration number; and

F. Includes other information necessary to evaluate the request.

2. For all Commercial Wireless Telecommunication Service Towers, a letter of intent committing the Tower owner and his or her successors to allow the shared use of the Tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Before a site or building permit may be issued, the following supplemental information must be submitted:

A. Proof that the proposed Tower complies with regulations administered by Federal Aviation Administration; and

B. A report from a qualified and licensed professional engineer which demonstrates the Tower's compliance with the applicable structural and electrical standards.

4. A site plan showing the boundaries of the property where the Tower is located, adjacent land uses, the Tower's location and any Accessory Buildings within the property, distance of setbacks from property lines for the Tower and all Accessory Buildings, Fence locations and proposed landscaping and screening.

Subdivision 18: EXCEPTIONS

This Section's requirements apply to all structures and developments otherwise permitted under this Ordinance except:

1. Planned Unit Developments, when approved as a part of a preliminary and final development plan under this Ordinance.

2. Public utility structures, including but not limited to water towers, lights and signals, power and telephone poles, and poles supporting emergency warning devices.

3. Church sanctuaries, steeples and bell towers.

4. In accordance with the Federal Communications Commission's preemptive ruling, Towers erected for the primary purpose of supporting amateur radio Antennas may exceed thirty (30) feet in height if the City Council determines that the proposed Tower height is technically necessary to successfully engage in amateur radio communications.

5. A Tower or Antenna not more than thirty (30) feet in height used for residential television reception that is used to receive television signals exclusively for the occupants of the property where the Tower or Antenna is located.

6. A satellite or microwave dish that is one (1) meter or less in diameter used to receive signals exclusively for the occupants of the property where the dish is located.

7. Birdhouses.

SECTION 13A WIND ENERGY CONVERSION SYSTEMS

Subdivision 1: PURPOSE AND INTENT

The purpose and intent of this chapter is regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51 – 116C.697).

Subdivision 2: PROCEDURES

Land Use/Building Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in this Ordinance.

1. The application for all WECS shall include the following information:

    A. The names of project applicant.
    B. The name of the project owner.
    C. The legal description and address of the project.
    D. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
    E. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
    F. Engineer's certification.
    G. Documentation of land ownership or legal control of the property.

2. The application for Commercial WECS shall also include:

    A. The latitude and longitude of individual wind turbines.
    B. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
    C. Location of all known Communications Towers within one mile of the proposed WECS.
    D. Decommissioning Plan.
    E. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
    F. Any additional information as may be requested by the Zoning Administrator.

Subdivision 3: AGGREGATED PROJECTS

Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in MS Statute 116C.691 through 116C.697 shall be regulated by the State of Minnesota.

Subdivision 4: DISTRICT REGULATIONS

WECS will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below:

District	**Non-Commercial***	**Commercial**	**Meteorological Tower***
Agriculture Preservation ~~SP-1~~	Permitted	Conditionally Permitted	Permitted
General Agricultural A-40	Permitted	Conditionally Permitted	Permitted
Industrial I-1 & I-2	Conditionally Permitted	Conditionally Permitted	Permitted
Shoreland Residential Management R1	Not permitted Unless on 5 Acres or More CUP	Not permitted Unless on 5 Acres or more CUP	Not permitted Unless on 5 Acres or more CUP
Shoreland Resource Management RM	Conditionally Permitted	Not Permitted	Permitted
Community Residence R1, R2, R3	Not Permitted unless on 5 Acres or more CUP	Not Permitted unless on 5 acres or more CUP	Not Permitted unless on 5 Acres or more CUP
Central Business District B1 & B2	Not Permitted	Not Permitted	Not Permitted

- Non-Commercial WECS and Meteorological Towers shall require a Conditional Use Permit if over two hundred (200) feet in height.

Subdivision 5: SETBACKS WIND TURBINES AND METEROLOGICAL TOWERS

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non- Commercial WECS	Wind Turbine - Commercial WECS	Meteorological Towers
Property lines	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Dwellings*	NA	1.5 x Total Height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Rights-of-Way **	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.
Public Conservation Lands	NA	600 feet	600 feet
Protected Wetlands, on the Protected Waters Inventory Map for the City	NA	600 feet	600 feet
Other Existing WECS	NA	To be considered based on: ***	

* The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within five hundred feet of a commercial wind turbine.
The setback from any non-permitted districts R-1, R-2, B1 & B2 SRM or where a conditional use permit is needed shall not be less than 500' from the property line.

** The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

*** - Relative size of the existing and proposed WECS

- Alignment of the WECS relative to the predominant winds.
- Topography
- Extent of wake interference impacts on existing WECS.
- Property line setback of existing WECS.
- Other setbacks required.
- Waived for internal setbacks in multiple turbine projects including aggregated projects.

Subdivision 6: SAFETY DESIGN STANDARDS

1. Engineering Certification – For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

2. Clearance – Rotor blades or airfoils must maintain at least thirty-five feet of clearance between their lowest point and the ground.

3. Warnings:

   a. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.

   b. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. Consideration shall be given to painted aviation warnings on metrological towers of less than two hundred (200) feet.

Subdivision 7: STANDARDS

1. Total Height – Non-Commercial WECS shall have a total height of less than two hundred (200) feet. Section 27 of this ordinance requires a conditional use for all structures over two hundred (200) feet in total height.

2. Tower Configuration – All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.

3. Color and Finish – All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

4. Lighting – Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

5. Other Signage – All signage on site shall comply with Section 12 of this Ordinance. The manufacturers or owner's company name and/or logo may be placed upon the nacelle compartment containing the electrical generator, of the WECS.

6. Feeder Lines – All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to the City of Rockville authority.

7. Waste Disposal – Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8. Discontinuation and Decommissioning - A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Rockville Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4) feet below ground level within ninety (90) days of the discontinuation of use. Each Commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall

also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

9. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program Staff of the project location and details on the survey form specified by the Environmental Quality Board.

Subdivision 8: OTHER APPLICABLE STANDARDS

1. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.

2. Electrical Codes and Standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

3. Federal Aviation Administration– All WECS shall comply with FAA standards and permits.

4. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted by the State of Minnesota.

Subdivision 9: INTERFERENCE

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within one mile of the proposed WECS location upon application to the City of Rockville for permits. No WECS shall be constructed so as to interfere with City or Minnesota Department of Transportation microwave transmissions.

Subdivision 10: AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE

1. Roads – Applicants shall: Identify all County, City or State roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction. Conduct a pre-construction survey, in coordination with the impacted local road authority (ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.

Be responsible for restoring or paying damages as agreed to by the applicable road authority (ies) sufficient to restore the road(s) and bridges to preconstruction conditions.

2. Drainage System – The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

SECTION 14: NON-CONFORMING USES (???)

Subdivision 1: PURPOSE AND INTENT

Within the City's Zoning Districts established by this Ordinance or later amendments, there may exist lots, structures or land uses that were lawful before this Ordinance was passed or amended but which are prohibited, regulated or restricted under the Ordinance or a future amendment of this Ordinance. The City intends to permit nonconformities to continue until they are removed but not to encourage their survival. This Sections intent is that non-conforming uses not be enlarged, extended, or expanded, and that additions not be used as a basis for adding other prohibited uses.

Subdivision 2: CONTINUED USE OF EXISTING STRUCTURES

The lawful use of a building or structure existing at the time of this Ordinance's adoption or amendment that does not conform with the applicable district's provisions may be continued if it remains otherwise lawful subject to the following provisions:

1. **No Structural Alteration**. No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. **Extended Use**. A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made to the building, except those required by law or ordinance or that may be required for safety or necessary to secure or insure the buildings continued advantageous use during its natural life.

3. **Change to Another Nonconforming Use**. If no structural alterations are made to any structure or premises involving a nonconforming use, the use may be changed to another nonconforming use if the City Council, either by general rule or by making findings in the specific case, finds that the proposed use is as appropriate or more appropriate to the District. In permitting the change, the City Council will consider the Planning Commission's recommendations and may require appropriate conditions and safeguards.

4. **Replacement by Permitted Use**. If a structure's nonconforming use is replaced by a permitted use, the nonconforming use may not be resumed.

5. **Discontinued Use.** If a nonconforming use is discontinued for twelve (12) consecutive months, the use must not be resumed except in conformance with the regulations of the District where the use is located.

6. **Removal or Destruction**. Where nonconforming use status applies to a structure or structure and land in combination, the removal or destruction of fifty percent (50%) or more of the structure will eliminate the non-conforming status of the land and/or building. The structure may not be reconstructed as a nonconforming use.

7. **Floodplain District Special Considerations**. In the case of a non-conforming use or structure within a Floodplain District, additional conditions will apply as set out in the Floodplain Ordinance.

8. **Shore land District Special Considerations**. In the case of a non-conforming use or structure within a Shore land District, additional conditions will apply as set out in the Shore land Ordinance.

Subdivision 3: MAINTENANCE AND REPAIRS

On any building devoted in whole or in part to any nonconforming use, normal maintenance, including but not limited to the repair or replacement of non-bearing walls, fixtures, wiring, and plumbing, may be performed if the maintenance, repairs or replacement does not exceed fifty percent (50%) of the building's current assessed value (as determined for property tax purposes) in any five (5)-year period. No load-bearing walls may be replaced nor may the cubic content of the building be increased.

Subdivision 4: NON-CONFORMING STRUCTURES

Where a lawful structure exists that could not be built under this Ordinance because of restrictions on area, lot coverage, height, setbacks or other characteristics of the structure or its location on the lot, the structure may remain and continue to be used so long as it remains otherwise lawful, subject to the following provisions:

1. **No Increased Nonconformity**. A nonconforming structure may not be enlarged or altered in a way which increases its non-conformity.

2. **Damage.** Any non-conforming building or structure damaged more than fifty percent (50%) of its then assessed value (as determined for property tax purposes), exclusive of foundations at the time of damage by fire,

collapse, explosion or acts of God or public enemy, may not be restored or reconstructed and used as before such happening; however, if less than fifty percent (50%) of the building's value (based upon assessed value) is destroyed, the building may be restored, reconstructed or used as before provided that it is reconstructed within twelve (12) months of such happening and that it is reconstructed using similar materials and architectural design. Alternative materials or design may, however, be used provided Planning Commission approval is obtained. The Building Official will determine if a building remains habitable after any damage to a building.

Subdivision 5: NON-CONFORMING LAND USES

Where land uses exist that are not permitted under this Ordinance's terms as enacted or amended, the use may be continued if it remains otherwise lawful, subject to the following:

1. **No Increased Nonconformity**. A non-conforming use may not be enlarged or increased, nor extended to occupy a greater area of land.

2. **Discontinued Use**. If any non-conforming use of land ceases, for any reason, for a period of more than thirty (30) days, any subsequent use of the land must conform to the requirements of this Ordinance.

3. **Moving Use**. A non-conforming use may not be moved in whole or in part to any other portion of the lot or parcel not occupied by the use at the effective date of this Ordinance's adoption or amendment.

Subdivision 6: ABANDONMENT

A non-conforming use of a building or premises which has been abandoned must not be returned to the non-conforming use. A non-conforming use will be presumed abandoned when all or substantially all of the equipment and/or furnishings have been removed from the premises and have not been replaced or the use ceases, for any reason, for a period of more than thirty (30) days.

Subdivision 7: UNSAFE STRUCTURES

Nothing in this Ordinance is intended to prevent the strengthening or restoring to a safe condition any portion of a building or structure declared unsafe by the City Building Inspector.

Subdivision 8: CONSTRUCTION STARTED BEFORE ENACTMENT

Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within one (1) year. Such structure and use must thereafter be a legally non-conforming structure and use.

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.

SECTION 15: GENERAL ZONING DISTRICT PROVISIONS

Subdivision 1: DISTRICT ESTABLISHMENT

The following zoning district classifications are established within the City of Rockville:

1. A-40" Agricultural District
2. RR" – Rural Residential District
3. R-1" Single Family Residential District
4. R-2" Two Family Residential District
5. R-3" Multiple Family Residential District
6. B-1" Central Business District
7. B-2" General Business District
8. I-1" Industrial District
9. I-2" General Industrial District (Sewered)
10. ~~SP-1" Special Protection~~

Subdivision 2: ZONING DISTRICT APPLICATION

1. **Official Zoning Map**. The boundaries of the districts identified in this Section are established and adopted as shown upon the Official Zoning Map on file in the City Clerk's office, designated AThe Official Zoning Map of the City of Rockville, Minnesota,@ and bearing the signatures of the Mayor, and City Clerk. The Official Zoning Map, with all notations, references, data and other information, is made part of this Ordinance as if it were fully set forth in this Ordinance.

2. **Amending Official Zoning Map**. The Zoning Administrator will maintain the Official Zoning Map and make any necessary amendments as authorized by law and this Ordinance. The Zoning Administrator will record all amendments to the Official Zoning Map on the Official Zoning Map within thirty (30) days after adoption by the City

Council. The Official Zoning Map will be available for public inspection at all reasonable times during which the City Hall is customarily open.

3. **Annexed Land.** All land which may later become a part of the City of Rockville through annexation will be ~~automatically~~ classified **as** ~~in the~~ A-40 "Agricultural District" **unless otherwise classified upon annexation and/or** until otherwise changed by amendment procedure as prescribed in this Ordinance. (AG-40 Committee had concerns about annexed and automatically classified as "AG-40" –Committee requests further discussion) *Note – as a point of procedure some cities process a 'rezoning' request at time of annexation.*

Subdivision 3: ZONING DISTRICT BOUNDARIES

The boundaries of districts are the center lines of streets and alleys; the center of streams; the shorelines of rivers and lakes; the rear lot lines where there are not alleys; the side lines of recorded lots or designated distances where land is unplatted.

Subdivision 4: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

1. **Prohibited if not permitted**. Whenever in any zoning district a use is not specifically permitted the use is considered prohibited.

2. **Uses not listed**. The City Council, the Planning Commission, or a property owner may request a study by the City to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council and/or Planning Commission upon receipt of the staff study may, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City. The Planning Commission and the City Council may also determine that a use which is not listed is essentially the same as a listed use and treat a use as the same as the listed use.

SECTION 16: A-40" AGRICULTURAL DISTRICT

Subdivision 1: AGRICULTURAL DISTRICT A-40 (A-40 District) ZONING DISTRICT APPLICATION

The purpose of this District is to preserve the agricultural and rural character of land within the A-40 District. Agriculture is the predominate land use, however many single family dwellings and hobby farms exist within this district. Because of the proximity to growing suburban areas with their continued pressure, additional residential development may be allowed at a low density of not more than one residence per 40 acres. This district is intended to meet the goals of the City of Rockville Comprehensive Plan by providing a distinct separation between animal agriculture and non-farm residential land uses.

Subdivision 2: PERMITTED USES

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

1. Agricultural operations

2. Family day care

3. Wholesale Greenhouses and wholesale nurseries

4. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules, to serve 14 or fewer children pursuant to Minnesota Statutes, section 245A.14; or successor statute

5. Licensed Residential Programs, including housing with services established under Minnesota Statutes, chapter 144D; or successor statutes, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use pursuant to Minnesota Statutes, Section 245A.11; or successor statute

6. Public and private forest and game management areas

7. Public parks and trails

8. Single family residential dwelling unit

9. Small-scale family operated seasonal produce stands which are accessory to agricultural operations

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.

Subdivision 3: PERMITTED ACCESSORY USES AND STRUCTURES

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

1. Accessory agricultural buildings that are accessory to an Agricultural Operation

2. Residential accessory buildings

3. Kennels B Private

Subdivision 4: CONDITIONAL USES

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

1. Agriculturally oriented businesses

2. Animal Feedlots subject to the provisions of Stearns County's Ordinances relating to Feedlots.

3. Aquaculture

4. Worm Farming

5. Churches

6. Community buildings

7. Hunting clubs and shooting preserves

8. Kennels B Commercial

9. Private Airstrips

10. Schools B public or private - bus garages

11. Wind Turbines

12. Bed and Breakfast Inns

13. Cemeteries

14. Government administrative and service buildings

15. Home Occupations

16. Home Extended Businesses

17. Outdoor recreational facilities

18. Business uses which were legally existing conforming uses as of April 16, 2003, the date of the adoption of this Ordinance. Any expansion, intensification of use, additions or rebuilding of structures (except as permitted by existing special use permits) relating to such businesses will require the issuance of a conditional use permit.

19. Commercial Wireless Telecommunication Service Towers subject to Section 13 of the City Zoning Code.

20. Event Centers, provided:
    A. The capacity of all structures used in the operation of event center is less than 200 persons;
    B. The event center has sufficient improved parking spaces for the use. All parking spaces must be located at least 30 feet from any neighboring property and at least 150 feet from any neighboring residential structure, no unimproved areas may be utilized for parking, and facility is designed to prevent vehicle headlights from shining on neighboring property;
    C. Access to the property is provided by a paved public road, or access is provided by a gravel road, and no residential building is located within 200 feet of the gravel road providing access from the nearest paved public road;
    D. The driveway and parking surface are paved, or they are

maintained to prevent dust;

E. The hours of operation is prohibited between the hours of ~~1:00~~ **2:00** am to 10:00am, and any other time which operation of a liquor licensed premises is prohibited;

F. No service or operation is allowed outside of the enclosed premises after sunset. At no time may the attendance at events located on the property exceed the capacity of the premises used in the operation;

G. No sound from the operation is discernible at the property boundary;

H. No light is directed off of the property, no flashing or blinking lights are visible from any property line, and no light is brighter than 0.1 footcandles at the property boundary;

I. The facility complies with all existing building, zoning and health code regulations.

J. All structures are setback at least 30 feet from any neighboring property, at least 150 feet from any neighboring residential structure, and at least 100 feet from the road right-of-way;

K. The facility maintains the essential rural character of the district; and

L. No existing event center is located within one mile of the boundary of the property seeking the conditional use permit."

21. Solar Farms

Subdivision 5: INTERIM USE PERMITS

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

1. One temporary singe family dwelling unit that is to be located in the existing farmyard to house farm labor, consisting of either individual(s) or a family

2. Migrant and/or seasonal worker housing

3. Temporary hot mix and concrete recycling plants

4. Temporary storage or operation of equipment

5. Extractive Uses

Subdivision 6: RESIDENTIAL DENSITY REQUIREMENTS

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

Subdivision 7: STANDARD FOR DETERMINING PERMITTED RESIDENTIAL DWELLING SITES

1. Tracts that are contiguous and under common ownership on the effective date of this Ordinance shall be considered one tract. **<Lots of Record not containing forty (40) acres may be allowed as residential building sites.**>

2. An eligible forty (40) acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:

   A. The tract contains forty (40) acres more or less and is described, for example, as quarter-quarter according to the Government Land Office survey grid system.

   B. The tract is described as an entire Government Lot and contains enough land to constitute a buildable site as determined by the Planning Commission considering the minimum area requirements necessary for a septic system site and alternative site and necessary to meet building setback requirements.

   C. The tract contains forty (40) acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the forty (40) acre calculation.

3. Determining eligibility for a residential dwelling site shall be as follows:

   A. The property owner(s) total acreage owned within the A-40 District shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.

   B. Forty (40) acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/or City of Rockville Subdivision Ordinance, shall be subtracted from the total acreage owned.

   C. The results from 3.A. and 3.B. above, if the difference is at least forty (40) acres, shall be divided by forty (40) acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals Fractions of less than eight and one half

(8 2) shall be reduced to the nearest whole number and decimals fractions of point eight and one half (.8 2) or greater shall be increased to the nearest whole number.

4. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to this Ordinance.

5. The owners of an eligible parcel who apply for a subdivision for use as a Residential Dwelling site shall execute a Declaration of Restriction for a forty (40) acre equivalent land area which is defined as forty (40) acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.

6. The equivalent land area shall have frontage on a public road, or must be held in common ownership and attached to contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.

7. The intent of the A-40 District is to restrict residential density to an average of one Residential Dwelling per forty (40) acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one (1) forty (40) acre tract to another forty (40) acre tract shall be allowed subject to the following:

   A. Residential Dwelling site transfers that are exempt from the Subdivision requirements of this Ordinance shall be approved by the Zoning Administrator after review by the Planning Commission.

   B. When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Planned Unit Development Standards of this Ordinance.

   C. Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a Declaration of Restriction prohibiting any residential development on the forty (40) acre

tracts from which the residential development rights were transferred unless and until the restricted property is rezoned to allow for additional development. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless the Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

Subdivision 8: LOT REQUIREMENTS

1. A Lot of Record that is determined as such pursuant to this Ordinance that is less than forty (40) acres in size shall be allowed as a residential building site.

2. The following standards shall apply to lots or tracts created on or after adoption of this Ordinance: For lots or tracts created in the A-40 District after the effective date of this Ordinance:

   A. The minimum buildable lot size for a Single Family Residential Dwelling shall be one (1) acre.

   B. The minimum median lot width shall be one hundred fifty (150) feet.

   C. For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of this Ordinance, and the sewage treatment system standards of Stearns County.

   D. The location of any lot in the A-40 District that is to be used as a residential dwelling site shall be located so that the Residential Dwelling can meet the animal feedlot setback provisions of Stearns County's Ordinances relating to feedlot setbacks.

   E. The minimum lot frontage shall be 75 feet.

Subdivision 9: SETBACK REQUIREMENTS

Except as provided in the Ordinance, the following setback requirements shall apply:

1. Minimum Building Setbacks
   A. Side yard: 50 feet from side lot line or boundary.
   B. Rear yard: 50 feet from rear lot line or boundary.
   C. Animal Feedlots and manure storage facilities shall meet the setback provisions of this Ordinance or Stearns County's Ordinances whichever is more restrictive.

Subdivision 10: HEIGHT REQUIREMENTS

1. Buildings, other than agricultural buildings, shall not exceed thirty-five (35) feet in height except as provided in this Ordinance.

2. Agricultural buildings shall be exempt from the height requirements.

Subdivision 11: LOT COVERAGE

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

Subdivision 12: PLANNED UNIT DEVELOPMENT (PUD)

All plats within the Agricultural District shall be by Planned Unit Development.

Planned Unit Developments within an A-40 District may not in any event have a density of greater than one (1) dwelling unit per two (2) acres, and must have a minimum lot size of one (1) acre.

SECTION 16A: RURAL RESIDENTIAL DISTRICT "R-R DISTRICT"

SUBDIVISION 1 – PURPOSE AND GOALS

1. Purpose:

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

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

2. Goals of the R-R District:

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

SUBDIVISION 2 – PERMITTED USES:

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

a. Agricultural land uses providing that farm animals are not kept on parcels smaller than 5 acres with an animal unit density not greater than 1 per 5 acres, 2 per 10 acres, 3 per 11 acres, 4 per 12 acres, 5 per 13 acres. etc,
b. Family, group, "program", daycare facilities serving 12 or less.
c. Single family residential dwelling unit
d. Forestry

SUBDIVISION 3 - PERMITTED ACCESSORY USES

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

a. Accessory buildings (residential)
b. Decorative landscaping features
c. Home occupations
d. Private swimming pools
e. Private tennis courts
f. Residential garages, parking spaces, carports
g. Roadside stands for sale of home occupations, or horticultural products, provided off-street parking is provided
h. Signs as regulated by ordinance

SUBDIVISION 4 – CONDITIONAL USES

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

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

SUBDIVISION 5 – INTERIM USES

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

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

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

a. Parcels of Record: Certain parcels of record recorded under separate deed and not containing five (5) acres may be allowed as residential dwelling building sites and shall be determined as follows:
    1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein to be a parcel of record may be combined with other tracts or parcels for determining the number of permitted residential dwelling sites.
    2) Any non-contiguous tract or parcel that is in common ownership on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential dwelling site.

b. Residential dwelling site eligibility: An eligible five (5) acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
    1) The tract contains five (5) acres more or less, may be split by the following:
        a. If splitting one lot into two lots – Qualified Minor Subdivision
        b. If splitting into more than two lots – must be platted using the Lot and Block system.
        c. The right of way of any public road adjacent and included in the description of said tract may be used for the 5 acres calculation.

c. Density calculation: Determining eligibility for a residential dwelling site on a parcel or parcels within the R-R District shall be as follows:
    1) The property owner's total acreage owned on the parcel or parcels all within this district, less and except any land under the OHWL, shall be calculated.
    2) 5 acres for each existing residential dwelling and any equivalent land area previously restricted shall be subtracted from the total acreage owned.
    3) The results from (1) and (2) above shall be divided by five (5) acres and the quotient shall be the number of eligible divisions that are permitted for the parcel. Decimals of less than 0.80 shall be reduced to the nearest whole number and decimals 0.80 or greater shall be increased to the nearest whole number.

As an example of how unbuildable/buildable land would be handles by this provision, if 8 acres of a 20-acres parcel is unbuildable, 4 dwelling units would be allowed on the remaining 12 buildable acres; thereby maintain the required 1 dwelling unit per 5 acres density.

d. Lot access requirements: Every tract or parcel, including out lots shall abut or have direct vehicular access to a public road and have a minimum road frontage equal to the required lot width. This public road may be an interior dedicated public right of way that is built by and maintained by the property owners and not by the city, provided the dedicated public right of way meets the minimum road width and other requirements of the city.

SUBDIVISION 7– LOT REQUIREMENTS

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

SUBDIVISION 8 – SETBACK REQUIREMENTS

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

a. Residential structures setbacks from side yard or rear yard: 50 feet
b. Minimum width and depth of lots: minimum median lot width of not less than 250 feet and minimum median lot depth of not less than 300 feet.

SUBDIVISION 9 – HEIGHT REQUIREMENTS

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

SUBDIVISON 10 – LOT COVERAGE

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

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

1. Purpose:

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

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

2. Objectives:

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

SECTION 17: R-I SINGLE FAMILY RESIDENTIAL DISTRICT

Subdivision 1: PURPOSE AND INTENT

The purpose and intent of the R-1 District is to permit the development of single family dwellings in the community; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such a district.

Subdivision 2: PERMITTED USES

1. Single family dwellings.

2. State licensed residential facilities or housing with services establishment registered under Minnesota Statues Chapter 144D, as amended, serving six (6) or fewer persons at one time.

3. State licensed day care or nursery school facilities serving twelve (12) or fewer persons at one time.

4. Group family day care facilities properly licensed under Minnesota Rules serving fourteen (14) or fewer children except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct violating criminal statutes relating to sex offenses.

5. Public Parks and playgrounds.

Subdivision 3: PERMITTED ACCESSORY USES

1. ACCELERATED ACCESSORY STRUCTURE – Private garages are permitted in all residential districts based on the following accelerated structure and **providing the** ~~only if the~~ exterior ~~covering~~ materials on the roof and side walls are **visually similar to, comparable in quality/durability, and harmonious with the** ~~with same as the~~ roof and side walls materials on the principal structure.
(Ag-40 Committee –is it necessary for garages to have same roof and side walls?)

10,200 SF to 13,000 SF = 600 SF Building with 8' Side Walls
13,000 SF to 18,000 SF = 900 SF " " 10' "
18,000 SF to 25,000 SF = 1,100 SF " " 10' "
25,000 SF to 35,000 SF = 1,200 SF " " 12' "
35,000 SF to 45,000 SF = 1,500 SF " " 12' "

with 15' setback from main structure

45,000 SF to 65,000 SF = 1,800 SF " " 14' "
with 20' setback from main structure

65,000 SF to 70,000 SF = 2,000 SF " " 14' "
(because of higher side walls)

70,000 SF to 85,000 SF = 2,400 SF " " 14' "

2. Home Occupations.

3. Private swimming pools and tennis courts with fencing that prohibits unauthorized entry.

4. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

5. Boarding and renting of rooms to not more than two (2) persons.

6. Gazebos and decks serving the principal residential structure.

7. Playhouses.

8. Kennels used for pets of occupants of the principal structure.

9. Fences as regulated by this Ordinance.

10. Off-street parking spaces as regulated by this Ordinance.

11. Signs as permitted and regulated by this Ordinance.

12. Temporary buildings during periods of construction of principal structures and located on the property no longer than one (1) year.

Subdivision 4: CONDITIONAL USES

The following uses require a Conditional Use Permit based on the procedures set forth in this Ordinance:

1. Governmental, municipal and public utility buildings and structures necessary for the community's health, safety, and general welfare.

2. Public or semi-public recreational buildings and community centers.

3. Churches, public libraries, museums, primary and secondary schools which are accredited by the State Department of Education, and hospitals.

4. Townhouses containing four (4) or fewer units whether in a single unit or on a combination of lots.

5. Essential Services structures.

6. Towers and Antennas as regulated by this Ordinance.

7. Uses the City Council determines to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general health and welfare.

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are 5 Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 Feet from the property line or road easement.

Subdivision 5: INTERIM USE PERMITS

1. Farm animals Ag-40 Committee – Identify type and number of farm animals to detour from needing interim use permit
Residential: Farm animals? What does it mean? What is the term?
Other city ordinances/sections of the City Code typically regulate the keeping of animals. If City wishes to allow keeping of animals (i.e. chickens) that ordinance or code section should be updated. That ordinance or code section also very likely differentiates between domestic animals like dogs/cats/pets and farm animals.

Subdivision 6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. **Minimum Buildable Lot Area.**

   A. Single Family Dwelling. Buildable lot area for lots with a single-family dwelling must be at least ten thousand two hundred (10,200) square feet.

   B. Other Uses. Lot area for lots for other uses must be determined based upon meeting the maximum floor area ratio.

2. **Lot Width.** Lot width must be at least eighty-five (85) feet at the established building line.

3. **Lot Depth.** Lot depth must be at least one hundred twenty (120) feet.

4. **Minimum Lot Frontage.** The minimum lot frontage shall be 75 feet.

5. **Setbacks.**

   A. Front Yard Setback. The front yard setback must be at least twenty-five (25) feet.

   B. Side Yard Setback. The side yard setback must be at least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.

   C. Rear Yard Setback. The rear yard setback must be at least thirty-five (35) for the house and garage foundation.

   D. Rear Yard Setback. For clarification purposes, the following is a list of features that are exempt and may be located within the thirty-five (35') foot setback but no closer than twenty-five (25) feet: outside stairways, fire escapes, porches, platforms, decks, balconies and other similar projections. (This does not apply to the riparian lake lots).

6. **Building Height.**

   A. Principal Structure. All principal residential structures may not exceed thirty-five (35) feet in height.

   B. Accessory Buildings. Accessory Buildings may not exceed twenty-five (25) feet in height.

7. **Impervious Surface.** Per Section 33 of this Ordinance.

8. **Exterior Finish**. ~~Corrugated~~ **Galvanized or unpainted** metal siding is not permitted. (Ag-40 committee remove corrugated – replace with galvanized)
   Residential: Corrugated metal siding is not permitted? Why? Is corrugated meant to be all metal buildings?

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY

Prior to the issuance of a permit for any building other than a single family dwelling on a platted lot, a site plan for the property must be approved by the City Council after review and recommendation by the Planning Commission. The site plan must contain at a minimum the following:

1. The current and proposed use of the property;

2. A Certificate of Survey if deemed necessary by the Zoning Administrator or the Planning Commission;

3. All structures and their dimensions and location;

4. Location of waste facilities including measures used for enclosure and screening;

5. Location of the water supply and utilities;

6. Elevations and drainage facilities;

7. Streets and ingress and egress;

8. Parking (including typical size and locations of handicap spaces);

9. Landscaping (including features and types of materials to be used);

10. Lighting locations and types of fixtures;

11. Location and dimensions of required green space;

12. Screening and fences (including types and heights of fencing);

13. Location and size of signs;

14. Distances to surrounding buildings, and surrounding land uses; and

15. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

As part of the site plan review and approval the Planning Commission may recommend and the City Council may, on the recommendation of the Planning Commission or on its own, require that changes be made to a site plan. Such

changes may include, without limitation, limiting the size and number of street accesses, requiring fencing or screening, requiring changes to the landscape plan, requiring alterations of the location and types of lighting and signage, altering parking lot design and layout, altering building layout, and other alterations and adjustments to ensure a design which is in conformance with this Ordinance and is in the best interest of the City.

SECTION 18: R-2 TWO FAMILY RESIDENTIAL DISTRICT

Subdivision 1: PURPOSE AND INTENT

The purpose intent of the R-2 District is to permit the development of single and two family dwellings in the community; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such a district.

Subdivision 2: PERMITTED USES

1. Single and two family dwellings.

1. State licensed residential facilities or housing with services establishment registered under Minnesota Statues Chapter 144D, as amended, serving six (6) or fewer persons at one time.

2. State licensed day care or nursery school facilities serving twelve (12) or fewer persons at one time.

3. Group family day care facilities properly licensed under Minnesota Rules serving fourteen (14) or fewer children except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct violating criminal statutes relating to sex offenses.

4. Public Parks and playgrounds.

Subdivision 3: PERMITTED ACCESSORY USES

1. ACCELERATED ACCESSORY STRUCTURE – Private garages are permitted in all residential districts based on the following accelerated structure and **providing the** ~~only if the~~ exterior ~~covering~~ materials on the roof and side walls are **visually similar to, comparable in quality/durability, and harmonious with the** ~~with same as the~~ as the roof and side walls materials on the principal structure.
(Ag-40 Committee –is it necessary for garages to have same roof and side walls?)

10,200 SF to 13,000 SF = 600 SF Building with 8' Side Walls
13,000 SF to 18,000 SF = 900 SF " " 10' "
18,000 SF to 25,000 SF = 1,100 SF " " 10' "

25,000 SF to 35,000 SF = 1,200 SF " " 12' "
35,000 SF to 45,000 SF = 1,500 SF " " 12' "
with 15' setback from main structure

45,000 SF to 65,000 SF = 1,800 SF " " 14' "
with 20' setback from main structure

65,000 SF to 70,000 SF = 2,000 SF " " 14' "
(because of higher side walls)

70,000 SF to 85,000 SF = 2,400 SF " " 14' "

2. Home Occupations.

3. Private swimming pools and tennis courts with fencing that prohibits unauthorized entry.

   A. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.

   B. Boarding and renting of rooms to not more than two (2) persons.

   C. Gazebos and decks serving the principal residential structure.

   D. Playhouses.

   E. Kennels used for pets of occupants of the principal structure.

   F. Fences as regulated by this Ordinance.

   G. Off-street parking spaces as regulated by this Ordinance.

   H. Signs as permitted and regulated by this Ordinance.

   I. Temporary buildings during periods of construction of principal structures and located on the property no longer than one (1) year.

Subdivision 4: CONDITIONAL USES

The following uses require a Conditional Use Permit based on the procedures set forth in this Ordinance:

1. Governmental, municipal and public utility buildings and structures necessary for the community's health, safety, and general welfare.

2. Public or semi-public recreational buildings and community centers.

3. Churches, public libraries, museums, primary and secondary schools which are accredited by the State Department of Education, and hospitals.

4. Townhouses containing four (4) or fewer units whether in a single unit or on a combination of lots.

5. Essential Services structures.

6. Towers and Antennas as regulated by this Ordinance.

7. Uses the City Council determines to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general health and welfare.

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are 5 Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 feet from the property line or road easement.

Subdivision 5: INTERIM USE PERMITS

1. Farm animals **Ag-40 Committee – Identify type and number of farm animals to avoid/detour from needing interim use permit)** *Other city ordinances/sections of the City Code typically regulate the keeping of animals. If City wishes to allow keeping of animals (i.e. chickens) that ordinance or code section should be updated. That ordinance or code section also very likely differentiates between domestic animals like dogs/cats/pets and farm animals*

Subdivision 6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. **Minimum Buildable Lot Area.**

   A. Single Family Dwelling. Buildable lot area for lots with a single-family dwelling must be at least ten thousand two hundred (10,200) square feet.

B. Two-family Dwelling. Buildable lot area for lots with a two-family dwelling must be at least eleven thousand two hundred and fifty (11,250) square feet.

C. Other Uses. Buildable lot area for lots for other uses must be determined based upon meeting the maximum floor area ratio.

2. **Lot Width.** Lot width must be at least ninety (90) feet at the established building line.

3. **Lot Depth.** Lot depth must be at least one hundred and twenty-five (125) feet.

4. **Minimum Lot Frontage.** The minimum lot frontage shall be 75 feet.

5. **Setbacks.**

A. Front Yard Setback. The front yard setback must be at least twenty-five (25) feet.

B. Side Yard Setback. The side yard setback must be at least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.

C. Rear Yard Setback. The rear yard setback must be at least thirty-five (35) feet.

6. **Building Height.**

A. Principal Structure. All principal residential structures may not exceed thirty-five (35) feet in height.

B. Accessory Buildings. Accessory Buildings may not exceed thirty (30) feet in height.

7. **Impervious Surface.** Per Section 33 of this Ordinance.

Note: the exterior finish requirements re: metal siding in the R-1 District are not here. Is that intentional or an oversight?

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY.

Prior to the issuance of a permit for any building with a foundation, a site plan for the property must be approved by the City Council after review and recommendation by the Planning Commission. The site plan must contain at a minimum the following:

9. The current and proposed use of the property;

10. A Certificate of Survey if required by the Zoning Administrator or Planning Commission;

11. All structures and their dimensions and location;

12. Location of waste facilities including measures used for enclosure and screening;

13. Location of the water supply and utilities;

14. Elevations and drainage facilities;

15. Streets and ingress and egress;

16. Parking (including typical size and locations of handicap spaces);

17. Landscaping (including features and types of materials to be used);

18. Lighting locations and types of fixtures;

19. Location and dimensions of required green space;

20. Screening and fences (including types and heights of fencing);

21. Location and size of signs;

22. Distances to surrounding buildings, and surrounding land uses; and

23. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

As part of the site plan review and approval the Planning Commission may recommend and the City Council may, on the recommendation of the Planning Commission or on its own, require that changes be made to a site plan. Such

changes may include, without limitation, limiting the size and number of street accesses, requiring fencing or screening, requiring changes to the landscape plan, requiring alterations of the location and types of lighting and signage, altering parking lot design and layout, altering building layout, and other alterations and adjustments to ensure a design which is in conformance with this Ordinance and is in the best interest of the City.

SECTION 19: R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT

Subdivision 1: PUPOSE AND INTENT

It is the purpose and intent of the R-3 District to provide for multiple-family dwellings and related complementary uses.

Subdivision 2: PERMITTED USES

1. All permitted uses as allowed in an “R-1" and “R-2" Single and Two Family Residential District.

2. Multiple-family dwelling units including Apartments, Townhouses and attached patio homes.

Subdivision 3: PERMITTED ACCESSORY USES

1. All permitted accessory uses as allowed in an “R-l” and “R-2" Single and Two Family Residential District.

2. Off-street loading and parking as regulated by this Ordinance.

Subdivision 4: CONDITIONAL USES

The following uses require a Conditional Use Permit based on the procedures set forth in this Ordinance.

1. All conditional uses, subject to the same provisions as allowed in the R-1" and R-2" Single and Two Family Residential District.

2. Manufactured Home Parks as regulated by this Ordinance.

3. Nursing homes, assisted living facilities, and rest homes.

4. Medical clinics and other buildings used for the treatment of human beings.

5. State licensed residential facilities serving from seven (7) through sixteen (16) persons.

6. Licensed day care facilities serving from thirteen (13) through sixteen (16) persons.

7. Uses the City Council determines to be substantially similar in nature to the conditional uses listed above and not detrimental to the City's general health and welfare.

8. Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are 5 Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 feet from the property line or road easement.

Subdivision 5: INTERIM USE PERMITS

1. ~~Farm animals~~ **Ag-40 Committee – Identify type and number of farm animals to avoid/detour from needing interim use permit)** *Other city ordinances/sections of the City Code typically regulate the keeping of animals. If City wishes to allow keeping of animals (i.e. chickens) that ordinance or code section should be updated. That ordinance or code section also very likely differentiates between domestic animals like dogs/cats/pets and farm animals. Since this is multiple family I recommend removing keeping of farm animals in this district under IUP as they would likely need to be kept in residential dwelling unit which could create sanitary concerns.*

Subdivision 6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. **Minimum Buildable Lot Area.**

   A. Single Family Dwelling. Buildable lot area for lots with a single-family dwelling must be at least ten thousand two hundred (10,200) square feet.

   B. Two-family Dwelling. Buildable lot area for lots with a two-family dwelling must be at least eleven thousand two hundred and fifty (11,250) square feet.

   C. Three-family Dwelling or more. Buildable lot area for lots with a three-family Dwelling or more must be at least thirteen thousand (13,000) square feet for the first three (3) units and an additional two thousand (2,000) square feet for each unit after three (3).

2. **Lot Width.** Single and two family structures must meet the requirements of R-1 and R-2 Districts. For all other structures, Lot width must be at least one hundred (100) feet at the established building line.

3. **Lot Depth.** Single and two family dwellings must meet the requirements for those dwelling types contained in the R-1 and R-2 Districts. Other structures shall have no minimum lot depth.

4. **Minimum Lot Frontage.** The minimum lot frontage shall be 75 feet.

5. **Setbacks.**

   1. Front Yard Setback. The front yard setback for all structures must be at least twenty-five (25) feet.

   2. Side Yard Setback.

      A. Single and Two Family Structures. The side yard setback must be at least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.

      B. Multi-family and Other Uses. Multi-family and other uses, if approved, must have a side yard setback of at least twenty (20) feet.

   3. Rear Yard Setback.

      A. Principal Structures. Principal structures must have a rear yard setback of at least forty (40) feet.

      B. Garages Facing Rear Lot Line. Garages with vehicle entrances facing the rear lot line must have a rear yard setback of at least forty (40) feet.

   4. Existing Lots. Notwithstanding anything in this Section apparently to the contrary, for Lots platted before this Ordinance's effective date, the setbacks will be as follows:

      1. Front Yard = fifteen (15) feet

      2. Side Yard = fifteen (15) feet

6. **Building Height.**

   A. Single and Two Family Dwellings. Single-family and two-family dwellings may not exceed thirty-five (35) feet in height.

   B. Other Principal Buildings. Principal buildings other than single and two family dwellings may not exceed thirty-five (35) feet in height.

C. Accessory Buildings. Accessory Buildings may not exceed twenty-five (25) feet in height.

7. **Impervious Surface.** Per Section 33 of this Ordinance.

8. **Green Space.** For buildings containing three (3) or more dwelling units there must be a minimum of four hundred and fifty(450) square feet of contiguous and useable green space per dwelling unit. Setback areas may not be counted toward the required green space.

9. **Exterior Finish.** Garages and other accessory buildings **must be visually similar to, comparable in quality/durability, and harmonious with the** ~~have an match~~ exterior finish of the ~~same materials as the~~ principal structure.
(Ag-40 Committee – amend exterior finish to match principal structure.)

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY

Prior to the issuance of a permit for any building with a foundation, a site plan for the property must be approved by the City Council after review and recommendation by the Planning Commission. The site plan must contain at a minimum the following:

9. The current and proposed use of the property;

10. A Certificate of Survey if required by the Zoning Administrator or Planning Commission;

11. All structures and their dimensions and location;

12. Location of waste facilities including measures used for enclosure and screening;

13. Location of the water supply and utilities;

14. Elevations and drainage facilities;

15. Streets and ingress and egress;

16. Parking (including typical size and locations of handicap spaces);

17. Landscaping (including features and types of materials to be used);

18. Lighting locations and types of fixtures;

19. Location and dimensions of required green space;

20. Screening and fences (including types and heights of fencing);

21. Location and size of signs;

22. Distances to surrounding buildings, and surrounding land uses; and

23. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

As part of the site plan review and approval the Planning Commission may recommend and the City Council may, on the recommendation of the Planning Commission or on its own, require that changes be made to a site plan. Such changes may include, without limitation, limiting the size and number of street accesses, requiring fencing or screening, requiring changes to the landscape plan, requiring alterations of the location and types of lighting and signage, altering parking lot design and layout, altering building layout, and other alterations and adjustments to ensure a design which is in conformance with this Ordinance and is in the best interest of the City.

Subdivision 8: PERFORMANCE BOND

To ensure site plan improvements, including without limitation landscaping and waste enclosures, are completed in accordance with the approved site plan, a performance bond or other approved security in the amount deemed sufficient by the City Council may be required to be deposited with the City before the issuance of a building permit for the project.

SECTION 20: B-1" CENTRAL BUSINESS DISTRICT

Subdivision 1: INTENT

Business/Industrial: approach MNDOT for signage - advertising services in downtown Rockville.

It is the intent of the B-1 District to provide for the establishment of commercial and service activities which draw from and serve customers from the community and its surrounding areas within the historic Main Street area of the City. The B-1 Central Business District is intended to provide areas appropriate for pedestrian oriented retail uses, professional office uses, professional services uses, single family uses, multiple family uses and mixed commercial/residential uses particularly in transitional situations between zones of varying intensities, within the original town site near the Broadway Street corridor and adjacent to intersections of collector/arterial streets in predominantly residential zones. This zone is appropriate for areas guided to Central Business development in the Comprehensive Plan. Furthermore, it is the intent of the City is to preserve and promote a traditional "Main Street" appearance with storefronts adjacent to sidewalk and parking in the rear or side of the buildings.

Subdivision 2: PERMITTED USES

1. Single family detached dwelling units, existing at the time of ordinance adoption.

2. Public uses including but not limited to government services, schools, libraries, transit services/terminals, etc.

3. Public parks/playgrounds.

4. Specialized retail establishments primarily intended to appeal to pedestrians (rather than through traffic) which may include, but are not limited to: artisan shops, hardware stores, fruit/vegetable/meat market(s), bakeries, candy store, ice cream shops, grocery stores, coffee shop, deli, drug store, self-service laundry, dry cleaning, florist shop, gift shop, soda shop, book store, hobby store, pet store (fully contained within the structure), apparel store, shoe store, audio/video media sales, variety store, sports store, café, taverns, pubs, bar/restaurant, and other similar uses.

5. Freestanding Daycare Facility.

6. State licensed residential facility or a housing with services establishment registered under MN Statutes serving six (6) or fewer persons. (MN Stat. 462.357, Subd. 7b).

7. Licensed day care facilities serving 12 or fewer persons. (MN Stat. 462.357 Subd. 7b).

8. State licensed residential facilities serving six (6) or fewer persons at one time.

9. Group family day care facilities serving fourteen (14) or fewer children, licensed under MN Rules 9502.0315 to 9502.0445 except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct. (MN Stat. 462.357 Subd. 7b).

10. Mixed specialized retail and multiple family residential uses within a single structure provided residential uses do not occupy the street level storefront of the structure (street level residential units are permitted in the rear portion of said street level). Specialized retail shall include, but may not be limited to: artisan shops, hardware stores, fruit/vegetable/meat market(s), bakeries, camera shops, candy store, ice cream shop, grocery store, deli, drug store, self-service laundry, dry cleaning, florist shops, gift shops, soda shop, book store, hobby store, pet store (fully contained within the structure), apparel store, shoe store, audio/video media sales, electronic store, variety store, sports store, café, neighborhood restaurants but not drive-thru types, and other similar uses.

11. Medical, optical and dental offices and services.

12. Offices or studios of business, professional and service occupations, including but not limited to banks, accountants, brokers, engineers, insurance agents, lawyers, physicians, realtors, chiropractors, travel agents, real estate title/closing services and the like.

13. Business and professional lease space.

14. Personal services, including but not limited to: barber/beauty shops, salons, manicurists, cosmetology services, photography studio and similar uses.

15. Household repair services, including but not limited to: small appliance repair service, radio/television/computer repair, bicycle repair service, jewelry repair and similar uses but not including automotive repair.

16. Minor automobile repair of passenger vehicles excluding buses and limited to the replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service but not including rebuilding or reconditioning of engines, body work, framework, welding and major painting service.

17. Public utility buildings.

18. Museums.

19. Bed and Breakfast Establishments.

20. Bait shops, recreational equipment rental shops and similar tourism related facilities/activities.

21. Private non-profit clubs and lodges.

22. Food services including whose products are sold only at retail on the premises.

23. Indoor showrooms for articles to be sold at retail.

24. Recreational services contained within an enclosed structure including theaters and bowling lanes.

Subdivision 3: PERMITTED ACCESSORY USES

1. The following in buildings primarily occupied by medical, optical and dental services: retail sales of drugs, prescription items, patent medicines, sickroom supplies, prosthetic devices or items related to the aforementioned and coffee shops, cafeterias, licensed therapeutic massage enterprises, etc provided the use is definitively incidental to an allowed commercial or business use.

2. Business/Industrial: why limit occupancy to 30%? Non in-home daycare facilities ~~providing said facilities occupy less than 30% of the facility~~.

3. Private garages and parking spaces when clearly incidental to an allowed principal use provided said accessory building structure footprint is no more than 20% of the principal building footprint and the accessory building height is no greater than the average height of the principal structure.

4. The following in conjunction with residential uses: home occupations regulated by Section 9 of this ordinance; gazebos and screen porches/houses provided the maximum lot coverage standard is not exceeded; and playhouses, play structures, play features, trampolines and items similar in nature that are of a type typical of home use.

5. Personal satellite antenna of a nature typical to residential uses.

6. Courtyards, outdoor dining areas, outdoor areas of assembly and the like provided: public sidewalks are not negatively impacted, appropriate trash

receptacles are provided, alcoholic beverages served only in enclosed areas and/or activities are limited to the hours of 7:00 a.m. and 11 p.m.

7. Fences as regulated by this Ordinance.

8. Off street parking and loading areas as regulated by this Ordinance. Off street parking and loading areas located in the rear or side of the structure are preferred and highly recommended.

9. Signs as regulated by this Ordinance.

10. Accessory uses not specifically permitted by this paragraph shall be prohibited unless authorized by an interim use permit granted pursuant to Section 28 of this Ordinance.

Subdivision 4: CONDITIONAL USES

The following uses require a Conditional Use Permit based on the procedures set forth in this Ordinance:

1. Private colleges and institutions.

2. Mortuaries/crematoriums.

3. Commercial parking or fee for parking lots adjacent to commercial uses or mixed uses.

4. Churches.

5. State licensed residential facility serving more than six (6) persons at one time provided that: Adequate off-street parking and loading is provided; and The facility meets all State licensing requirements pursuant to Minnesota Statutes 245A.02 and 245A.11, as amended, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct.

6. State licensed day care or nursery school facility serving more than twelve (12) persons at one time provided: Sufficient off-street parking and loading facilities are provided; and the facility meets all State licensing requirements pursuant to Minnesota Statutes 245A.02 and 245A.11, as amended.

7. State licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been

adjudicated delinquent on the basis of conduct.

8. Freestanding multiple family dwellings unit structures provided they are not on lots abutting Broadway Street between Pine Street and County Road 8 and provided they are designed to match with the "Main Street".

9. Multiple family units located above retail or other store fronts containing more than two (2) dwelling units.

10. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health, welfare and safety.

Subdivision 5: INTERIM USES

The following uses require an Interim Use Permit based on the procedures set forth in this Ordinance.

1. Temporary uses such as Christmas tree lots, newsstands, sidewalk display sales, fireworks, etc.

2. Temporary buildings for construction purposes, for a period not to exceed construction.

3. Outdoor storage. ~~fenced in.~~ (Ag-40 Committee clarify why should outdoor storage be fenced in?) *The IUP can specify fencing and/or screening.*

Subdivision 6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. The minimum lot depth shall be 100 feet and the minimum lot width 50 feet, except lots fronting on Broadway Street shall be exempt from depth and width requirements.

2. Setbacks:

   iii. Front yard setback shall be thirty (30) feet or the average setback of structures on abutting lots, except if abutting Broadway Street, where setbacks may be reduced providing the parcel fronts on an improved public pathway/sidewalk of sufficient width and adequate site distance is available at street intersections.

   iv. Side yard setback shall be ten (10) feet, plus one-half (1/2) foot for every one (1) foot of structure height in excess of two (2) stories or thirty-five (35) feet whichever is less except for interior lots abutting Broadway Street wherein no minimum setbacks are required provided fire suppression techniques are incorporated to the satisfaction of the

building official and fire marshal.

v. The rear yard setback shall be five (5) feet, except that:

i. If the lot directly abuts a residential district the setback shall be twenty (20) feet.

ii. If the lot directly abuts an alley the setback shall be ten (10) feet.

vi. Maximum Building Height: Two (2) stories or thirty (30) feet whichever is less, unless the parcel abuts Broadway Street in which case the City may allow the building height to be increased providing proper fire suppression techniques are incorporated to the satisfaction of the building official and the fire marshal.

vii. Lot Coverage: Per Section 33 of this Ordinance.

(Ag-40 committee – Contest each other on the 2 highlighted sections (Sub 6 3. & Sub 7 2) *Both standards could be retained.*

3. Exterior Finish. All new construction and alterations to an existing building or structure must meet the following requirements. Steel is acceptable provided the lower four (4) feet of the building's face (excluding windows and doors) consists of a material other than steel ~~or corrugated metal.~~ (Remove corrugated metal)
Business/Industrial: leave it alone.

4. Used for Residential Purposes:
- R-1 Single Family Residential District – refer to procedure set forth in Section 17.
- R-2 Two Family Residential District – refer to procedures set forth in Section 18.
- R-3 Multiple Family Residential District – refer to procedures set forth in Section 19.

Subdivision 7: OTHER BUILDING REQUIREMENTS

1. A high level of design and architectural detail are required for structures within the B-1 District. Building designs should balance the need to serve their purpose and while being oriented to the outside, striving to create a coordinated 'sense of place' which adds to the quality of life. Architectural features such as windows, doorways, balconies and cornices help ensure buildings and the uses they showcase relate to people. Uniform or complimentary window shapes, cornice lines, doorways and façade materials and colors are desired. The City may

appoint an Architectural Review Panel to review and comment on proposed building or development plans prior to their consideration by the Planning Commission and/or City Council.

2. For structures abutting Broadway Street, at least fifty (50) percent of the net area of all facades of new construction shall be comprised of granite (Rockville granite is highly encouraged), brick, stone, decorative concrete block or architectural tilt-up/tip-up panels. Said granite, brick, stone and/or concrete masonry may be used as structural components or applied as a veneer. Projects renovating or rehabilitating existing structures shall provide as much adornment as possible to existing facades facing public rights-of-way. Tile, glass, copper, metal and wood may be used for accent materials. The City may appoint an Architectural Review Panel to review and comment on proposed building or development plans prior to their consideration by the Planning Commission and/or City Council. **(Ag-40 Committee why 50% granite? Remove?)** Business/Industrial: Change 50% to 40" on Broadway St. façade and any side facing a side street. *Four-sided architecture requirements (non-street sides) can be expensive. The standard of 50% or 40" would seem somewhat arbitrary as quality design is often in eye of beholder. Either standard is likely fine.*

3. Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal surface. Structures more than forty (40) feet in width shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.

4. Common areas and places for people to congregate are highly encouraged. Such common areas such as courtyards, squares, fountains, gardens and the like should offer a variety of activities for persons to sit outside, walk, meet friends, enjoy a meal, etc. All common areas shall be maintained by the property owner or other method, development agreement, homeowners assoc. etc.

5. Provision shall be made for possible decks, balconies or additions as part of the initial dwelling unit building plan. Balconies are encouraged for residential portions of mixed use structures.

6. On-site circulation systems should encourage safe, efficient passageways for cars, pedestrians and other transportation options. Off-street parking, when required, should be located to the rear of the building. Parking lots may be located in side yards in areas; however, rear yard parking is preferred. Parking lots with landscaped amenities are highly recommended.

7. Landscaping treatments along walkways, in courtyards, in areas complementary to the building design and within parking areas which enhance pedestrian's experience and which are complimentary to the area are highly encouraged.

8. Awnings constructed of durable, pliable, protective and water repellant materials in complimentary colors are highly encouraged for street level commercial/office facilities. Awnings shall not extend across multiple storefronts or buildings. The City may appoint an Architectural Review Panel to review and comment on proposed site plans prior to their consideration by the Planning Commission and/or City Council.

9. Required Side/Rear Yard Screening. Where a nonresidential use is adjacent to property guided for residential use as illustrated on the Future Land Use map contained in the Comprehensive Plan a landscaped buffer shall be provided. It is the objective of the landscaped buffer to lessen, rather than completely eliminate land use conflicts between such uses. It is not expected that landscaped buffers will totally screen such uses. It is expected that the landscaped buffer design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Landscaped buffers may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the landscaped buffer as approved by the City. Retention of existing mature trees is strongly encouraged in meeting the requirements of this Section. Rear and side yard landscaped buffers shall have a minimum depth of fifteen feet (15').

10. Building and signage lighting shall be indirect with light source(s) hidden from direct pedestrian and motorist view. Uniform or complimentary lighting styles are preferred and encouraged. The City may appoint an Architectural Review Panel to review and comment on proposed site plans prior to their consideration by the Planning Commission and/or City Council.

11. Franchise architecture at the City's discretion may be required to be altered so as to remain compatible with adjacent structures and/or the goals of this section.

12. When a redevelopment project disturbs the existing streetscape, proposed replacement streetscape elements shall be reviewed by the by the Planning Commission.

13. Development Plan Required. No building permit shall be issued until the Zoning Administrator reviews the development plan to determine that the

use and development is compatible with adjacent land uses, consistent with the stated intent of this zone and consistent with existing ordinances/laws. Upon the request of the Zoning Administrator or the Developer, the development plan may be referred to the Planning Commission and the City Council who will make the final determination on site plan approval. Single family homes are exempt from this requirement. The developer shall provide the following items to the Zoning Administrator for any development located in the B-1 Central Business District:

a. Building location on the lot, drawn to scale.

b. A Certificate of Survey if required by the Zoning Administrator or Planning Commission.

c. Building elevations; front, rear and side.

d. Building exterior materials and color.

e. Locations of ingress and egress points.

f. Dumpster and solid waste pick-up areas and proposed screening material.

g. Sign location and dimensions.

h. Lighting standard and hood detail.

i. Parking and loading areas identified.

j. Drainage by the use of contours.

k. Screening of heating, ventilation, air-conditioning and similar facilities.

l. Landscaping material including the location, type of plant and size.

m. Fire hydrant and fire lane locations.

n. Utility locations.

o. If required, a copy of proposed covenants and/or association agreement(s).

p. Any other fencing, screening, or building accessories to be located in the development area.

q. When required, evidence of completion of National Pollutant

Discharge Elimination System (NPDES) permitting program and/or the City of Rockville Storm Water Pollution Prevention Program (SWPPP).

r. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

s. Required Fee/Agreement.

i. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 100% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.

ii. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.

iii. Amount. Fees payable under this section for development plan review shall be in an amount as established by the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an

escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

SECTION 21: B-2" GENERAL BUSINESS DISTRICT

Subdivision 1: PURPOSE AND INTENT

The B-2 General Business District provides space for concentrated general business and commercial activities dependent upon high volumes of vehicular traffic. The purpose and intent of this section is to provide locations where the vehicular-oriented activities can be maximized with minimal infringement on residential neighborhoods and with minimal conflicts with uses allowed in the Central Business District. This district is suitable for areas guided to general commercial/business in the Comprehensive Plan.

Subdivision 2: PERMITTED USES

1. Individual retail establishments (sales of goods to individual consumers, usually in small quantities and not to be placed in inventory for resale) and individual wholesale establishments (sale of goods to retailers or jobbers, rather than the sale of goods to individual consumers, usually in large quantities to be placed in inventory for resale to the individual consumer) involved in the trade of goods such as automobile parts/accessories, building materials, consumer electronics, furniture and flooring, paint/wallpaper, hardware, household appliance sales/service, clothing/apparel, garden supplies, new passenger automobiles, used passenger automobiles, farm equipment and marine, motor sport and boating equipment provided: The gross floor area of an individual retail sales or wholesale establishment shall not exceed thirty-five thousand (35,000) square feet. This limitation shall be applied as follows:

    a. For purposes of this section, the term "gross floor area" shall include indoor space utilized for retail and/or wholesale display, storage and sale of goods, wares or merchandise and the area of all portions of the site outside of the exterior walls of building(s) used for the display, storage, or sale of any goods, wares or merchandise, except that the gross floor area of a retail store shall not include exterior areas of not more than three thousand (3,000) square feet used for seasonal or temporary sales events under appropriate city permits or approvals.

    b. The thirty-five thousand (35,000) square foot limitation shall apply to individual retail or wholesale establishments for which permits are sought and also to the cumulative sum of related or successive permits for retail or wholesale establishments that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots.

    c. The gross floor area of adjacent stores shall be aggregated in

cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; (3) are owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly, by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies), or the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and are located within one or more separate buildings or structures within 800 feet of one another, regardless whether they are attached or detached; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

2. Grouped Retail/Wholesale Trade. A combination of two or more individual retail and/or wholesale trade establishments (i.e. a multiple tenant commercial/shopping center) of goods such as automobile parts/accessories, building materials, consumer electronics, furniture and flooring, paint/wallpaper, hardware, household appliance sales/service, clothing/apparel, garden supplies, new passenger automobiles, used passenger automobiles, farm equipment and marine, motor sport and boating equipment provided: The aggregate gross floor area of an individual retail/wholesales establishment shall not exceed thirty-five thousand (35,000) square feet and provided the building(s) or structure(s) containing the grouped retail/wholesale trade establishments shall be limited to an aggregate gross floor area of 72,000 square feet. These limitations shall be applied as follows:

   a. For purposes of this section, the term "gross floor area" shall include indoor space utilized for retail and/or wholesale display, storage and sale of goods, wares or merchandise and the area of all portions of the site outside of the exterior walls of building(s) used for the display, storage, or sale of any goods, wares or merchandise, except that the gross floor area of a retail store shall not include exterior areas of not more than three thousand (3,000) square feet used for seasonal or temporary sales events under appropriate city permits or approvals.

   b. The square foot limitations shall apply to individual retail/wholesale establishments and structures for which permits are sought and also to the cumulative sum of related or successive permits for

retail/wholesale establishments or structures that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots.

c. The gross floor area of adjacent establishments and structures shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; (3) are owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly, by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies), or the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and are located within one or more separate buildings or structures within 800 feet of one another, regardless whether they are attached or detached; or (3) otherwise operate as associated, integrated or co-operative business enterprises.

3. Freestanding day care facilities.

4. Cabinet and carpentry shops, electrical service, heating, plumbing, soft water service.

5. Upholstery or air conditioning service shop.

6. Convenience store without fuel facilities.

7. Drive through establishments such as restaurants and frozen desserts.

8. Restaurants with and/or without incidental liquor licenses.

9. On and off-sale liquor establishments.

10. Motels and hotels.

11. Public buildings and public uses.

Subdivision 3: CONDITIONAL USES

The following uses require a conditional use permit within the B-2 District under the process described in this Title.

1. Animal Hospitals or Kennels.

2. Car wash.

3. Business/Industrial: Convenience stores – why do gas stations need a Conditional Use Permit? – hinders development of Highway 23 corridor *Very common for cstores with gas to be under CUP for review of pedestrian vs. vehicular interaction, lighting, access, stacking for car washes, etc.* Convenience stores with motor fueling stations or stand-alone motor fueling stations but not automobile repair shops provided:

    a. The subject property abuts an intersection two arterial streets or an arterial and a collector street.

    b. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.

    c. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.

    d. Motor fuel facilities are installed in accordance with state standards.

    e. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.

    f. Wherever fuel pumps are to be installed, pump islands shall be installed.

    g. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.

    h. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.

4. Commercial planned unit developments subject to facility size standards in Section 26 of this ordinance.

5. Commercial parking lots.

6. Churches and private schools, including music and dance schools, day-care centers, and nurseries when located within a church.

7. New passenger motor vehicle sales, powers sports vehicle sales (four wheelers, snowmobiles, jet skis) or marine sales when part of a planned development pursuant to Section 26 of this Code.

8. Bicycle sales, canoe sales, ski shops, etc pursuant to Section 26.

9. Used motor vehicle sales pursuant to Section 26 of this Code.

10. Minor automobile repair of passenger vehicles excluding buses and limited to the replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service but not including rebuilding or reconditioning of engines, body work, framework, welding and major painting service.

11. Rental of equipment or tools (storage areas must be screened from public view).

12. Uses the City Council determines to be similar in nature to the listed permitted and conditional uses above and not detrimental to the City's general health and welfare.

Subdivision 4: INTERIM USES

The following uses are permitted subsequent to the issuance of an interim use permit.

1. Outdoor seasonal sales.

2. Exterior displays intended to persist for more than 24 hours provided:

   a. Exterior displays do not interfere with accessibility to the principal structure.

   b. Exterior displays do not block fire lanes.

   c. Exterior displays do not interfere with required parking areas and/or drive isles.

   d. Exterior displays do not interfere with pedestrian traffic.

   ~~e. Exterior displays do not contain advertising.~~ (Ag-40 committee

remove) Business/Industrial: eliminate

f. Exterior displays do not create litter/garbage.

g. Exterior displays are maintained in a neat manner.

h. The display is compliant with other provisions of this Ordinance.

3. Exterior/Outdoor storage of materials under Section 9 of this Ordinance.

Subdivision 5: PERMITTED ACCESSORY USES

1. Off-street parking and loading areas this Ordinance permits or requires.

2. Used motor vehicle sales incidental/ancillary to new motor vehicle sales.

3. Exterior displays intended to persist for less than 24 hours provided:

   a. Exterior displays do not interfere with accessibility to the principal structure.

   b. Exterior displays do not block fire lanes.

   c. Exterior displays do not interfere with required parking areas and/or drive isles.

   d. Exterior displays do not interfere with pedestrian traffic.

   ~~e. Exterior displays do not contain advertising.~~ (Ag-40 Committee removed) Business/Industrial: eliminate.

   f. Exterior displays do not create litter/garbage.

   g. Exterior displays are maintained in a neat manner.

   h. The display is compliant with other provisions of this Ordinance.

4. Minor repair of motor vehicles accessory to Class I motor vehicle sales.

5. Signs per the requirements of Section 12 of this Ordinance.

6. Temporary buildings for construction purposes for a period not to exceed construction.

Subdivision 6: LOT, YARD HEIGHT AND AREA REQUIREMENTS FOR THE B-2 GENERAL BUSINESS DISTRICT

1. **Lot Area:** Minimum lot size shall be 20,000 square feet.

2. **Lot Width.** Lot width must be at least one hundred fifty (150) feet at the established building line.

3. **Minimum Lot Frontage.** The minimum lot frontage shall be 75 feet.

3. **Setbacks.**

   A. Front Yard Setback. The front yard setback must be at least forty (40) feet.

   B. Side Yard Setback. The side yard setback must be at least fifteen (15) feet, except that the side yard setback on corner lots must be at least twenty (20) feet.

   C. Rear Yard Setback. The rear yard setback must be at least twenty (20) feet.

   D. Lot Coverage: Per Section 33 of this Ordinance.

4. **Setbacks Adjoining Residentially Zoned Property**. All B-2 uses must be setback ~~at least~~ at least one hundred (100) feet from adjoining residentially zoned property.

5. **Building Height.** Structures may not exceed thirty-five (35) feet in height.

6. **Floor-area-ratio.** The floor-area-ratio may not exceed one point zero (1.0).

(Ag-40 Committee – Not Consistent sub 6 7. & sub 7 3) *Both standards could appear to co-exist as priority is placed on facades facing streets.*

7. **Exterior Finish.** Steel and corrugated metal is permitted provided that at least twenty-five percent (25%) of the building face (excluding windows and doors) of any side of the building facing a street consists of a material other than steel or corrugated metal.

Subdivision 7: OTHER BUILDING REQUIREMENTS

1. A high level of design and architectural detail are preferred for structures in the B-2 General Business District. Complimentary architectural quality, façade materials and colors are desired in comparison to adjacent facilities.

2. Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two structures in a row without a break in the horizontal and/or

vertical elevations. Structures more than forty (40) feet in width shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.

3. At least fifty (50) percent of the net area of all facades of new construction and/or reconstructed facades facing public rights-of-way (excluding windows and doors) shall be comprised of brick, stone, stucco, decorative concrete block or architectural tilt-up/tip-up panels. Projects renovating or rehabilitating existing structures shall provide as much adornment as possible to existing facades facing public rights-of-way.

4. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed street. In the event loading docks must face a public street the dock shall be fully screened from the view the roadway.

5. Landscaping. Per Section 9A of this Ordinance.

6. Required Side/Rear Yard Screening. Where a nonresidential use is adjacent to property guided for residential use as illustrated on the Future Land Use map contained in the Comprehensive Plan a landscaped buffer shall be provided. It is the objective of the landscaped buffer to lessen, rather than completely eliminate land use conflicts between such uses. It is not expected that landscaped buffers will totally screen such uses. It is expected that the landscaped buffer design elements identified below will provide immediate lessening of land use conflicts and such buffering will be enhanced over time as landscaping matures. Landscaped buffers may include a combination of elements including setback distances as separation, tree and shrubs, solid fencing, and/or berming. It is encouraged that existing topography and vegetation be included in the design of the landscaped buffer as approved by the City. Retention of existing mature trees is strongly encouraged in meeting the requirements of this Section. Rear and side yard landscaped buffers shall have a minimum depth of fifteen feet (15').

7. Non-vegetative screening shall not be permitted to extend within the front yard.

8. Common Areas. All common areas shall be maintained by the property owner.

9. Development Plan Required. No building permit shall be issued until the Zoning Administrator reviews a development plan drafted by a professional in a corresponding discipline to determine that the use and development is compatible with adjacent land uses, consistent with the

stated intent of this zone and consistent with existing ordinances/laws. Upon the request of the Zoning Administrator or the Developer, the development plan may be referred to the Planning Commission and the City Council who will make the final determination on site plan approval. The developer shall provide the following items to the Zoning Administrator for any development located in the B-2 General Business District.

a. Building location on the lot, drawn to scale.

b. A Certificate of Survey if required by the Zoning Administrator or Planning Commission.

c. Building elevations; front, rear and side.

d. Building exterior materials and color.

e. Locations of ingress and egress points.

f. Dumpster and solid waste pick-up areas and proposed screening material.

g. Sign location and dimensions.

h. Lighting standard and hood detail.

i. Parking and loading areas identified.

j. Drainage by the use of contours.

k. Screening of heating, ventilation, air-conditioning and similar facilities.

l. Landscaping material including the location, type of plant and size.

m. Fire hydrant and fire lane locations.

n. Utility locations.

o. A description of provisions which shall be made on the site for adequate open space, recreational areas, transit options, etc. to properly serve patrons of the facility including a discussion of the perceived needs of the patrons (i.e. senior citizens, students, families with children).

p. If applicable, a copy of proposed covenants and/or association agreement(s).

q. Any other fencing, screening, or building accessories to be located in the development area.

r. When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or Stearns County Storm Water Pollution Prevention Program (SWPPP).

s. If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

10. Required Fee/Agreement.

a. Development Agreement. In the event additional review by the City or its assigns is anticipated and/or needed during implementation of Development Plan, or other similar circumstance, the City shall require the property owner(s) and/or developer(s) enter into a development agreement with the City. The development agreement shall stipulate the conditions for approval and the City's authority to inspect the development. The agreement shall further require the owner or developer, as the case may require, furnish a cashier's check, escrow account or irrevocable letter of credit in favor of the City in an amount equal to 110% of all costs associated with City's review of the development, including but not limited to, engineering, legal, fiscal and administrative, as estimated by the City. Such escrow or letter of credit shall be in the form approved by the City Attorney, shall be conditioned upon the approval of the development plan.

b. Payment Required. Any person filing a petition requesting development plan review shall pay a fee according to the schedule established by the City Council.

c. Amount. Fees payable under this section for development plan review shall be in an amount as established by resolution of the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City

for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

Subdivision 8: YARD COVER

All landscaping required by this ordinance shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of July 1 immediately following the date of said temporary certificate of occupancy. Every yard on a premise shall be provided with lawn or combined lawn cover of vegetation, gardens, hedges, shrubbery, and related decorative materials and such yards shall be maintained consistent with prevailing community standards. Motor vehicles may not be left parked or unattended on or within a yard. Grass shall be maintained in compliance with the weed ordinance and so not to exceed a height of eight (8) inches.

Subdivision 9: ADDITIONAL REQUIREMENTS

Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs, etc.

SECTION 22: I-1" LIGHT INDUSTRIAL

Subdivision 1: PURPOSE AND INTENT

It is the purpose and intent of this district to provide for and allow light industrial, warehousing and commercial activities.

Subdivision 2: PERMITTED USES

1. Business/Industrial: can we allow hazardous products? *Oftentimes hazardous substances are classified as 'conditional uses' so you can increase setbacks & other requirement to accommodate potential hazards to adjacent properties. Could also allow in general industrial district.* Distribution Centers (non-petroleum, non-chemical, non-hazardous substance)

2. Building material, sales and storage provided all products are fully enclosed by fencing or screening.

3. Cabinet Shops.

4. Camera and photographic supplies manufacturing.

5. Cartage and express facilities.

6. Stationary, book binding and other types of manufacturing of paper and related products, but not processing of raw materials for paper production.

7. Printing (non-retail).

8. Governmental use.

9. Engraving, printing and publishing.

10. Farm Implement Sales/Service

11. Jewelry manufacturing.

12. Medical, dental and optical laboratories.

13. Stone milling and granite processing.

14. Storage and warehousing, including mini-storage.

15. Electrical service shops.

16. Taxidermy.

17. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

18. Uses the City Council considers to be of a commercial nature and not detrimental to the City's general health and welfare.

Subdivision 3: PERMITTED ACCESSORY USES

1. Business/Industrial: Eliminate "when fully enclosed by fencing and screening". Open and outdoor storage when fully enclosed by fencing and screening.

2. Offices accessory to a principal use.

3. Fences as regulated by this Ordinance.

4. Off street parking and loading regulated by this Ordinance.

5. Signs as regulated by this Ordinance.

Subdivision 4: CONDITIONAL USES

1. Auto body repair shops.

2. Electric light or power generating stations.

3. Electronic products manufacturer. Any light and clean manufacturing, production, processing, wholesale, retail, cleaning, storage, servicing, repair and testing of materials, goods or products providing no noxious or offensive trade or activity may be carried on, nor may anything be done thereon which may be or become an annoyance or a nuisance or constitute a hazardous or dangerous condition or activity to the City of Rockville by reason of unsightliness or excessive emission of odors, dust, fumes, smoke, or noise, vibrations or otherwise.

4. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

Subdivision 5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. **Setbacks.**
   A. Front yard setback. There shall be a twenty-five foot front setback.
   B. Side yard and rear yard setback. There shall be a twenty foot side or rear setback, except as provided below.

   (Ag 40 Committee – 1-4 Setback of 100 feet seems excessive)

   Oftentimes a larger landscaped setback is required to provide relief between industrial and residential uses. 100 feet is not uncommon, could reduce to 50' but that is a policy decision. 50' from noise, odor, dust, traffic, etc and a house is quite close. If possible transition industrial uses with commercial and/or higher density residential.

   1. Setbacks from R-2 and R-3 Zoning Districts, Churches and Schools. A landscaped strip of at least sixty (60) feet in width shall be provided along the boundary of any adjoining property guided to duplex or multi-family residential development, in the future land use map, or where a multi-family residence, church or school is located
   2. Setbacks from R-1 Zoning Districts. A landscaped strip of at least one-hundred (100) feet in width shall be provided along the boundary of any adjoining property guided single-family residential development, in the future land use map, or where a single-family residence is located.
   3. Residential Setback Standards. This landscaped strip shall be landscaped as a Buffer Yard, pursuant to Section 9A, Subd. 5(D).
   4. Application to Section 9A. Nothing in the paragraph shall exempt the property from a greater setback if required to meet the requirements of Section 9A.

   C. Lot Coverage: Per Section 33 of this Ordinance.

2. **Building Height**. Structures may not exceed thirty-five (35) feet in height.

Subdivision 6: OPEN STORAGE

(Ag-40 Committee – Amend Outdoor Storage and open sales – This is not currently being enforced (Example Granite business is storing granite slabs outdoor, this should be allowed, however, how this is written would prevent the business form storing and selling their product outdoors.

(Business/Industrial – Recyclers must have a 100% opaque, minimum of an 8 ft. fence. Fencing must be tall than the products that are within fence.)

1. **Outdoor Storage and Open Sales Prohibited.** Except as provided for in this Subdivision, outdoor storage and open sales are prohibited. *Perhaps this should be under IUP so you can regulate.*

2. **Exception to Prohibition**. The following may be permitted for outdoor storage after review and approval by the Planning Commission and the City Council:

   A. Currently licensed vehicles used by the business for transport or manufactured or serviced by the business (not including junked vehicles);

   B. Heavy machinery mounted on wheels; and

   C. Movable finished products mounted on wheels.

   D. Business/Industrial would like to add D stating:
   D: Storage containers painted the same color of primary building are allowed. *PODS, shipping containers do not add tax value of structures. Could have ministorage consisting solely of shipping containers and not need water/sewer – limited value added to urban property.*

3. Business/Industrial would like to eliminate #3: *I strongly recommend retaining review authority. Perhaps reduce require opacity.* **Review and Approval Required for Exception to Apply**. The above exempt outdoor storage will only be permitted if approved by the City Council after review and recommendation by the Planning Commission. In any case, the area used for such storage must be screened from view from outside the premises by a fence of one hundred percent (100%) opacity, of a minimum height of eight (8) feet, with the maximum height to be determined by the City. Under no circumstances will open or outside storage be allowed within the setback areas. Storage shall not be allowed in a truck, trailer, or similar container.

4. **Exterior Finish**. All new construction and alterations to an existing building or structure must meet the following requirements. Steel is acceptable provided the lower four (4) feet of the building's face (excluding windows and doors) consists of a material other than steel or corrugated metal.

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY

~~Prior to the issuance of a building permit for any building within an I-1 District a site plan for the property must be approved by the City Council after review and~~

~~recommendation by the Planning Commission.~~ The site plan must contain at a minimum the following:

1. The current and proposed use of the property;

2. All structures and their dimensions and location;

3. Location of waste facilities including measures used for enclosure and screening;

4. Location of the water supply and utilities;

5. Elevations and drainage facilities (including storm sewers and ponds);

6. Streets and ingress and egress;

7. Parking (including typical size and locations of handicap spaces) and loading areas;

8. Landscaping (including features and types of materials to be used);

9. Screening and fences (including types and heights of fencing);

10. Lighting locations and types of fixtures;

11. Location and size of signs;

12. Distances to surrounding buildings and surrounding land uses;

13. Certificate of Survey if required by the Zoning Administrator or Planning Commission; and

14. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

As part of the site plan review and approval the Planning Commission may recommend and the City Council may, on the recommendation of the Planning Commission or on its own, require that changes be made to a site plan. Such changes may include, without limitation, limiting the size and number of street accesses, requiring fencing or screening, requiring changes to the landscape plan, requiring alterations of the location and types of lighting and signage, altering parking lot design and layout, altering building layout, and other alterations and adjustments to ensure a design which is in conformance with this Ordinance and is in the best interest of the City.

Subdivision 8: PERFORMANCE BOND

To ensure site plan improvements, including without limitation landscaping and waste enclosures, are completed in accordance with the approved site plan, a performance bond or other approved security in the amount deemed sufficient by the City Council will be required to be deposited with the City before the issuance of a building permit for the project.

SECTION 23: I-2" GENERAL INDUSTRIAL

Subdivision 1: PURPOSE AND INTENT

It is the purpose and intent of this district to provide for and allow light industrial, warehousing and commercial activities, that are self sufficient with on site waste disposal facilities.

Subdivision 2: PERMITTED USES

1. Distribution Centers (non-petroleum, non-chemical, non-hazardous substance)
2. Building material, sales and storage provided all product is fully enclosed by fencing or screening.
3. Cabinet Shops.
4. Camera and photographic supplies manufacturing.
5. Cartage and express facilities.
6. Stationary, book binding and other types of manufacturing of paper and related products, but not processing of raw materials for paper production.
7. Printing (non-retail).
8. Governmental use.
9. Engraving, printing and publishing.
10. Farm Implement Sales/Service
11. Jewelry manufacturing.
12. Medical, dental and optical laboratories.
13. Stone milling and granite processing.
14. Storage and warehousing, including mini-storage.
15. Electrical service shops.
16. Brick, tile and terra cotta manufacturing.

Subdivision 3: PERMITTED ACCESSORY USES

1. Business/Industrial: eliminate "when fully enclosed by fencing and screening". Open and outdoor storage when fully enclosed by fencing and screening. *The City may wish to retain some authority to fence/screen outdoor storage to limit visual clutter and/or visual intrusion of such items. Perhaps outdoor storage should be under IUP.*

2. Offices accessory to a principal use.

3. Fences as regulated by this Ordinance.

4. Off street parking and loading regulated by this Ordinance.

5. Signs as regulated by this Ordinance.

Subdivision 4: CONDITIONAL USES

1. Auto body repair shops.

2. Electric light or power generating stations.

3. Electronic products manufacturer.

4. The entirely enclosed, in a roofed structure with concrete floor, storage of junk and salvage including automobile salvage, scrap metal, paper, rags, household appliances, or recyclables.

5. Any light and clean manufacturing, production, processing, wholesale, retail, cleaning, storage, servicing, repair and testing of materials, goods or products providing no noxious or offensive trade or activity may be carried on, nor may anything be done thereon which may be or become an annoyance or a nuisance or constitute a hazardous or dangerous condition or activity to the City of Rockville by reason of unsightliness or excessive emission of odors, dust, fumes, smoke, or noise, vibrations or otherwise.

6. Uses the City Council determines to be substantially similar to those listed in this zoning district and not detrimental to the City's general health and welfare.

Subdivision 5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS

1. Setbacks.

i. Front yard setback. There shall be a twenty-five foot front setback.

ii. Side yard and rear yard setback. There shall be a twenty foot side or rear setback, except as provided below.

(Ag 40 Committee – 1-4 Setback of 100 feet seems excessive review and mirror I-1?) *See comment under I-1.*

1. Setbacks from R-2 and R-3 Zoning Districts, Churches and Schools. A landscaped strip of at least sixty (60) feet in width shall be provided along the boundary of any adjoining property guided to duplex or multi-family residential development, in the future land use map, or where a multi-family residence, church or school is located
2. Setbacks from R-1 Zoning Districts. A landscaped strip of at least one-hundred (100) feet in width shall be provided along the boundary of any adjoining property guided single-family residential development, in the future land use map, or where a single-family residence is located.
3. Residential Setback Standards. This landscaped strip shall be landscaped as a Buffer Yard, pursuant to Section 9A, Subd. 5(D).
4. Application to Section 9A. Nothing in the paragraph shall exempt the property from a greater setback if required to meet the requirements of Section 9A.

iii. Lot Coverage: Per Section 33 of this Ordinance.

2. **Building Height**. Commercial structures may not exceed thirty-five (35) feet in height.

Subdivision 6: OPEN STORAGE

(Ag-40 Committee – Amend Outdoor Storage and open sales – This is not currently being enforced (Example Granite business is storing granite slabs outdoor, this should be allowed, however, how this is written would prevent the business form storing and selling their product outdoors. *See comment under I-1*

1. **Outdoor Storage and Open Sales Prohibited**. Except as provided for in this Subdivision, outdoor storage and open sales are prohibited.

2. **Exception to Prohibition**. The following may be permitted for outdoor storage after review and approval by the Planning Commission and the City Council:

A. Currently licensed vehicles used by the business for transport or manufactured or serviced by the business (not including junked vehicles);

B. Heavy machinery mounted on wheels; and

C. Movable finished products mounted on wheels.

3. **Review and Approval Required for Exception to Apply.** The above exempt outdoor storage will only be permitted if approved by the City Council after review and recommendation by the Planning Commission. In any case, the area used for such storage must be screened from view from outside the premises by a fence of one hundred percent (100%) opacity, of a minimum height of eight (8) feet, with the maximum height to be determined by the City. Under no circumstances will open or outside storage be allowed within the setback areas. Storage shall not be allowed in a truck, trailer, or similar container.

4. **Exterior Finish**. All new construction and alterations to an existing building or structure must meet the following requirements. Steel is acceptable provided the lower four (4) feet of the building's face (excluding windows and doors) consists of a material other than steel or corrugated metal.

Subdivision 7: SITE PLAN - CERTIFICATE OF SURVEY

~~Prior to the issuance of a building permit for any building within an I-2 District a site plan for the property must be approved by the City Council after review and recommendation by the Planning Commission.~~ The site plan must contain at a minimum the following:

1. The current and proposed use of the property;

2. All structures and their dimensions and location;

3. Location of waste facilities including measures used for enclosure and screening;

4. Location of the water supply and utilities;

5. Elevations and drainage facilities (including storm sewers and ponds);

6. Streets and ingress and egress;

7. Parking (including typical size and locations of handicap spaces) and loading areas;

8. Landscaping (including features and types of materials to be used);

9. Screening and fences (including types and heights of fencing);

10. Lighting locations and types of fixtures;

11. Location and size of signs;

12. Distances to surrounding buildings and surrounding land uses;

13. Certificate of Survey if required by the Zoning Administrator or Planning Commission; and

14. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

As part of the site plan review and approval the Planning Commission may recommend and the City Council may, on the recommendation of the Planning Commission or on its own, require that changes be made to a site plan. Such changes may include, without limitation, limiting the size and number of street accesses, requiring fencing or screening, requiring changes to the landscape plan, requiring alterations of the location and types of lighting and signage, altering parking lot design and layout, altering building layout, and other alterations and adjustments to ensure a design which is in conformance with this Ordinance and is in the best interest of the City.

Subdivision 8: PERFORMANCE BOND

To ensure site plan improvements, including without limitation landscaping and waste enclosures, are completed in accordance with the approved site plan, a performance bond or other approved security in the amount deemed sufficient by the City Council will be required to be deposited with the City before the issuance of a building permit for the project.

SECTION 24A. R-MH RESIDENTIAL, MANUFACTURED HOME PARK DISTRICT

Subdivision 1: PURPOSE AND INTENT

The intent and purpose of this Section is to assure quality development equal to that found in other types of residential areas throughout the City. Excellence of design, usability, development and maintenance that support a quality residential environment is the desired objective.

Subdivision 2: EXCEPTION

Manufactured home parks constructed prior to January 1, 1995, that when constructed, complied with density, lot-size and manufactured home setback requirements, shall be excluded from density, lot-size and setback requirements contained herein. However, expansions of manufactured home parks shall be subject to and comply with all requirements of this Ordinance.

Subdivision 3: APPLICATION

No person shall attempt to develop or operate a manufactured home park within the City without obtaining primary and subsequent renewal license(s) from Stearns County and a conditional use permit from the City of Rockville. The Stearns County license provides for inspections and revocation or suspension under the terms specified within the Stearns County Manufactured Home Park ordinance which are hereby adopted by reference. The requirements of a permit shall prevail over all other standards and requirements notwithstanding the more restrictive subdivisions of this Ordinance. A permit for a manufactured home park may contain other requirements beyond those mentioned in this Subdivision.

Subdivision 4: REQUIRED APPLICATION MATERIALS

The applicant for a permit, in addition to other requirements, shall include the name and address of the Developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by ten (10) copies of plans that indicate the following:

A. Location and site of the manufactured home park on an aerial photograph.

B. Location, size and character of all manufactured home lots, manufactured home stands (i.e. what structure is to be placed on), storage areas, recreational areas, pedestrian walkways/pathways, central refuse disposal, roadways, parking spaces and sites, proposed vegetation, proposed screening and all setback dimensions.

C. Detailed landscaping plans and specifications.

D. Location and width of sidewalks/pathways.

E. Plans for sanitary sewage disposal, surface drainage, water supply, electrical service, telephone service and gas service.

F. Plans for an overhead street lighting system shall be submitted for approval by the City Engineer.

G. Plans for drainage, including each lot and the entire manufactured home park, shall be submitted for approval by the City Engineer.

H. The proposed method of disposing of garbage and refuse shall be identified and described.

I. Location and size of all streets abutting the manufactured home park, and all driveways from such streets to the park. Access to the manufactured home park must be provided from a public street.

J. Plans and specifications for all road construction either within the manufactured home park or directly related to park operation.

K. Floor plans of all service buildings to be constructed within the manufactured home park.

L. Detailed description of maintenance procedures and grounds supervision, including but not limited to, lawn maintenance, snow removal and garbage collection and removal. The proposed procedures shall be as restrictive as those of the City.

M. An acknowledgment wherein the owner of the park grants the City access to the public areas of the park for purposes including, but not limited to, fire protection, emergency assistance and routine patrol/police actions.

N. Plans and specifications for severe weather shelters that shall be designed in accordance with state laws.

O. Other information which may be required by the City.

Subdivision 5: PERFORMANCE STANDARDS FOR MANUFACTURED HOME PARKS

A. Total Land Area Required: Minimum total manufactured home park area shall be ten (10) acres and not less than 500 feet in width.

B. No manufactured home park shall be located so that drainage from the park will endanger any water supply, surface water or wetland. All portions of the park shall be subject to a grading/drainage plan submitted by the applicant and approved by the City Engineer. No portion of the park shall be located in an area subject to flooding.

C. Distinctive design elements and/or themes common throughout the manufactured home park are strongly encouraged.

D. All manufactured homes shall be properly connected to the municipal water supply and the municipal sanitary sewer system when available. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Planning Commission and City Council. Where municipal sanitary sewer and/or water is not available, the requirements of the Stearns County ordinance regulating manufactured home parks shall apply.

E. The City shall determine/approve ingress and egress (including the number of ingress/egress points) to manufactured home parks. Access from a roadway supervised by another political subdivision shall be approved in writing by the applicable political subdivision. Said ingress and egress to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. Distinctive design elements/themes are strongly encouraged for manufactured park entrances.

F. Internal Streets. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

1. All internal streets shall be a minimum of 24 feet in width from face-of-curb to face-of-curb.

2. All streets shall be provided with a paved concrete or bituminous surface.

3. Street surfaces shall be maintained free of holes and other hazards.

4. Maximum speed limits within the park shall not exceed ten (10) miles per hour.

5. No parking shall be allowed on internal streets.

6. Dead-end streets shall be prohibited, except cul-de-sacs.

7. The Manufactured Home Park owner shall be responsible for causing all streets to be continually posted with no parking signs.

G. Open Space Required: A minimum of 500 square feet per manufactured home lot shall be provided for definable play areas with playground facilities/features and open space within the manufactured home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width. Open space areas are subject to approval by the City. The City may reduce the play area square footage requirement by a maximum of thirty (30) percent of the total square feet required, if the Park Owner/Developer installs trail facilities within the manufactured home park.

H. Off-street Overload Parking Required. The Manufactured Home Park Owner shall provide/maintain off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) sites. Overload parking lots shall be located within three-hundred (300) feet of the unit(s) to be served and in compliance with the parking lots standards contained in Section 11 of this Ordinance.

I. Patio required. Each manufactured home lot shall have a four-inch thick concrete patio with a minimum total square footage of 150 feet. All sides of the patio shall exceed nine (9) feet in length.

J. Pedestrian Access Required. All parks shall be provided with safe convenient all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents.

1. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 4½ feet and shall be located on at least one side of the street.

2. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet. Common walkways shall connect to municipal trails where feasible.

K. Tree Planting Required. A minimum of one tree per lot shall be required. In open areas and park areas, a minimum of twenty trees per acre is required. Tree varieties shall be native to the Rockville area. Trees shall

be bound and bur lapped with a minimum trunk diameter of two (2) inches. Tree varieties and sizes proposed are subject to approval by the City.

L. Storm Shelter and Severe Weather Evacuation Plan Required. All manufactured home parks shall provide a storm shelter and a severe weather evacuation plan or sheltering all residents of the park in times of severe weather conditions such as tornadoes, high winds and floods. Storm shelters and severe weather evacuation plans shall be developed with the input and approval from Stearns County and shall reflect the standards contained in the Stearns County Manufactured Home Park ordinance.

M. The corners of each manufactured home lot shall be clearly marked.

N. All utilities, such as sewer, water, fuel, electric, telephone, etc. shall be buried to a depth specified by the City Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.

O. Screening Required. All manufactured home parks shall be completely screened along all manufactured home park property boundary lines separating the park from adjacent properties and/or right-of-ways by a complete perimeter fence consisting of wood, brick or stone and/or natural growth screening. Such fencing and/or screening shall be maintained in excellent condition at all times and in all other respects comply with the standards applicable to fencing and/or screening setforth within this ordinance.

P. A properly landscaped area shall be adequately maintained around all public areas, adjacent to all roadways and on each manufactured home lot.

Q. Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair. All of said structures must be constructed to meet existing city codes, state and federal laws.

R. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

S. Toilet, Bathing and Laundry Facilities. In manufactured home parks, where laundry and bathing facilities are provided, such facilities shall be in buildings which are well constructed, in good repair and have adequate heating and ventilation, good lighting and floors of impervious material

sloped to provide proper drainage. Walls shall be washable material. There shall be no exposed studs or rafters.

T. All systems of plumbing shall be installed in accordance with the Minnesota Plumbing Code

U. All structures shall require a building permit.

V. Manufactured home parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above the ground. Areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health.

W. The storage, collection, and disposal of refuse and garbage in the manufactured home parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse and garbage shall be stored in fly-tight, watertight, rodent-proof containers which shall be located convenient to any mobile home site. Refuse and garbage collection shall be made at least once each week and more often where necessary to prevent nuisance conditions. Final disposal of refuse and garbage by landfill methods shall be accomplished in accordance with the criteria and standards established by the Minnesota Pollution Control Agency and the Stearns County Solid Waste Management Plan.

X. Night lighting. The walkways, drives, and other used portions of manufactured home parks shall be lighted during the hours of darkness.

Y. Community kitchens and dining rooms. When community kitchens and dining rooms are provided, such facilities and equipment shall be maintained in a clean and sanitary condition at all times, and shall be constructed and equipped in compliance with state laws and rules applicable to food-handling establishments.

Z. Bottled gas. Where bottled gas is used, the container shall be firmly connected to the appliance by tubing of copper or other suitable metallic material. Cylinders containing bottled gas shall not be located within five feet of any manufactured home. The container shall not be installed or stored even temporarily inside any manufactured home. No container may be permitted to stand free, but must be firmly mounted in an upright position.

AA. Fuel oil supply systems. All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home less than five feet from any other manufactured home exit. All fuel oil containers shall be mounted upon a stand or rack constructed of a noncombustible material.

BB. Barbecue pits, fireplaces and stoves. When provided in manufactured home parks cooking shelters, barbecue pits, fireplaces and woodburning stoves shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. At no time shall garbage or refuse be burned on the premises.

CC. Domestic animals. No domestic animals or house pets shall be allowed to run at large or commit any nuisance within the limits of a mobile home park or recreational camping area. Any kennels, pens, or other facilities provided for such pets shall be maintained in a sanitary condition at all times. The standards within the Rockville zoning ordinance relating to the maximum amount of domestic animals allowed apply.

DD. Fire protection. Fire protection shall be provided in accordance with the requirements of the state fire marshal.

EE. Skirting. Manufactured homes shall be skirted between the bottom of the manufactured home and the ground with a fireproof material harmonious with the appearance of the manufactured home within three months of the placement of the manufactured home. Plywood, hardboard, cardboard or baled hay/straw shall be prohibited.

FF. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The park operator shall keep the record available for inspection at all times by authorized City officials and other public officials whose duty necessitates acquisition of the information contained in the record. The record shall not be destroyed until a period of three years following the date of departure of the registrant from the park. The record shall contain:

1. The name and address of each unit occupant.

2. The name and address of the owner of each unit.

3. The make, model and year of the unit.

4. The date of arrival and departure of each unit.

GG. The operator of any manufactured housing park or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the park, its facilities and equipment in a clean, orderly, operable and sanitary condition. An authorized attendant or caretaker shall remain within twenty-five (25) miles of the manufactured home park at all times and shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.

HH. All land area shall be adequately drained, landscaped to control dust, clean and at all times free from refuse, garbage, rubbish or debris.

II. The storage, collection and disposal of refuse in the manufactured home park, storage areas, grounds, buildings and structures shall be so conducted as to avoid accumulations of debris and in a manner free of health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

JJ. The growth of brush, weeds and grass shall be controlled at all times.

KK. All provisions of this Ordinance relative accessory structures and outdoor storage shall be adhered to at all times.

LL. Manufactured Home Parks may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupations, flood plain/Shoreland, signs, etc.

Subdivision 6: MANUFACTURED HOME PARK LOT REQUIREMENTS

A. Each manufactured home site/lot shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.

B. Manufactured homes shall be placed upon manufactured home lots so that there shall be at least a twenty (20) foot clearance between manufactured homes and twenty-five (25) feet between the front of the manufactured home and the front lot line and twenty (20) feet between the rear of the manufactured home and the rear lot line.

C. All structures shall require a building permit.

D. The area occupied by a manufactured home shall not exceed fifty percent (50%) of the total area of a manufactured home lot.

E. All manufactured homes installed in a manufactured home park shall be placed upon stands approved by the City and properly anchored to the ground. The anchoring system shall be installed in conformance with applicable sections of the State Building Code.

F. A minimum of one healthy tree per lot shall be maintained at all times. Tree varieties shall be native to the Rockville area. Trees shall be bound and bur lapped with a minimum trunk diameter of two (2) inches. Tree varieties and sizes proposed are subject to approval by the City.

G. Each manufactured home unit shall be skirted at its base with a durable material that complements and is comparable to the exterior design of the unit.

H. All yards shall be landscaped except for necessary driveways which shall not exceed twenty (20) feet.

I. Each manufactured home lot shall have off-street parking space for at least two (2) automobiles. Each space shall be nine (9) feet by twenty (20) feet minimum and located in the front of the lot.

J. Each site shall be numbered.

K. Fire extinguishing systems shall comply with the Uniform Fire Code.

L. Each manufactured home lot shall be so designed that automobiles may not be parked within five (5) feet of the front of the manufactured home. Parking of vehicles on the side or rear portions of an individual lot(s) is prohibited.

M. All manufactured homes moved into the park shall have a construction seal of code and construction compliance and installation seal as issued by the State of Minnesota as required under the State Building Code. No manufactured home may be used or occupied until the city building official has issued a certificate of occupancy as provided in the City Building Code.

N. All manufactured homes located in manufactured home parks shall be provided with a landing and steps complying with the building code from each doorway leading from a manufactured home.

O. All buildings or portions thereof which are determined to be substandard as defined by the Building Inspector are declared to be public nuisances

and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified by the Building Inspector.

P. Manufactured homes that are rented shall at all times be subject to and in compliance with the City's Rental Ordinance.

Q. Manufactured homes may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupations, flood plain/Shoreland, signs, etc.

SECTION 25: PUBLIC LAND DEDICATION

This standard should be included in the subdivision ordinance vs. zoning ordinance. Public dedication can only be required with platting. Subdivision 3 is not consistent with Mn. Statutes, can't re-assess previous subdivisions.

Subdivision 1: DEDICATIONS OF PUBLIC SITES AND OPEN SPACES

All residential subdivisions shall dedicate land for public use such as parks, playgrounds, open spaces, natural sites, or other uses according to the following schedule.

Subdivision 2: SCHEDULE FOR PUBLIC USE DEDICATION

Ag-40 Committee – Why less square footage for multi-family, when more occupants would be utilize.

Residential: Why the size difference?

(A) 1,800 square feet of land shall be dedicated for each single family residential lot.

(B) 1,500 square feet of land shall be dedicated for each multi-family residential unit.

Subdivision 3: DEDICATIONS FOR PREVIOUS SUBDIVISIONS

The following criteria will adjust the above schedule:

(A) Residential: needs to be clarified: For subdivisions that create a maximum of two lots, and that have one existing single family home on the property, no public use dedication will be required for the lot with the existing single family home, regardless if the single-family lot is credited with previously dedicating land for public use.

(B) If the subdivision, or any portion thereof, was previously required to dedicate land for public use, the public use dedication required will be adjusted as follows:

(1) By reducing the number of single-family lots which are subject to the schedule in Subdivision 2 by the number of previous single-family lots eliminated by the new subdivision. If more single-family lots are eliminated than are included in the new subdivision, the difference is subtracted from the number of multi-family units included in the new subdivision on a one-for-one basis, and

(2) By reducing the number of multi-family units subject to the schedule in Subdivision 2 by the number of multi-family units eliminated by the new subdivision. If more multi-family units are eliminated than are included in the new subdivision, the difference is subtracted from the number of single-family lots included in the new subdivision based on a ratio of six units-to-five lots ratio.

(C) If no portion of the subdivision was required to dedicate land, the entire subdivision will be subject to the requirements of this Section 25.

(D) In no event will a new subdivision result in a return of previously dedicated land, or a refund of funds paid in-lieu of dedication.

Subdivision 4: SUBDIVISIONS INVOLVING MIXED USES

For subdivisions incorporating a mixture of uses and/or densities, the public use areas shall be determined by applying the appropriate dedication requirement proportionate for each use listed in this Section.

Subdivision 5: DEDICATION OF LAND INCLUDED ON MASTER PLAN

Where a proposed public site or open space is identified in the Master Park Plan or Comprehensive Plan of the City for public site or open space and is located in whole or in part in a subdivision, the Planning Commission may require the dedication of this land within the subdivision in complying with the dedication requirements of this Section 25. The subdivision must provide access by public street to the dedicated land, unless other access is acceptable to the Planning Commission.

Subdivision 6: DEDICATION OF LAND NOT SHOWN ON MASTER PLAN

Where the subdivision proposes to dedicate land for public use to comply with the requirements of this Section 25 that is not identified in the Master Plan or Comprehensive Plan of the City for public site or open space, the land must:

(A) Have frontage on one (1) or more streets, unless otherwise approved by the City Council after recommendation of the Planning Commission, and

(B) Be of a character and location suitable for the intended use as determined by the Planning Commission.

Subdivision 7: DEDICATION OF PHASED SUBDIVISIONS

The City shall require the dedication of all land identified in the preliminary plat within the first final plat (first phase) adopted for the subdivision. In addition, the subdivision must dedicate sufficient proposed right-of-way to access the dedicated land.

Subdivision 8: CASH IN LIEU OF LAND

(A) The Planning Commission may require the subdivision to pay to the City the equivalent cash value of the land which would otherwise be

dedicated. Such amount shall be made pursuant to the requirements of Minn. Stat. § 462.358 Subd 2(b), as amended, and shall be based on the value of the land at the time the subdivision, or any first phase, is approved.

(B) In determining whether to require a cash in lieu of land payment includes, the Planning Commission must consider whether: (1) a subdivision is too small, (2) the subdivision does not include any land shown on the Master Park Plan or Comprehensive Plan, (3) the proposed land to be dedicated doesn't meet the requirements of Subdivision 6, and (4) the need for funds to develop existing park land or acquire higher-priority park land in the area.

Subdivision 9: PARK DEDICATION FEE

The City may, by resolution, adopt a park dedication fee, in accordance with the following:

(A) The fee shall be based on the average value of land within the City. The City may use the values as determined by the County Assessor, or any licensed or approved appraiser.

(B) Such resolution shall be reviewed at least annually.

(C) The City may adopt various park dedication fees specific to an area or portion of the City which are based on the values of the land located within the area.

(D) The park dedication fee will be the cash in lieu of land payment, unless:

(1) The subdivision opts to have the City calculate the cash in lieu of land payment based on its actual value;

(2) The subdivision pays for the costs to the City to determine the value of the cash in lieu of land payment pursuant to Subdivision 8; and

(3) The City may require security of its choosing to ensure payment of the costs of Subdivision 9(D) (3).

The subdivision must pay the cash in lieu of land payment as determined by the City, if this process is followed.

Subdivision 10: SPECIAL PARK FUND

The City shall establish a separate fund into which all cash contributions received from owners and developers in lieu of conveyance of dedication of land for such public purposes shall be deposited. Said funds shall only be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash contributions must not be used for ongoing operation or maintenance.

Subdivision 11: DEED TO PROPERTY

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by Warranty Deed or unrestricted plat dedication.

Subdivision 12: PROPERTY TAXES ON DEDICATED PROPERTY

Property taxes due and payable on dedicated properties must be paid by subdivision prior to recording of the subdivision.

Subdivision 13: IMPROVEMENTS IN FRONT OF DEDICATED PROPERTY

The subdivision shall be responsible for the cost of all street, storm sewer, water and sewer and other municipal improvements which run in front of or through land dedicated as part of a subdivision. Such costs shall be paid by the subdivision directly if the improvements are privately installed. If the improvements are publicly installed such costs shall be equally assessed to the subdivision lots.

SECTION 26: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

The purpose and intent of the Planned Unit Development District is to encourage flexibility in the design and development of land in order to promote its appropriate use; to facilitate the adequate and economical provisions of streets and utilities; and to preserve natural and scenic qualities. A PUD shall be an overlay district; however, it shall apply only to specific projects which have been approved through the procedures outlined herein. Because of the flexibility allowed through the approval of a planned unit development it is important that the City Council retain absolute authority over the approval or disapproval of a planned unit development. The approval of a planned unit development is a legislative decision of the City Council. No property owner has an affirmative right to develop their property using the planned unit development overlay district.

A PUD must contain a minimum of twenty (20) acres of contiguous land to be treated as a unified project. However, existing lots of record within the A-40 District are eligible for a PUD and can be further subdivided; the intent here is to allow additional single family residences on these plots while maintaining rural residential quality.

Subdivision 1: STANDARDS FOR APPROVAL

In addition to the general standards for zoning amendments, the Planning Commission may recommend and the Council will approve the establishment of a PUD only if it finds that the proposal satisfies the following criteria:

A. The planned unit development is consistent with the Comprehensive Plan of the City;

B. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas or provides other significant benefits to the City;

C. The planned unit development harmonizes with existing and proposed development in the areas surrounding the project site;

D. The planned unit development has or will have when completed adequate sewer and water facilities;

E. The planned unit development will not be an impediment to the further extension of municipal sewer and water services;

F. The planned unit development will have adequate roads leading to the property (considering but not limited to, road size, road construction type, turn lanes, and traffic capacity);

G. The planned unit development can adequately be serviced by municipal fire, police and rescue services without the expenditure of taxpayer funds in excess of what would be expected from otherwise permissible development.

Subdivision 2: VARIANCES & COORDINATION WITH SUBDIVISION ORDINANCE

It is the intention of the PUD to provide a means to allow variances from the provisions of this Ordinance and the Subdivision Ordinance including variances regarding lot sizes, setbacks, height and similar restrictions. Variances may be granted as part of the approval of the planned unit development under the following conditions:

A. Certain regulations contained in this Ordinance may not realistically apply to the proposed development due to its unique nature.

B. The variances, if granted, would be consistent with the general intent and purposes of this Ordinance, the Subdivision Ordinance and other ordinances of the City.

C. The planned unit development would produce development of equal or superior quality to that which would result from strict adherence to the provisions of this Ordinance and the Subdivision Ordinance.

D. The variance will not constitute a threat to the property values, safety, health, and general welfare of the owners or occupants of adjacent or nearby land, not be detrimental to the health, safety, morals and general welfare of the people of the City.

E. It shall be determined that the variances are required for a reasonable and practical physical development according to a comprehensive development plan and are not required solely on the basis of financial considerations.

F. The variances are specifically referenced in the ordinance approving the planned unit development.

Subdivision 3: USES

A PUD may provide for uses which are permitted, accessory or conditional uses within the underlying zoning district. In addition, a PUD may specifically permit other uses in the sole discretion of the City Council after review and recommendation by the Planning Commission. All uses proposed must be compatible and must be in accord with the goals and objections of the City Comprehensive Plan.

Subdivision 4: PROCEDURE - ESTABLISHMENT OF A PUD

A. General procedures for the establishment of a PUD shall be the same as for plat review and zoning amendment.

B. A Preliminary Development Plan submittal must include both maps and written statements, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses. The use of Digital Ortho-photography is required. All maps shall be submitted electronically in Arc Info Export format, NAD83, UTM Zone 15, metric showing the entire graphic portion of the plat and shall have metadata in the format recommended by LMIC.

C. The maps which are part of the Preliminary Development Plan may be in general schematic form, and must contain the following information:

1. The general topographic character of the land, the use of digital raster graphics overlaid on digital ortho-photographs is required for area analysis. For site specific design, a boundary survey and current, detailed topographic mapping with two (2) foot contours is required.

2. Existing and proposed land uses and the approximate location of building, lots, utilities, and unique development features of the site.

3. The location of existing and proposed roads.

4. Public uses, including schools, parks, playgrounds, trails, and other open spaces.

5. The characteristic of soils, by category of soils, as determined by the Land Evaluation/Site Assessment (LESA) for the City.

(Ag 40 Committee – Amend to WEB Soil Survey as per Wayne)

6. The location of all wetlands as determined by; the WEB Soil Survey ~~of Stearns County~~; the National Wetland Inventory; and, land use.

7. Other natural site specific resource amenities as required by the Planning Commission.

All matters required for site plan approval for uses which would otherwise require site plan approval within any underlying zoning district.

D. The written statement to accompany the Preliminary Development Plan must contain the following information:

1. An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the PUD concept.

2. A statement of the present ownership of all of the land included within the planned unit development.

3. A general indication of the expected schedule of development including progressive phasing and time schedules.

4. Proposed road design.

5. Proposed uses and ownership of undeveloped land and common open space.

E. After review by the Planning Commission, the Preliminary Development Plan shall be submitted to the City for its final decision on establishment of the PUD.

Subdivision 5: PROCEDURE - PRELIMINARY DEVELOPMENT PLAN APPROVAL

A. General procedures for the approval of a Preliminary Development Plan shall be the same as for the approval of a plat, as outlined in the City Subdivision Regulations and a zoning amendment as set out in this Ordinance (public hearings will be combined).

B. The Preliminary Development Plan must include all of the following information, in addition to that required for a plat:

1. Proposed uses and location of common open space and restricted lands.

2. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, trails, playgrounds, public buildings, and similar public and semi-public uses.

3. A plot plan for each building site and common open area, showing the location of all buildings, structures, and improvements.

4. A development schedule indicating:

   a) The approximate date when construction of the project can be expected to begin.

   b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

   c) The approximate dates when the development of each of the stages in the development will be completed.

   d) The area and location of common open space that will be provided at each stage.

   e) The well and onsite waste disposal system locations.

5. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common open areas or restricted lands.

6. A drainage report and erosion control plan along with soil boring and groundwater table information.

C. In its approval of a Preliminary Development Plan, the Planning Commission may include conditions which must be met before approval of a final development plan, and also conditions which are permanent. Any permanent conditions shall be recorded at the Office of the County Recorder.

D. The Planning Commission members may request a site visit to the proposed PUD prior to final approval of the Preliminary Development Plan. The site visit may or may not include the PUD proposer, access to the site shall be granted as a condition of approval. Any site visit shall be

by individual Planning Commission members; this visit shall not constitute a quorum or Planning Commission meeting.

Subdivision 6: FINAL DEVELOPMENT PLAN

A. A Final Development Plan, together with the proposed final plat, shall be submitted which meets the requirements of a final plat in the City Subdivision Regulations and an amendment to the zoning map.

B. If no Final Development Plan is submitted within one (1) year of approval of the Preliminary Development Plan, the Preliminary Development Plan is revoked.

C. The Final Development Plan shall comply in all respects with the approved Preliminary Development Plan. Changes in the approved Preliminary Development Plan shall require a Conditional Use Permit.

D. Roads and other improvements, including improvements to common open spaces, must be completed prior to recording the Final Development Plan and the final plat, unless adequate financial guarantees are provided in accord with the Subdivision Regulation requirements.

E. After recording the Final Development Plan, no alterations of the approved Preliminary Development Plan may be made by the developer unless approved by the Planning Commission and the City Council. Minor changes in the siting of single-family dwellings and accessory structures may be approved by the Chair of the Planning Commission and Zoning Administrator.

F. A development agreement must be entered into by the property owner to assure completion of municipal improvements and compliance with the requirements of the planned unit development.

Subdivision 7: COMMON OPEN SPACE

A. Lands shown on the Final Development Plan as common open space must be conveyed under one of the following options. Under no circumstances may lands used to calculate the number of units be transferred or used for any purpose not included in the approved Final Development Plan. Regardless of method, common open space covenants and any other method used shall be recorded with the County Recorder.

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

(**Ag-40 Committee – Consider maintenance long term and how it will be funded.** *The City could review long term maintenance if/when reviewing association documents and covenants. But, City is not a party to either.*

2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the open space to the uses specified on the Development Plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

B. The following standards shall be used by the Planning Commission and City Council to review the provisions of common open spaces.

1. The location, shape, size and character of the common open space must be suitable for the planned unit development.

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Common open space must be suitably improved for its intended use, but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

4. The development schedule which is part of the Preliminary Development Plan must coordinate the improvement of the common open space, the construction of buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the planned unit development.

5. If the Preliminary Development Plan provides for buildings, structures, or improvements in the common open space the

developer must provide a bond or similar adequate financial assurance that the buildings, structures, and improvements will be completed.

Subdivision 8: RESTRICTED LANDS

A. In general, the creation of restricted lands shall be for the purpose of preserving productive agricultural land while providing for the clustering of residential sites on non-productive land.

B. Restricted land may be transferred and/or used for private purposes unrelated to the PUD. However, restricted lands may not be developed for residential or commercial uses, but shall be strictly limited to agricultural or open space uses. Restrictions upon such lands shall be required by the Planning Commission at the time of Final Development Plan and shall be recorded with the County Recorder. **<Option: Restricted lands may not be used for Extractive Uses.>**

SECTION 27: CONDITIONAL USE PERMITS

Subdivision 1: PURPOSE

The purpose of this Section of the Zoning Ordinance is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

Subdivision 2: PROCEDURE

1. **Application.** A person applying for a Conditional Use Permit must fill out and submit to the Zoning Administrator a Conditional Use Permit Application form, accompanied by the required fee and detailed material fully explaining the specific request together with such information as is necessary to show compliance with this Ordinance. The application must include a site plan showing the following, as applicable:

   A. Site description (legal description).

   B. A Certificate of Survey.

   C. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.

   D. Location of all existing and proposed buildings and their square footage.

   E. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.

   F. Landscaping and screening plans.

   G. Waste facilities including enclosure and screening.

   H. Drainage and grading plan.

   I. Sanitary sewer and water plan with estimated use per day.

   J. Soil type.

   K. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.

2. **Application Deadline**. The Zoning Administrator must receive completed applications at least seven (7) days prior to the Planning Commission's next scheduled meeting.

3. **Fees**. A fee the City Council shall establish by resolution must accompany the application. An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.

4. **Public Hearing & Notice.** The Zoning Administrator will set a date for the official public hearing.

   A. Published Notice. The City will publish notice of the public hearing's time, place and purpose at least once in the City's official newspaper at least ten (10) days before the public hearing.

   B. Mailed Notice to Property Owners. The City will also mail notice of the public hearing's time, place and purpose not less than ten (10) days and not more than thirty (30) days before the hearing date to all individual property owners within three hundred fifty (350) feet or the ten (10) closest property owners, whichever is greatest, of the parcel included in the request. The Zoning Administrator must attest and make a part of the proceeding's records a copy of the notice and list of the owners and addresses to which the notice was sent. A property owner's failure to receive notice or a defective notice shall not invalidate any proceedings.

5. **Referral to Planning Commission**. After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.

6. **Planning Commission Review**. The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.

   A. Appearance by Applicant. The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Conditional Use Permit application.

7. **Recommendation by the Planning Commission**. After reviewing the Conditional Use Permit application, the Planning Commission will make a written recommendation to the City Council within forty-five (45) days after the Zoning Administrator receives the application as to whether the City Council should approve or deny the application. If approval is recommended, the Planning Commission may suggest conditions to be attached to the Conditional Use Permit.

8. **City Council's Review**. Upon receiving the Planning Commission's report and recommendation, the City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.

   A. Appearance by Applicant. The applicant or the applicant's representative(s) must appear before the City Council in order to answer questions concerning the Conditional Use Permit application.

9. **Vote Required.** Approval of a Conditional Use Permit will require passage by a majority of the votes cast.

10. **Conditions.** If the City Council grants the Conditional Use Permit, it may impose conditions to it, or the Planning Commission, considers necessary to protect the public health, safety and welfare.

11. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy of its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Conditional Use Permit application within sixty (60) days after the Zoning Administrator receives the application or may extend the time for consideration under state law.

12. **Appeal.** An applicant may appeal the City Council's decision to the Stearns County District Court as provided by law.

13. **Amendments.** An application for an amendment to a Conditional Use Permit will be administered in the same manner as a Conditional Use Permit.

14. **Resubmission.** No application, which is substantially the same as an~~d~~ application of a denied Conditional Use Permit shall be resubmitted for a period of one (1) year from the date of denial. The City Council may permit a new application if, in its opinion, new evidence or a change of circumstances warrant reconsideration.

Subdivision 3: CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

Business/Industrial: Everything is ok.

In granting a Conditional Use Permit, the City Council will consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the City Council must make the following findings when applicable.

1. **Not a Burden on Public Facilities**. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.

3. **No Adverse Affect on Adjacent Properties**. The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.

4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.

5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.

6. **Not a Traffic Hazard**. The use will not cause a traffic hazard or congestion.

7. **Adequate Parking and Loading**. That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.

8. **Not detrimental to Health, Safety and Welfare**. The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.

9. **Floodplain.** For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.

10. **Shore land**. For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.

11. **Feedlots.** Feedlots will meet the requirements of this Ordinance and all other applicable ordinances.

Subdivision 4: ADDITIONAL CONDITIONS

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition of and the City Council may impose conditions considered necessary to protect the best interest of the surrounding area or the City as a whole, in addition to the standards and requirements expressly specified by this Ordinance. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions.

2. Limiting the height, size, number or location of buildings.

3. Controlling the location and number of vehicle access points.

4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.

6. Limiting the number, size, location or lighting of signs.

7. Requiring diking, berming, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

8. Designating sites for open space.

9. Designating operating hours and noise levels.

10. A time limit on the use.

11. Any other condition the Planning Commission or City Council deems necessary to protect the public interest.

12. Additional Conditions may be imposed on property located in a floodplain in accord with the Floodplain Ordinance.

13. Additional Conditions may be imposed on property covered by the Shore land Ordinance.

14. Additional Conditions may be imposed on feedlots in accord with other applicable ordinances including without limitation Stearns County's Ordinances relating to feedlots.

Subdivision 5: CHANGES IN CONDITIONAL USES

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator will maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council and time limits, review dates, and such other information as may be appropriate.

Subdivision 6: RECORDING CONDITIONAL USE PERMITS

A certified copy of any Conditional Use Permit shall be filed with the Stearns County Recorder. The Conditional Use Permits shall include the legal description of the property involved.

Subdivision 7: REVOCATION

In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke a Conditional Use Permit.

Subdivision 8: TIME LIMITATION

A Conditional Use Permit may include an expiration date and the property owner will be responsible to submit the application for renewal of the permit. The City Council will review and approve all renewal applications, which must be submitted at least sixty (60) days before the expiration date. The criteria for renewal will be the same as for a new permit. The owner of the land will not be required to pay a fee for said review.

Subdivision 9: LAPSE/EXPIRATION

If within one (1) year after granting a Conditional Use Permit the use permitted has not been started, then the permit will become null and void unless the City Council has approved a petition for an extension. Conditional Use Permits expire if the authorized use ceases for any reason for more than six (6) months. Conditional Use Permits expire if the use is abandoned. A use is considered abandoned if the use is replaced by another use or discontinued for more than six (6) months.

Subdivision 10: COMPLIANCE

1. **Revocation**. The City Council may revoke a conditional use permit if it determines that the permit's terms and conditions are not being complied with.

2. **Procedure**. The Building Inspector, Zoning Administrator, any Council member or the Mayor may bring before the City Council notice of a potential violation involving the terms or conditions of a Conditional Use Permit which has been issued in the City. In such event the Building Inspector or Zoning Administrator shall investigate the violation and report back to the Council. If the Council determines that proceedings to consider revocation of the permit are warranted, the Council shall provide five (5) days written notice to the owner of the property, as shown on the property tax records for which the Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement**. It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

SECTION 28: INTERIM USE PERMITS

Subdivision 1: PURPOSE AND INTENT

The purpose and intent of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

2. To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.

3. To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

Subdivision 2: PROCEDURE

Interim Use Permits will be processed according to the procedures for Conditional Use Permits.

Subdivision 3: GENERAL STANDARDS

An interim use must comply with the following:

1. The use must meet the Conditional Use Permit standards set forth in this Ordinance.

2. The use must conform to all applicable zoning regulations.

3. The date or event that will terminate the use must be identified with certainty.

4. The use must not impose additional, unreasonable costs on the public if it is necessary for the public to take the property in the future.

5. The applicant must agree to any conditions deemed appropriate by the City Council (after recommendation by the Planning Commission) for permitting the use.

Subdivision 4: ADDITIONAL CONDITIONS

In permitting an interim use, the City Council may, on its own or based upon the Recommendation of the Planning Commission, impose, in addition to the Standards and requirements expressly specified by this Ordinance, additional

Conditions the City Council considers necessary to protect the interests of the Surrounding area.

Subdivision 5: TERMINATION

An interim use will terminate and become void upon the occurrence of any of the following events:

1. The date stated in the permit.

2. A violation of any condition under which the City Council issued the permit.

3. A change in the applicable zoning regulations, which no longer allows the use.

4. The operator/owner or the use changes.

5. The permit is not utilized for a period of one (1) year from the date issued.

Subdivision 6: REVOCATION

The City Council may revoke the interim use permit if any of the permit's conditions are violated.

Subdivision 7: CERTIFICATION OF TAXES PAID

Before the City Council approves an interim use permit application, the City Council may request that the applicant provide certification that there are not delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the interim use permit application relates.

SECTION 29: AMENDMENTS/REZONING

Subdivision 1: PROCESS

1. **Initiation of Process/Application.** An amendment to the Zoning Ordinance or Zoning Map may be initiated by the City Council, the Planning Commission or by a petition of affected property owners (as described below).

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

2. **Application.** A person proposing a zoning amendment or change, including a rezoning, must fill out and submit to the Zoning Administrator a Zoning Application form, accompanied by the required fee and detailed materials fully explaining the proposal for an amendment to this Ordinance. The application must include a site plan showing the following, as applicable:

   A. Site Description (legal description).

   B. A Certificate of Survey.

   C. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.

   D. Location of all existing and proposed buildings and their square footage.

   E. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.

   F. Landscaping and screening plans.

   G. Waste facilities including enclosure and screening.

   H. Drainage and grading plan.

   I. Sanitary sewer and water plan with estimated use per day.

   J. Soil type.

K. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.

3. **Application Deadline**. The Zoning Administrator must receive completed applications at least seven (7) days prior to the Planning Commission's next scheduled meeting.

4. **Fees**. A fee the City Council shall establish by resolution must accompany the application. An additional fee may be charged, for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City Expenditures. In such case, the applicant will be required to reimburse the City for administrative time, professional services and costs incurred by the City.

5. **Public Hearing**. The Zoning Administrator will set a date for the official public hearing.

   A. Published Notice. The City will publish notice of the public hearing's time, place and purpose at least once in the City's official newspaper at least ten (10) days before the public hearing.

   B. Mailed Notice to Property Owners. The City will also mail notice of the public hearing's time, place and purpose not less than ten (10) days and not more than thirty (30) days before the hearing date to all individual property owners within three hundred fifty (350) feet, or the ten (10) closest property owners, which ever is greatest, of the parcel included in the request. The Zoning Administrator must attest and make a part of the proceeding's records a copy of the notice and list of the owners and addresses to which the notice was sent. A property owner's failure to receive notice or a defective notice shall not invalidate any proceedings.

6. **Referral to Planning Commission**. An amendment not initiated by the Planning Commission will be referred to the Planning Commission for study and report and may not be acted upon by the City Council prior to the recommendation of the Planning Commission, unless the Planning Commission fails to make a recommendation within sixty (60) days. The Zoning Administrator may review the proposed amendment and provide the Planning Commission with a staff report and staff recommendation.

7. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council.

A. Appearance by Applicant. The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the zoning amendment application.

8. **Recommendation by the Planning Commission**. After reviewing the proposed zoning amendment or rezoning application the Planning Commission will make a written report and recommendation to the City Council.

9. **City Council's Review**. Upon receiving the Planning Commission's report and recommendation, the City Council may hold an additional public hearing, if deemed necessary, and make the final decision with regard to rezonings. In any event, the City Council will act on an amendment request by petition within sixty (60) days after the Zoning Administrator receives the petition or the City may extend the time for consideration under state law.

   A. Appearance by Applicant. The applicant or the applicant's representative(s) must appear before the City Council in order to answer questions concerning the zoning amendment application.

10. **Vote Required**. Approval of any amendment to this Ordinance will require passage by a majority vote of the full City Council, except that the adoption or amendment of any portion of this Ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a majority vote of the full City Council.

11. **Resubmission**. No application of a property owner, which is substantially the same as an application of a denied rezoning request, shall be resubmitted for a period of one (1) year from the date of denial. The City Council may permit a new application if, in its opinion, new evidence or a change or circumstances warrant reconsideration.

12. **Appeal**. A petitioner may appeal the City Council's decision to the Stearns County District Court as provided by law.

Subdivision 2: EFFECTIVE DATE

Unless the City Council provides otherwise, a zoning amendment will not become effective until after the City Council approves and publishes an Ordinance reflecting the amendment.

Subdivision 3: RECORDING

A certified copy of all Ordinances amending the Zoning Ordinance or rezoning any property shall be filed with the Stearns County Recorder. The rezoning of any abstract or registered property shall include the legal description of the property involved.

Subdivision 4: ZONING MAP

The Zoning Administrator shall revise the City's Official Zoning Map each time property within the City is rezoned. The applicant shall pay all costs of changes to the Official Zoning Map.

SECTION 30: VARIANCES/APPEALS

Subdivision 1: APPEALS AND ADMINISTRATIVE DECISIONS

Appeals of decisions of the Zoning Administrator will be heard by the City Council provided that the person making the appeal files an application for a hearing within thirty (30) days after the decision to be appealed was delivered to the applicant by the Zoning Administrator. The following procedure will be followed:

1. **Application**. The person making the appeal must apply for a hearing before the City Council on forms provided by the Zoning Administrator.

2. **Notice and Hearing**. The City Council will schedule a hearing on the appeal.

   A. At least ten (10) days prior to the hearing a notice will be published in the official county newspaper.

   B. The City Council will make their decision within thirty (30) days of the public hearing or may extend the time for consideration as permitted by state law.

3. **Notice for Floodplain Properties.** If the applicant is requesting a variance from floodplain elevation, the Zoning Administrator should inform the applicant 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; 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.

Subdivision 2: VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the City Council unless it finds evidence that the following facts and conditions exist:

1. **Unique Circumstances**. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The unique circumstances did not result from the acts of the property owner.

2. **Necessary to Preserve reasonable use of the property.** The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity.

3. **Not merely economic**. The possibility of increased financial return or economic consideration will not in itself be deemed sufficient to warrant a variance if a reasonable use for the property exists under this Ordinance's terms. This means that cost or money savings cannot be the only reason for the variance.

4. **Maintains the Character of the Neighborhood**. The variance will not alter the area's essential character of the neighborhood.

5. **Meets the Spirit of this Ordinance and Comprehensive Plan**. The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

Subdivision 3: OTHER CONSIDERATIONS

1. Business/Industrial: is there a plan for solar farms?
   Solar Energy Systems. Undue hardship shall include, but not be limited to, inadequate access to direct sunlight for solar energy systems.

2. **Earth Sheltered Homes**. Variances shall be granted for earth sheltered construction as defined in Minn. Stat. '116J.06, Subd. 2, when in harmony with this Ordinance.

3. **Non-permitted Use**. The City Council may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located.

4. **Temporary Use for one family dwelling**. The City Council may permit as a variance the temporary use of a one (1) family dwelling as a two (2) family dwelling.

5. **Variances in Floodplain Districts**. No variance shall have the effect of allowing a Floodplain District 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.

6. **Conditions.** The City Council may impose conditions in granting variances to insure compliance and protect adjacent properties.

Subdivision 4: VARIANCE PROCEDURE

1. **Application Filing Required**. A person applying for a variance must fill out and submit to the Zoning Administrator a Variance Application form, accompanied by the required fee and detailed material fully explaining the specific variance request. The application must include a site plan showing the following, as applicable:

   A. Site description (legal description).

   B. A Certificate of Survey.

   C. Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.

   D. Location of all existing and proposed buildings and their square footage.

   E. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.

   F. Landscaping and screening plans.

   G. Waste facilities including enclosure and screening.

   H. Drainage and grading plan.

   I. Sanitary sewer and water plan with estimated use per day.

   J. Soil type.

   K. Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.

2. **Application deadline**. The Zoning Administrator must receive completed applications at least seven (7) days prior to the Planning Commission's next scheduled meeting.

3. **Fees.** A fee the City Council shall establish by resolution must accompany the application. An additional fee may be charged for atypical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City expenditures. In such case, the applicant must reimburse the City for administrative time and professional services and costs incurred by the City.

4. **Public Hearing**. The Zoning Administrator shall set a date for the official public hearing.

   A. Published Notice. The City will publish notice of the Public Hearing's time, place and purpose at least once in the City's official newspaper at least ten (10) days before the public hearing.

   B. Mailed Notice to Property Owners. The City will also mail notice of the public hearing's time, place and purpose not less than ten (10) days and not more than thirty (30) days before the hearing date to all individual property owners within three hundred fifty (350) feet or nearest ten (10) property owners, which ever is greater, of the parcel included in the request. The Zoning Administrator must attest and make a part of the proceeding's records a copy of the notice and list of the owners and addresses to which the notice was sent. A property owner's failure to receive notice or a defective notice shall not invalidate any proceedings.

5. **Referral to Planning Commission**. After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.

6. **Planning Commission Review**. The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council

   A. The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Variance application.

7. **Recommendation by the Planning Commission.** After reviewing the Variance, the Planning Commission will make a written report and recommendation to the City Council.

8. **Decision by City Council**. Upon receiving the Planning Commission's report and recommendation to the City Council as to whether or not a

variance should be granted. The City Council, acting as the Board of Adjustment will make the final decisions on all variances.

A. Appearance by Applicant. The applicant or applicant's representative(s) must appear before the City Council in order to answer questions concerning the variance application.

9. **Vote Required**. Approval of any Variance to this Ordinance will require passage by a majority of the votes cast.

10. **Conditions and/or Revisions**. If the City Council grants the Variance, it may impose conditions it considers necessary to protect public health, safety and welfare. The City Council may also revise the variance to ensure that it is the minimum variance required.

11. **Written Findings**. The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy if its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Variance application within sixty (60) days after the Zoning Administrator receives the application or will extend the time for consideration under state law.

12. **Recording**. A certified copy of every Variance to abstract or registered property shall be filed with the Stearns County Recorder. The variance shall include the legal description of the property involved.

13. **Resubmission**. No application, which is substantially the same as and application of a denied Variance shall be resubmitted for a period of one (1) year from the date of the denial. The City Council may permit a new application if, in its opinion, new evidence or a change in circumstances warrant reconsideration.

Subdivision 5: LAPSE OF VARIANCE

If within one (1) year after granting a Variance the work permitted is not started, such variance shall become null and void unless a petition for an extension has been approved by the City Council.

SECTION 31: ENFORCEMENT/VIOLATIONS/PENALTIES

Subdivision 1: ENFORCEMENT

This Ordinance shall be administered and enforced by the City Building Inspector or Zoning Administrator and City Council of Rockville, Minnesota. The Building Inspector or Zoning Administrator may institute appropriate action for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Subdivision 2: VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction, shall be fined and imprisoned accordingly. Each day that a violation is permitted to exist shall constitute a separate offense. Persons violating this Ordinance shall be responsible to pay for all staff time and reasonable attorneys fees associated with enforcement of the Ordinance.

SECTION 32. SHORELAND PROPERTY

POTENTIAL LANGUAGE TO INSERT:

Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 – **6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.**

Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Rockville.

Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in subdivision __ of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 – **6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.**

Enforcement. The _____ is responsible for the administration and enforcement of this ordinance. Any 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 constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in ____ (note this reference should relate to when permit are required) of this ordinance.

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.

Comment [CSS1]: NOTE: if contracting with another entity to administer i.e. Stearns County – you should reference that intent here as well.

Comment [CSS2]: I would discuss this with the Commission and DNR Area Hydrologist

Comment [CSS3]: See comment under "Policy"

Subdivision 1: INTENT AND PURPOSE

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All ~~land within~~ ~~S~~shoreland located in City of Rockville is hereby designated as a Shoreland Overlay District and the standards set forth in ~~this~~ Section 32 and Sections 14, 27, and 33 shall regulate development and other activities within the Shoreland Overlay District.

Subdivision 2: APPLICATION

The Shoreland Overlay District shall be an overlay district and shall be superimposed on all zoning districts and the Shoreland Overlay District shall be the Shoreland of the Public Water bodies as classified in Section 10.2.3 of Stearns County Ordinance ~~209~~ 439. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. **In cases where the shoreland overlay district applies to only a portion of a parcel, the shoreland overlay standards are applicable to the affected portion of the parcel only.** The boundaries of the Shoreland Overlay District are defined as follows:

A. 1,000 feet from the ordinary high water level of the classified lakes.

B. 300 feet from the ordinary high water level or the lateral extent of the floodplain when the floodplain extends beyond 300 feet from the ordinary high water level of the classified rivers and streams.

Comment [CSS4]: I find it useful to have all protected waters identified in a table and a map with parcel overlay developed. This makes administration much easier. The reviewer doesn't have to search for confirmation a water body is protected and then scale an approximate boundary.

Subdivision 3: GENERAL PROVISIONS

The following standards and requirements shall apply to all uses in the Shoreland Overlay District:

A. Boathouses and additions thereto are prohibited in the Shoreland Overlay District.

Comment [CSS5]: Under statute certain exceptions to this provision can apply, if approved by the DNR and local authority. See Mn Stat 103G.245, Subd. 4: https://www.revisor.mn.gov/statutes/cite/103G.245

B. Easements, controlled access lots or other means for non-riparian lot owners to allow access to public waters shall be prohibited. The use of any riparian lot, tract or parcel of land, however designated or described, other than as an access lot as defined in Subdivision ~~13~~ 15 to provide access to public waters for owners of non-riparian lots, including, but not limited to, by easement, share, license or any other legal or illegal arrangement, scheme or plan, shall be prohibited.

Comment [CSS6]: Communities concerned about overcrowding of surface waters may choose to prohibit controlled access lots. If a community does not allow controlled access lots, controlled access lots must still be listed in the land use

C. Outdoor storage of trailers (including, but not limited to, house trailers, fish house trailers, boat trailers, storage trailers, utility trailers, storage

containers) is prohibited within 50 feet ~~of~~ from the ordinary high water level.

D. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. **The Rockville City Administrator will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.**

E. **All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.**

F. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action**. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.**

Subdivision 4: PUBLIC AND SEMI-PUBLIC USES

The regulations of the primary zoning district shall apply, except as modified below:

A. Public and semi-public uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.

B. The legal, conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.

C. The legal, non-conforming use of any tract for public or semipublic purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity.

D. All public and semipublic uses shall meet the requirements of Subdivision ~~11~~ 10.

Subdivision 5: RESIDENTIAL USES

The regulations of the primary zoning district shall apply, except as modified below:

A. New residential uses which are not permitted in the R-1 District but are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.

Comment [CSS7]: Mn Rules allow residences as permitted (vs. conditional) uses in all three lake classifications (natural environment, recreational development, & general development). Duplexes, twin homes, quads are permitted uses in RD & GD classes, conditional in NE class. Residential PUD allowed as conditional use in all classes.

B. Residential Lot Standards. The minimum lot dimensions, average lot size and buildable lot area for riparian and non-riparian residential developments are provided in Exhibit A, Residential Lot Standards.

C. The legal, non-conforming use of any tract may not be expanded in any way that will increase the impact on the public waters or related land resources or will increase the non-conformity. Expansion of structure must conform to Section 14, Subdivision 9.

Subdivision 6: COMMERCIAL USES

A. Commercial uses which are otherwise permitted in the underlying zoning district shall be only allowed as a conditional use following the procedures of Section 27 of this Ordinance.

Comment [CSS8]: Under Mn Rules, commercial uses are permitted on GD and RD lakes, conditional use on NE lakes. Commercial PUD are conditional uses for all lake classes.

B. The legal, conforming use of any tract for commercial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in Section 27 of this Ordinance.

C. The legal, non-conforming use of any tract for commercial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity. Expansion of structure must conform to Section 14, Subdivision 9.

D. New commercial uses which are otherwise permitted in the underlying zoning district and are located on a riparian parcel shall be designed to provide water-oriented services or products.

E. All commercial uses shall meet the requirements of Subdivision ~~11~~ 10.

Subdivision 7: INDUSTRIAL USES

A. Industrial uses which are otherwise permitted or permitted as a conditional use in the underlying zoning district shall be only allowed as an interim use following the procedures of Section 28 of this Ordinance, and only if the use demonstrates a need

Comment [CSS9]: Industrial uses are prohibited in NE lake classifications. Also, cross check reference to Section 28.

B. The legal, conforming use of any tract for industrial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a interim use following the procedures set forth in Section 28 of this Ordinance.

C. The legal, non-conforming use of any tract for industrial purposes at the adoption of this Ordinance may be continued as a legal, non-conforming use, but may not be expanded in any way that will increase the impact on the public waters or related land resources, or will increase the non-conformity. Expansion of structure must conform to Section 14, Subdivision 9.

D. New industrial uses which are otherwise permitted in the underlying zoning district ~~must be~~ and are located on a riparian parcel shall be designed to provide water-oriented services or products.

E. All ~~commercial~~ industrial uses shall meet the requirements of Subdivision ~~11~~ 10.

F. The use of any area for industrial purposes as a conditional use at the time of adoption of this Ordinance shall be considered a conditional use, except that any expansion, addition or change in use shall only be allowed as an interim use following the procedures of Section 28 of this Ordinance.

Subdivision 8: AGRICULTURAL USES

Comment [CSS10]: Do you want to provide for cropland and pasture? If so you may wish to clarify that is permitted, apply buffer zone 50' from shore impact zone.

A. The use of any tract as an animal feedlot at the adoption of this Ordinance shall be considered a permitted use within the A-40 District, except that any expansion, addition or change in use shall only be allowed as a interim use following the procedures set forth in Section ~~27~~ 28 of this Ordinance.

B. New animal feedlots are prohibited in the Shoreland Overlay District.

Subdivision 9: PERMITTED ACCESSORY USES

In all districts, accessory uses and structures in the Shoreland Overlay District shall

be the same as those accessory uses allowed in the primary zoning district, subject to the requirements of this Section.

Subdivision 10: SETBACK, HEIGHT, COVERAGE AND YARD REQUIREMENTS

~~A.~~ Size and Area. Minimum standards for all development must be as provided in Exhibit A, Lot Standards~~;~~. ~~except the average lot size for lots created without meeting the standards of conservation subdivision in effect at the time of subdivision, are doubled for all classes other than Special Protection.~~

B. Shoreline Setback. Minimum standards for setbacks from the Ordinary High Water Line, must be as provided in Exhibit A, Lot Standards.

C. Width. Minimum lot or parcel widths must be as provided in Exhibit A, Lot Standards. Width standards must be met at the Ordinary High Water Line, as well as the non-riparian building line.

D. Road Right-of-Way. Minimum structure setbacks from road right-of-way shall be as provided in the underlying zoning district.

E. Side Yard. Minimum structure setbacks from side yard boundaries shall be as provided in the underlying zoning district.

F. Rear Yard. Minimum structure setbacks from rear yard boundaries, where lot is non-riparian or otherwise has a rear yard not subject to a structure setback from ordinary high water levels, shall be as provided in the underlying zoning district.

G. Bluffs. Minimum structure setbacks from top of bluff shall be 30 feet, or as calculated as the Established Building Line as provided in ~~s~~ Subdivision ~~11~~ 10.

H. Other setbacks. All other setbacks of the underlying zoning district ~~or generally applicable,~~ apply.

~~I.~~ Maximum coverage by all impervious surfaces shall be as provided in Section 33 ~~<<~~Stormwater Management Section~~>>~~ Subdivision 12(b). ~~If no standard applies, the maximum impervious surface shall be twenty-five percent.~~

J. Structure Height. Maximum height restrictions of structures shall be as provided in the underlying zoning district, or as provided in this Section. Notwithstanding, no structures, except churches, telecommunication towers and antenna, and nonresidential agricultural structures, shall exceed 30 feet

Comment [CSS11]: I don't have a cross reference here, but shoreland rule is 25%. Absolute.

Comment [CSS12]: Max height is 25' for residential uses.

in height of building for conforming lots and 25 feet for legal, non-conforming lots, as measured in DNR-approved diagram (see Definition 2.532 Height of Building).

K. Fence Height. Maximum fence height shall be as provided in the underlying zoning district, except:

(1) A fence on a riparian lot shall not be higher than six (6) feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed, unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.

(2) A fence on a riparian lot erected from the riparian building line to the ordinary high water level shall not exceed a height of four (4) feet and have at least 90 percent of the surface uniformly open and unobstructed unless the adjoining lot is in a Commercial or Industrial District or abuts a public park or public access.

L. The minimum lot size and width requirements for commercial and industrial uses is the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the duplex lot area and width requirement for the applicable lake or river classification.

M. The minimum lot size and width requirements for residential uses with more than two units are the lot size and width requirement for a duplex lot, plus 25 percent for each unit greater than two.

Comment [CSS13]: Mn Rules prescribes minimum standards dependent on lake classification. See sample ordinance from DNR

N. Application of Standards. All lots, except a Lot of Record, must meet the applicable lot standards. No parcel shall be subdivided in any manner, unless all resulting lots comply with the applicable lot standards.

O. Street Frontage Requirements. The minimum street frontage requirements shall be those of the underlying zoning district. If none exist, the minimum shall be 75 feet, except for lots created by conservation subdivision or PUD which may vary from this minimum in order to reduce the impact of the road on the shoreland district.

Subdivision 11: DEPARTURE FROM SETBACK REQUIREMENTS

For shoreline and bluff setbacks, where conditions exist that meet all of the following criteria, the Zoning Administrator may depart from setback requirements of Subdivision ~~8~~ 10 to the extent provided. In any case in which such a departure may substantially harm any public waters, adjoining properties or the health, safety or welfare of the City, the Zoning Administrator may deny departure from the

standard setback requirements.

A. Principal Structures. In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the principal structure may be constructed up to the established building line.

1. For new residential dwellings, the building line shall be established by:

   (a) Calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling,

   (b) Establishing the building line by using the sight line method from the nearest corner of each dwelling located on either side of the proposed residential dwelling, and

   (c) Adopting the more restrictive of the two building lines.

2. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, or by calculating the average setback of the dwellings located on either side of the proposed addition~~, or by other reasonable methods which may be employed~~.

3. Structures located wholly or partly within the shore impact zone shall not be used to establish a building line. In this situation, the landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone.

4. In no case shall the calculated setback be greater than the building line setback established for the applicable lake classification.

5. In no case, shall any principal structures be permitted closer than the following distances:

   (a) On Natural Environment Lakes and Designated Trout Streams; no closer than 100 feet.

   (b) On Recreational Development Lakes; no closer than 50 feet.

   (c) On General Development Lakes; no closer than 50 feet.

(d) On Transition Rivers; no closer than 75 feet.

(e) On Agriculture, Urban and Tributary Rivers; no closer than 50 feet.

(f) Within 20 feet of the top of a bluff.

~~(g) On Designated Trout Streams; no closer than 100 feet.~~

B. Decks. Decks and platforms that do not meet setback requirements from public waters may be allowed to be added to structures existing on the date of adoption of *Stearns County Ordinance ~~209~~ 439*, without a variance, if all of the following criteria and standards are met:

1. The deck does not encroach more than 15 percent into the applicable setback of the dwelling unit or principal structure to which it is being attached;

2. Notwithstanding subdivision 11(B)(1), no deck may encroach into the shore or bluff impact zone;

3. The deck is constructed of wood, plastic or other rot-resistant material, painted or stained in colors compatible with the character of the neighborhood, and attached to a legal dwelling unit or principal structure;

4. The deck shall not be screened in, enclosed or roofed; and

5. Decks constructed under the provisions of this departure shall not be used as the basis for the establishment of any future building line.

Comment [CSS14]: Confirmation from DNR Area Hydrologist that this is acceptable language is recommended.

Subdivision 12: DESIGN CRITERIA FOR STRUCTURES

A. High Water Elevations. Structures shall be placed in accordance with Section 10.1 of Stearns County Ordinance ~~209~~ 439, if applicable to the site. If Section 10.1 of ~~this~~ that Ordinance does not apply to the site, the elevation to which the lowest floor, including basement, is placed or flood proofed shall be determined as follows:

1. For lakes, by placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three feet above the highest known water level, or at least three feet above the ordinary high water level, whichever is higher. When upon inspection, the Building Official determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential

dwelling or addition to a residential dwelling will be 6 feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition thereto, including basement, is placed at least three (3) feet above the ordinary high water level, or no lower than the regulatory flood protection elevation, whichever is higher.

2. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, a qualified engineer or hydrologist consistent with *Minnesota Rules, parts 6120.5000 to 6120.6200; or successor rule*, governing the management of flood plain areas shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities~~; and~~.

3. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

B. Stairways, lifts, and landings**.** Stairways, lifts and landings must meet the following design requirements:

1. Stairways and lifts must not exceed four feet in width on residential lots. Stairways and lifts must not exceed six (6) feet in width for commercial properties, and public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.

2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings for stairways and lifts must not exceed 48 square feet for commercial properties, public or semi-public open-space recreational properties, including recreational facilities shared by an association or similar entity.

3. Canopies or roofs are not allowed on stairways, lifts, or landings.

4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

5. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of *Minnesota Rules, chapter 1341; or successor rule*.

7. Boardwalks shoreward of the ordinary high water level shall be used in place of fill to bridge wetland areas to reach the shore. These boardwalks must be elevated at least 16 inches ~~about~~ above the surface of the wetland.

C. Placement and design of roads, driveways, and parking areas. Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

2. ~~Public and private~~ Only DNR watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones ~~provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subpart 4, item E, must also be met. For public watercraft access facilities, best management practices shall be designed, installed and maintained to reduce total suspended solids, peak discharge, and runoff. Best management practices include porous pavement, grass parking overflow areas, filter strips,~~

~~swales, infiltration basins, disconnected impervious areas, rain gardens, and other conservation designs~~.

D. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

E. Steep slopes. When determined necessary by the Zoning Administrator, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

F. Shoreline recreation facilities. Shoreline recreation facilities must be clustered or grouped in suitable areas. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, or other relevant factors to maintain functions and values of existing natural features. Access lots must be used where direct riparian access is not appropriate due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Boating facilities shall be located adjacent to the deepest water available. Shoreline facilities must also comply with all rules of the Department of Natural Resources.

Subdivision 13: COMMERCIAL, INDUSTRIAL AND PUBLIC USE STANDARDS

Subject to the restrictions provided for in this Section, surface water-oriented commercial uses and industrial, public or semipublic uses with needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:

A. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;

B. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:

1. No signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may

be placed in or on public waters by a public authority or under a permit issued by the City;

2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed safety and directional information, and may only convey the location and name of the establishment and the general types of services available. The signs shall not contain detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and

3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

Those ~~U~~ uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Subdivision 14: AGRICULTURAL AND EXTRACTIVE USE STANDARDS

A. Agricultural Use. Agricultural uses shall be conducted so that steep slopes, shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local Soil and Water Conservation District or the Natural Resource Conservation Service or as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation, and may not be directly applied within the shore impact zone.

B. Forest Management. The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota"*, which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not

subject to frequent change.

C. Extractive Use. An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site as part of the interim use permit required by Section 9, and subject to the following:

1. Site Development and Restoration Plan Requirements. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.

2. Setbacks for Processing Machinery. Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

Subdivision 15: ACCESS LOTS

Access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, may be allowed as part of a planned unit development where direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of non-riparian lots or parcels shall be prohibited. Where allowed, access lots shall meet or exceed the following standards:

A. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land, and be jointly owned by all of those purchasers, which are allowed to use the access lot.

B. These access lots shall also comply with all of the dimensional standards of ~~Subdivision 7~~ as identified on Exhibit A. Where more than six subdivision lots are served, the width of the access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.

C. Access lots shall be suitable in its natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, but not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.

D. Permitted activities may include watercraft ~~launching, loading~~, beaching, mooring, or docking ~~area~~, but shall not include residential or commercial uses. A single dock ~~and boat launching ramp~~ may be permitted and no owner shall own an individual dock. Boating facilities must be located adjacent to the deepest water available. Continuous boat mooring shall be limited to one watercraft per lot served.

E. Covenants governing access lots shall limit the total number of vehicles allowed to be parked, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities are to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify the permitted activities allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The covenants shall benefit the City, and provide for enforcement by the City.

F. Access lots shall meet or exceed the standards of Subdivision 16, Vegetation and Topography.

Subdivision 16: VEGETATION AND TOPOGRAPHY

Comment [CSS15]: Recommend review by DNR Area Hydrologist

Natural vegetation and topography shall be regulated and maintained to prevent erosion into public waters, fix nutrients, infiltration rainwater runoff, preserve shoreland aesthetics and historic values, prevent bank slumping, limit direct and indirect impacts on water quality, and protect fish and wildlife habitat.

A. All existing shoreline buffers, including trees, shrubs, and ground cover of native plants and understory, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception. Except as a condition of a variance or other land use approval, or as voluntarily agreed to by the property owner, disturbed areas, including sand beaches, that can be shown to exist as of the adoption of this ordinance, may not be required to be restored.

1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.

2. Public roads and parking areas.

3. Public parks, areas, trails and structures.

4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.

5. Pursuant to a valid shoreland alteration permit.

6. Removal of trees and branches that pose a safety hazard.

7. A single access path, provided it is:

   a. No wider than 6 feet,

   b. Generally perpendicular to the shoreline, and

   c. Designed to prevent erosion.

8. A single shoreline recreational area, as provided by Subdivision 17.

B. All existing important topographical features, including natural swales, depressions, steep slopes and topsoil, shall not be disturbed, except as provided below, and only to the extent necessary to accomplish the allowed exception.

1. Pursuant to valid permits; utilities, governmental entities, construction entities and property owners may install, extend or maintain essential services.

2. Public roads and parking areas.

3. Public parks, areas, trails and structures.

4. Pursuant to a valid building permit, property owners may install and maintain stairways and landings, provided the permit application has sufficiently identified the vegetation proposed for disturbance.

5. Pursuant to a valid shoreland alteration permit.

C. Use of fertilizer and pesticides shall not be allowed within the shore impact zone. Other use within the shoreland district must be designed to minimize runoff into the impact zone and public waters.

D. Vegetation within the shore impact zone must be maintained to screen structures with trees and shrubs, to the extent possible.

E. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes shall be prohibited within the shore and bluff impact zones. Natural rock riprap may only be used for the correction of an established erosion problem that cannot be controlled through the use of native vegetation, slope stabilization using mulch, biomat, or similar bioengineered means. Placement of natural rock riprap and retaining walls, where allowed, shall comply with regulations adopted pursuant to Minnesota Statutes, section 103G.245.

Subdivision 17: SHORELINE RECREATIONAL AREAS

Comment [CSS16]: Recommend review/approval by DNR.

Shoreline recreational areas are an exception from the general prohibition from disturbing vegetation and topography with the shore impact zone. Shoreline recreational areas are allowed, provided:

1. Only one shoreline recreation use area shall be allowed on each residential lot, except that, if the lot is part of a PUD, conservation subdivision, resort, homeowners association, and has access to a common shoreline recreational area, then no shoreline recreational area is allowed.

2. Residential recreational areas are limited to the dimensions outlined in Exhibit B for the class of lake or river.

3. The entire area must be landscaped, maintained and constructed, to the extent possible, so that no bare soil or other ground subject to erosion exists.

4. The standards of ~~C~~ common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas apply to access lots and other semi-public lots available to members of an area, homeowners association or resort located within the shoreland district. This subdivision does not apply to public facilities owned and operated by the ~~C~~ city, ~~C~~ county, ~~S~~ state or other political subdivision, which have received a conditional use permit, or are exempt therefrom, pursuant to Subdivision 4. This subdivision does not create a right for an access lot, if not available under ~~s~~ Subdivision 15.

    1. No docks are allowed in ~~C~~ common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas, except if the area qualifies as an Access Lot pursuant to ~~s~~ Subdivision 15.

    2. No watercraft loading or unloading may be allowed in ~~C~~ common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas~~, except if the area qualifies as an Access Lot pursuant to subdivision 15~~.

    3. Use of a ~~C~~ common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas for swimming, is allowed, provided any shoreline, topography and vegetation complies with all applicable ordinances, statutes, and state rules.

4. Common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas are limited to 20 feet in width along the shoreline for each 100 feet of shoreline for the entire PUD, conservation subdivision, resort, or homeowners association. The maximum depth landward from the ~~O~~ ordinary ~~H~~ high ~~W~~ water ~~L~~ line is 25 feet.

5. No ~~C~~ common ~~S~~ shoreline ~~R~~ recreational ~~A~~ areas may exceed 5,000 ~~sf~~ square feet.

EXHIBIT A
LOT STANDARDS

Comment [CSS17]: See updated standards in DNR model ordinance.

Class or District	Riparian				Nonriparian			Sewered	
	Lot Width (ft)	Average Lot Size (sq ft)	Buildable Lot Area (sq ft)	Shoreline Setback (ft)	Lot Width (ft)	Lot Size (sq ft)	Suitable Area* (sq ft)	Lot Width (ft)	Average Lot Size (sq ft)
~~Special Protection~~	~~400~~	~~217,800~~	~~23,400~~	~~200~~	~~400~~	~~217,800~~	~~23,400~~		
Natural Environment ~~and Sensitive Area~~ Single Duplex	250 400	80,000 120,000	20,400 40,800	200	250 400	80,000 160,000	20,4004 0,800		
Recreational Development Single Duplex	150 225	40,000 80,000	17,400 34,800	100	150 225	40,000 80,000	17,400 34,800	75 135	20,000 35,000
General Development Single Duplex	120 180	30,000 60,000	14,400 28,800	75	150 265	40,000 80,000	14,400 28,800	75 135	15,000 26,000
River – Remote Single Duplex	300 450	80,000 120,000	18,000 36,000	200	300 450	80,000 120,000	18,000 36,000		
River – Forested Single Duplex	300 450	80,000 120,000	18,000 36,000	150	300 450	80,000 120,000	18,000 36,000		
River – Transitional Single Duplex	300 450	80,000 120,000	18,000 36,000	150	300 450	80,000 120,000	18,000 36,000		
River – Agricultural Single Duplex	300 450	80,000 120,000	18,000 36,000	100	300 450	80,000 120,000	18,000 36,000		
River – Urban Single Duplex	300 450	80,000 120,000	18,000 36,000	100	300 450	80,000 120,000	18,000 36,000		
River – Tributary Single Duplex	300 450	80,000 120,000	18,000 36,000	100	300 450	80,000 120,000	18,000 36,000		

EXHIBIT B
SIZE LIMITATIONS OF RESIDENTIAL RECREATIONAL AREAS

Lake or River Class	Width (feet) (along the shoreline)	Depth (feet) (landward from OHWL)
~~Special Protection~~	~~10~~	~~15~~
~~Sensitive Area~~	~~10~~	~~15~~
Natural Environment	10	15
Recreational Development	20	15
General Development	30	15
Remote River/streams Segments	10	15
Forested and Transition River/streams Segments	20	15

Subdivision 18: PLANNED UNIT DEVELOPMENTS (PUDs)

A. Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.

B. Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met.

C. Processing of PUDs. Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.

D. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:

E. Site plan and/or plat showing:
1. Locations of property boundaries;
2. Surface water features;
3. Existing and proposed structures and other facilities;
4. Land alterations;

5. Sewage treatment and water supply systems (where public systems will not be provided);
6. Topographic contours at ten-foot intervals or less; and
7. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

F. A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section 18.6 of this ordinance.

G. Deed restrictions, covenants, permanent easements or other instruments that:
1. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
2. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 18.6 of this ordinance.

H. A master plan/site plan describing the project and showing floor plans for all commercial structures.

I. Additional documents necessary to explain how the PUD will be designed and will function.

J. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

K. <u>Step 1. Identify Density Analysis Tiers</u>. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	**Tier Depth**	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

L. <u>Step 2. Calculate Suitable Area for Development</u>. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

M. <u>Step 3. Determine Base Density</u>:

1. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

2. For commercial PUDs:

(A) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

(i) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(ii) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

(iii) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

a. For recreational vehicles, campers or tents, use 400 sf.

b. Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section18.53 B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	**Floor Area/Dwelling Site Area Ratio**		
	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
< 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036

Inside Living Floor Area	Floor Area/Dwelling Site Area Ratio		
> 1,500	.150	.075	.038

Multiply the suitable area within each tier determined in Section 18.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

Divide the total floor area or dwelling site area for each tier calculated in Section 18.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 18.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

3. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
4. All PUDs with densities at or below the base density must meet the design standards in Section 18.6

N. Step 4. Determine if the Site can accommodate increased density:

A. The following increases to the dwelling unit or dwelling site base densities determined Section 18.53 are allowed if the design criteria in Section 18.6 of this ordinance are satisfied as well as the standards in Section 18.54, item B:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

Structure setbacks from the ordinary high water level:
Are increased to at least 50 percent greater than the minimum setback; or
The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

O. Design Criteria. All PUDs must meet the following design criteria.

P. General Design Standards.

1. All residential planned unit developments must contain at least five dwelling units or sites.
2. On-site water supply and sewage treatment systems must be centralized..

3. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

4. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards:

(A) Shore recreation facilities:

(i) Must be centralized and located in areas suitable for them based on a suitability analysis.

(ii) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

(iii) Launching ramp facilities are prohibited.

(iv) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(v) Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

Q. Open Space Requirements.

1. Open space must constitute at least 50 percent of the total project area and must include:

(a) Areas with physical characteristics unsuitable for development in their natural state;

(b) Areas containing significant historic sites or unplatted cemeteries;

(c) Portions of the shore impact zone preserved in its natural or existing state as follows:

(d) For existing residential PUD's, at least 50 percent of the shore impact zone

(i) For new residential PUDs, at least 70 percent of the shore impact zone.

(ii) For all commercial PUD's, at least 50 percent of the shore impact zone.

2. Open space may include:

(a) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

(b) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

(c) Non-public water wetlands.

3. Open space shall not include:

(a) Dwelling sites or lots, unless owned in common by an owners association;
(b) Dwelling units or structures, except water-oriented accessory structures or facilities;
(c) Road rights-of-way or land covered by road surfaces and parking areas;
(d) Land below the OHWL of public waters; and
(e) Commercial facilities or uses.

R. Open Space Maintenance and Administration Requirements.

1. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means The instruments must prohibit:
   (a) Commercial uses (for residential PUD's);
   (b) Vegetation and topographic alterations other than routine maintenance;
   (c) Construction of additional buildings or storage of vehicles and other materials; and
   (d) Uncontrolled beaching of watercraft.
2. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:
   (a) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
   (b) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
   (c) Assessments must be adjustable to accommodate changing conditions; and
   (d) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

S. Erosion Control and Stormwater Management.

1. Erosion control plans must be developed and must be consistent with the Stormwater Ordinance Section 33.
2. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 33 of this ordinance.

T. Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

18.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;

U. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;

V. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
2. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
3. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

W. Existing dwelling unit or dwelling site densities that exceed standards in Section 18.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

DEFINITIONS (moved under Definition section)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

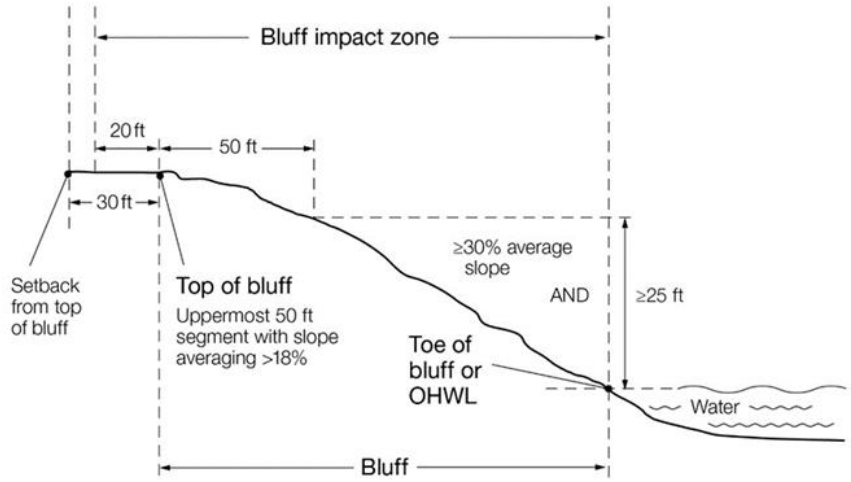
Accessory structure or facility. Any building or improvement subordinate to a principal use.

Animal feedlot. A facility as defined by Minnesota Rules, part 7020.0300.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics:

A. Part or all of the feature is located in a shoreland area;
B. The slope rises at least 25 feet above the toe of bluff;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and
D. The slope must drain toward the waterbody.

Bluff, Bluff Impact Zone, Top and Toe of Bluff



Bluff impact zone. A bluff and land located within 20 feet of the top of a bluff.

Bluff, Toe of. The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Bluff, Top of. For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Boathouse. A facility as defined by Minnesota Statutes Section 103G.245.

Buffer. A vegetative feature as defined by Minnesota Statutes, Section 103F.48.

Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Controlled access lot. A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.

Commercial planned unit developments. Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner. The commissioner of the Department of Natural Resources.

Conditional use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

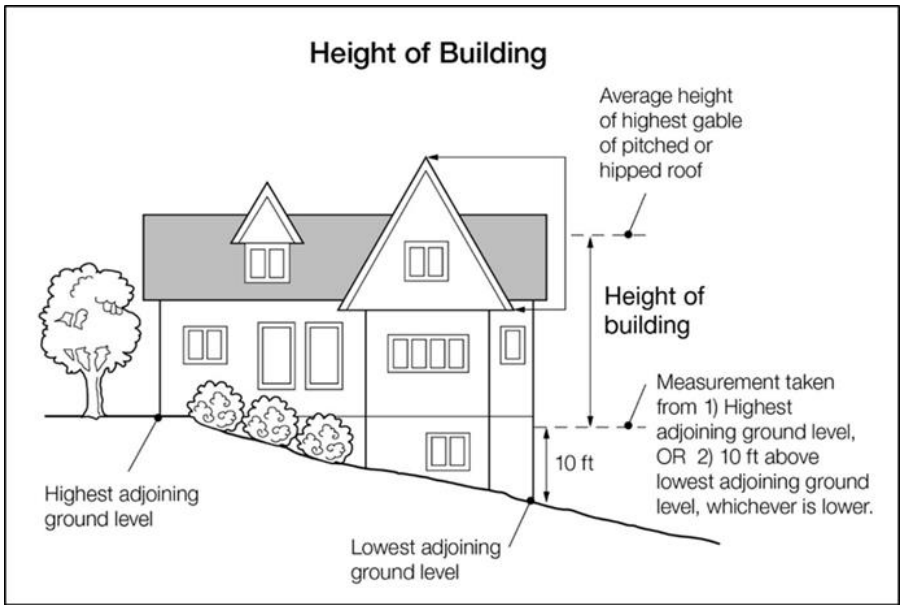
Dwelling unit. Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Guest cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Height of building. The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.



Impervious surface. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks;

patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

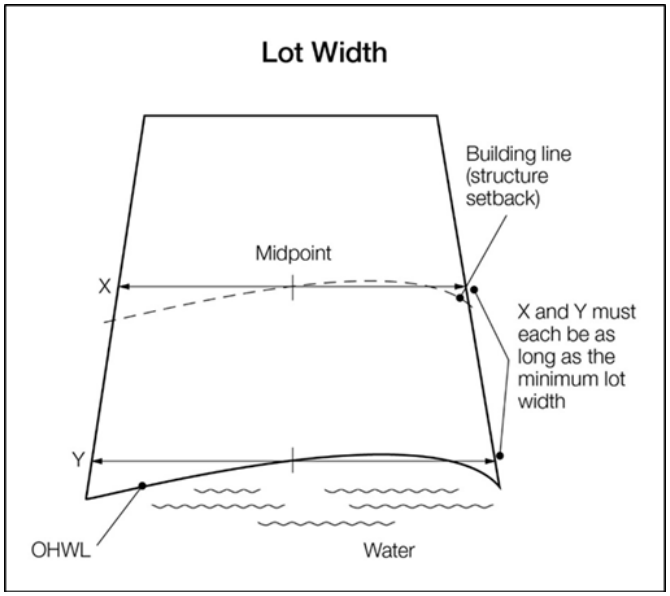
Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot line front. That boundary of a lot which abuts an exiting or dedicated public street.

Lot width. The minimum distance between:

A. Side lot lines measured at the midpoint of the building line; and
B. Side lot lines at the ordinary high water level, if applicable.



Metallic minerals and peat. "Metallic minerals and peat" has the meaning given under Minnesota Statutes, Sections 93.44 to 93.51.

Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that

would not have been permitted to become established under the terms of the official controls as now written.

Ordinary high water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public waters. Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.

Residential planned unit development. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Resort. "Resort" has the meaning in Minnesota Statute, Section 103F.227.

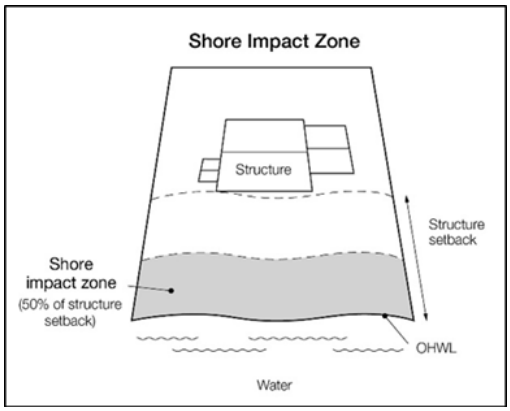
Semipublic use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system. "Sewage treatment system" has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.

Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

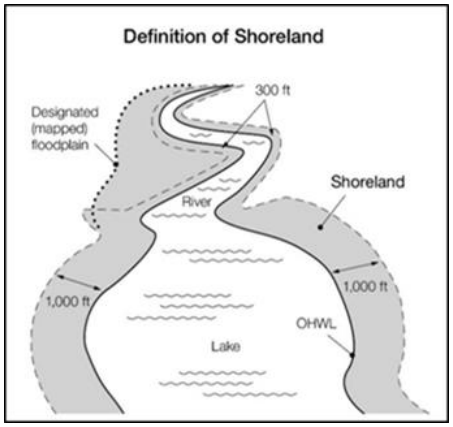
Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



Shoreland. "Shoreland" means land located within the following distances from public waters:

A. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and

B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



Shore recreation facilities. Swimming areas, docks, watercraft mooring areas, and launching ramps and other water recreation facilities.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Steep slope. Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Suitability analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Variance. "Variance" means the same as that defined in Minnesota Statutes, Section 394.27 Subd. 7 (for counties) or Section 462.357 Subd. 6 (2) (for municipalities).

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water , reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

Water-dependent use. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

Wetland. “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

SECTION 33. STORMWATER MANAGEMENT

Subdivision 1: PURPOSE AND INTENT

The purpose and intent of this section is to prevent or reduce, to the most practicable extent, the negative effects of stormwater runoff and to protect the water and soil resources of the City through the use of best management practices and/or stormwater management facilities.

Subdivision 2(a): STORMWATER MANAGEMENT PLAN REQUIRED

A Stormwater Management Plan is required for every applicant for any subdivision approval, PUD approval, building permit, or commercial, multiple family residential or industrial land use permit, unless exempted in Subdivision 2(b).

Subdivision 2(b): EXEMPTION FROM STORMWATER MANAGEMENT PLAN REQUIREMENT

A Stormwater Management Plan is not required for:

A. Any part of a platted subdivision approved by the City on or before the effective date of this Ordinance;

B. A lot for which all land use permits has been approved on or before the effective date of this Ordinance.

C. Installation of a fence, sign, telephone and electric poles and other kinds of posts or poles.

D. Emergency work to protect life, limb or property.

E. A subdivision resulting in less than three lots or outlots, unless any part of it is in the shoreland district.

F. A residential use in a residential or agricultural zone, but not in the shoreland district, on a lot of record created on or before the effective date of this Ordinance, if the proposed use meets impervious surface requirements, and will result in a cumulative addition of less than 10,000 square feet of impervious surface.

G. A permitted or conditional residential use on a lot that was created by a subdivision which has an approved Stormwater Management Plan.

H. An applicant is seeking a building permit limited to electrical, plumbing,

window replacement, residing, or reroofing, and the impervious surface will not be increased.

The Zoning Administrator may require any development activity that it determines may significantly increase downstream runoff rates or volumes, flooding, soil erosion, water pollution or property damage or significantly impact a lake, stream, river or wetland to obtain a Stormwater Management Plan.

Subdivision 2(c): WAIVER OF STORMWATER MANAGEMENT PLAN REQUIREMENTS

The City, upon recommendation of the Planning Commission, may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth herein. The City may require, as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct physical improvements, facilities, property and/or easements as may be necessary to adequately meet said standards and requirements.

Subdivision 3: APPLICATION FOR STORMWATER MANAGEMENT PLAN

A. A written application for Stormwater Management Plan shall be filed with the City Administrator prior to any work proceeding, and shall include:

1. A statement indicating the grounds upon which the approval is requested;

2. Name, address, and telephone number for the property owner and the applicant, if different;

3. Address, Parcel Identification Number and Legal Description of the property;

4. A site map of the property as it exists, as set forth in Subdivision 6(a);

5. A site construction plan, as set forth in Subdivision 6(b);

6. A drawing of the final site conditions, as set forth in Subdivision 6(c);

7. Receipt evidencing payment of fees (if applicable), and;

8. Documentation for the sufficient financial security, if required, as

set forth in Subdivision 5(c).

B. An application shall also include a statement indicating:

1. The applicant will be responsible for the design and construction of any stormwater management facilities or improvements proposed by the applicant or required as a condition of approval.

2. The applicant will be responsible for the maintenance and upkeep of all elements of any proposed stormwater management practice or stormwater management facilities or improvements proposed by the applicant or required as a condition of approval in perpetuity.

3. The proposed use is permitted, or the applicant has received, or applied for, all permits and approvals required for the proposed use.

C. Applicant must provide five sets of clearly legible blue or black lined copies of all drawings, maps or plans required. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed.

Subdivision 4: TRANSFER OF STORMWATER MANAGEMENT PLAN

Except when properly transferred to a subsequent owner, all stormwater facilities or improvements proposed by the applicant, or required as a condition of approval, for meeting the requirements of this section, must be completed prior to any sale or transfer of the property. An approved Stormwater Management Plan may be transferred to a subsequent owner, upon the subsequent owner requesting transfer, assuming legal responsibility for complying with the terms and conditions of the original Stormwater Management Plan, and providing any financial security required. The Zoning Administrator may, include additional conditions or increase the financial security, in granting the transfer. No transfer will be required if all stormwater facilities or improvement, and all conditions, have been completed. The application for transfer need not be submitted to the Planning Commission or City Council.

Subdivision 5(a): ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS RELATING TO IMPROPERLY INSTALLED STORMWATER IMPROVEMENTS

The City may take action to install, or to correct or repair, an improvement required by this section. The cost of any such improvement or repair, including the costs of enforcement, including attorney and engineering fees, shall be charged to the property, and if not paid, may be assessed against the

responsible property as a special charge pursuant to Minn. Stat. § 429.101, or other authority. Except in the event of an emergency to person or property which precludes judicial review, the City will gain access to the property by obtaining a summary abatement order as outlined in Minn. Stat. § 463.15-463.26.

Subdivision 5(b): INSPECTION

The City may inspect any property for compliance with the terms of this section, or the terms or conditions of a Stormwater Management Plan. If property owner fails or refuses to permit free access and entry to the property, or any part thereof, for an inspection, the City may, upon a showing that probable cause exists for the inspection, petition and obtain an order to inspect and/or search warrant from a court of competent jurisdiction.

Subdivision 5(c): FINANCIAL SECURITY REQUIRED

The Zoning Administrator may require a financial guarantee for any approval under this section in order to ensure stormwater management improvements, or related grading to treat or control stormwater, is performed as approved. The financial guarantee may be in the form of a letter of credit, cash deposit or bond in favor of the City equal to, up to 125% of all costs of all proposed stormwater management improvements, and related grading to treat or control stormwater and prevent negative erosion and sediment impacts. The form of the guarantee is at the City's option. Release of the financial guarantee is contingent on approval by the City Engineer that as-built conditions and erosion and sediment control measures meet specifications of the stormwater management plan.

Subdivision 6(a): EXISTING SITE MAP

A. At a minimum, the existing site map must show existing conditions of the site and immediately adjacent areas, including:

1. The name and address of the applicant, the section, township and range, north point, date, and number of sheets;

2. Location and dimensions of all impervious surfaces, including driveways and roadways;

3. Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;

4. An approximate delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site the classification given to the water body as provided in the Shoreland Overlay District;

5. A general description of the soils of the site, as well as a statement containing information on the suitability of the soils for the type of development proposed, and describing any remedial steps to be taken by the developer to render the soils suitable. Soils information can be obtained and printed in report format from Soil Data Mart website (http://soildatamart.nrcs.usda.gov/);

6. Location and dimensions of subsurface sewage treatment systems (SSTS);

7. Vegetative cover and clearly delineating any vegetation proposed for removal; and

8. Setbacks, easements and right-of-ways.

B. Upon request by the City Engineer or Zoning Administrator, the existing site map must show the following:

1. Plan drawn to scale;

2. 100-year flood plains, flood fringes, floodways, and shoreland areas;

3. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;

4. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;

5. An official delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and classification given to the water body or wetland pursuant to the Shoreland Ordinance, Stearns County, the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency or

the US Army Corps of Engineers;

6. Any hydrological measurements or related calculations for both on and off the site in accordance with Subdivision 11;

7. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and describing any remedial steps to be taken by the developer to render the soils suitable;

8. Certification by a licensed engineer;

9. Certification by a licensed surveyor; or

10. Any additional information necessary to evaluate the application.

Subdivision 6(b): SITE CONSTRUCTION PLAN

A. At a minimum, the site construction plan for the proposed improvements or use must include:

1. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;

2. Locations and estimated dimensions of all temporary soil or dirt stockpiles;

3. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;

4. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance;

5. Provisions for maintenance of the construction site erosion control measures during construction;

6. Work and materials list for all proposed site grading, stormwater management, and erosion and sediment control related operations;

7. Provisions for protection (barricades, etc) of SSTS sites during construction to avoid accidental compaction,

B. Upon request by the City Engineer or Zoning Administrator, the existing site map must show the following:

1. Plan drawn to scale;

2. Certification by a licensed engineer;

3. Certification by a licensed surveyor; or

4. Any additional information requested by the City Engineer or Zoning Administrator necessary to evaluate the application.

Subdivision 6(c): PLAN OF FINAL SITE CONDITIONS

A. At a minimum, the plan of the final site conditions must be drawn on the same scale as the existing site map and show the site changes, including:

1. A drainage plan of the developed conditions delineating in which direction stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect (if applicable);

2. The proposed size, alignment and intended use of any structures to be erected on the site;

3. A clear delineation and tabulation of all impervious areas;

4. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development; and

5. Any additional information pertinent to the particular project, which in the opinion of the applicant is necessary for the review of the project.

B. Upon request of the City Engineer or the Zoning Administrator, the plan of final site conditions must show the following:

1. Plan drawn to scale

2. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

3. Any hydrological measurements or related calculations for both on and off the site in accordance with Subdivision 11;

4. Certification by a licensed engineer;

5. Certification by a licensed surveyor; or

6. Any additional information necessary to evaluate the application.

Subdivision 7: APPLICATION REVIEW PROCEDURE

A. Process. Applications shall be submitted by the City Administrator who shall consult with the City Engineer, for review, and shall be reviewed along with any associated site plan for the property, or as a site plan would be reviewed, if no site plan is required.

B. Duration. Approval of a Stormwater Management Plan will expire one year after the date of approval unless construction has commenced in accordance with the Stormwater Management Plan. If all improvements proposed in the application, or required as a condition to approval, are not completed within two years, the Stormwater Management Plan will expire.

C. An application may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Section are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Rockville or other public entity of certain lands or interests therein.

D. A combination of conditions may be used to achieve the requirements of this Section.

Subdivision 8: STORMWATER MANAGEMENT STANDARDS – GENERALLY

All properties, regardless of whether a Stormwater Management Plan is required, must conform with the following standards:

A. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods

used to retain sediment on the site.

B. Consideration shall be given to reducing the need for stormwater management facilities by incorporating the use of natural drainage ways, topography and land cover; such as wetlands, ponds, natural swales, depressions and vegetated soil surfaces as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity of the natural features.

C. When new stormwater management facilities are required, preference will be given to above ground conveyances and restoration or establishment of natural drainage ways, topography and land cover before discharge to public waters, when possible.

D. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, preference will be given to constructed facilities designed using surface drainage, vegetated filter strips, bioretention areas, rainwater gardens, enhanced swales, off-line retention areas, and natural depressions for infiltration rather than buried pipes and human-made materials and facilities.

E. The following practices shall be investigated in developing a plan, in the following descending order of preference:

1. Natural infiltration of precipitation on-site;

2. Flow attenuation by use of open vegetated swales and/or natural depressions;

3. Retention facilities; and
4. Detention facilities.

F. Stormwater facilities shall be designed assuming that existing drains, drain tiles and other inaccessible drainage facilities, whether natural or manmade, no longer function, unless:

1. An easement is supplied to provide sufficient access for future maintenance;

2. The applicant demonstrates that the drain or tile has the capacity and service condition to make it a suitable component of the stormwater management system;

3. The City accepts the dedication of the easement, or a property owners association is established and assumes the maintenance

of the components and the City approves of the transfer to the association.

4. This Subdivision 8(F) may not be interpreted to require the City to accept dedication of any stormwater facility.

G. Where there is discharge to an existing roadway, ditch, storm sewer or other public facility, the stormwater may not degrade or negatively impact the safety, maintenance or function of any such public facility.

H. New constructed stormwater outfalls to any public water or wetland must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 9: CONSTRUCTION ACTIVITY STANDARDS – GENERALLY

All properties, regardless of whether a Stormwater Management Plan is required, must conform with the following standards:

A. Site Erosion Control. The following criteria apply to construction activities that result in runoff on and/or leaving the site.

1. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Runoff from the entire disturbed area on the site shall be controlled by meeting either Items (a) and (b) or (a) and (c).

(a) All disturbed ground left inactive for fourteen (14) or more days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency) shall be stabilized by seeding or sodding (only available prior to September 15), or by mulching or covering or other equivalent control measure.

(b) For sites with more than ten (10) acres disturbed at one

time (five (5) acres for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed within twenty four (24) hours of discovery to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(c) For sites with less than ten (10) acres disturbed at one time (five (5) acres for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), silt fences, biorolls, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, biorolls, or equivalent control measures must include a maintenance and inspection schedule.

4. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than fourteen (14) days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency), they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than fourteen (14) days (seven (7) days for discharges within one (1) mile of and flow to Special Waters and Impaired Waters as defined by NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency) shall be controlled by placing biorolls or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than

seven days.

5. “Stabilized” means

B. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

C. Waste and Material Disposal. All waste and unused building materials including but not limited to garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.

D. Sediment Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

E. Drain Inlet Protection. All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the Minnesota Pollution Control Agency publication "Protecting Water Quality in Urban Areas."

F. Final Stabilization: Final stabilization requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of 70% over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

Subdivision 10: SPECIAL SHORELAND EROSION AND SEDIMENT CONTROL STANDARDS

Within the shoreland district, development activity that results in the disturbance of 10,000 square feet or more on general development lakes, recreational development lakes and all river/streams classes, and 5,000 square feet on natural environment lakes, special protection lakes, and sensitive area districts must meet the Pollution Control Agency General Stormwater Permit for Construction Activity requirements for Erosion Prevention and Sediment Control. These requirements must be incorporated into the project plans and specification.

Subdivision 11: DETENTION FACILITY DESIGN AND MAINTENANCE STANDARDS

All properties for which a Stormwater Management Plan is required must conform with the following standards:

A. Design. Stormwater management facilities shall be designed according to the most current technology, and must comply with the design guidelines provided in the publications of the Minnesota Pollution Control Agency, "Protecting Water Quality in Urban Areas" (2000) and "Minnesota Stormwater Manual" (2005), as they may be amended. At a minimum, facilities and improvements must be constructed pursuant to the designs and specifications approved by the City Engineer including the following:

1. Rainfall amounts for design storms can be found using the *U.S. Weather Bureau Technical Paper No. 40 (TS 40)* rainfall intensity duration curves for Type II rainfall distribution.

2. Peak discharge rates shall be derived using the standard methods of the *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.

3. Sheet flow shall be limited to 100 feet for Time of Concentration calculations.

4. The following runoff curve numbers based on hydrologic soil type shall be used to analyze existing conditions:
   (a) A – 30
   (b) B – 55
   (c) C – 71
   (d) D – 77

5. Total volume discharges shall be derived using the standard methods of *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.

6. All wet detention and retention facilities shall be designed and constructed in accordance with the W.W.Walker Method (1987).

7. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained facilities will be adequate to maintain the drained condition.

8. Stormwater management infiltration facilities shall be designed to infiltrate 0.5 inch of runoff from impervious surfaces (Water Quality Volume) within forty eight (48) hours.

9. Infiltration volume and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturation infiltration rates from the *Minnesota Stormwater Manual*.

10. Infiltration facilities shall be designed and constructed in accordance with the *Minnesota Stormwater Manual*.

B. Inspection and Maintenance. All stormwater management practices and facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. The director of public works, or designated representative, may inspect all stormwater management facilities during construction, during the first year of operation, and once every five (5) years thereafter. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

C. Documentation Required. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards, and constructed to the specifications originally approved. In most cases this would be certification by the engineer of record for the project.

Subdivision 12(a): LOT COVERAGE LIMITS – DEFINITION

The coverage of any parcel by impervious surfaces may not exceed the maximum provided in Subdivision 12(b), or the zoning district standards, whichever is more restrictive. The coverage is determined as a ratio of the impervious surface to the area of the entire parcel. The area of the entire parcel does not include that part of a parcel that is below the Ordinary High Water Mark of a lake or river. Wetlands shall be included in the total area of the parcel.

Subdivision 12(b): LOT COVERAGE LIMITS – STANDARDS

No parcel may exceed the associated impervious surface coverage limits, as described below:

A. Residentially zoned property:

1. Not located in the Shoreland overlay district, 25%, <u>except that a lot of record may contain up to 30% impervious surface, without a variance, if the parcel owner provides a plan to the City that treats surface water runoff for water quality, as provided in 13 (b).</u>

2. Located in the shoreland overlay district, 12%, except on a General or Recreational Development lake.

3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).

B. Commercial and Industrial zoned property:

1. Not located in the shoreland overlay district, 50%.

2. Located in the shoreland overlay district, 25%.

3. Notwithstanding, if the parcel is served by municipal stormwater sewers and other infrastructure with adequate capacity, the coverage limit may be increased up to 100%, without a variance, as approved by the City Engineer. A request for such a waiver must demonstrate that the stormwater is adequately treated.

C. Planned Unit Developments, where allowed, must not exceed 15% impervious surface as measured for the total project area and within the first 200 feet from the OHWL.

<u>Subdivision 12(c): LOT COVERAGE LIMITS – CALCULATION CRITERIA</u>

A. In determining the impervious area of a surface, the square footage of the structure or surface, as viewed from above, will be used. This area will be adjusted as provided below.

B. All structures, driveways (including gravel), parking areas, sidewalks, trails, decks, patios, stairs, and similar improvements are considered 100% impervious, except as provided:

1. Decks, or other elevated structures, that are designed with gaps of at least 0.5 inches between the flooring elements, and which have

uncompacted soils under the flooring, are treated as 75% impervious.

2. Properly installed manufactured pervious materials, such as pervious pavers or concrete, are treated as 50% impervious.

3. Overhangs, eaves and similar extensions from the footprint of the structure that are at least 24 inches above the ground.

Subdivision 13(a): STORMWATER DISCHARGE STANDARDS – RATE AND VOLUME

All subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b) shall demonstrate compliance with the following:

A. Peak Rate of Discharge Standards. Stormwater runoff must be managed so that the two (2), ten (10), and one hundred (100)-year twenty four (24) hour storm event peak discharge rates from the property existing before the proposed land disturbing or development activity (pre-developed condition) shall not be increased, and accelerated channel erosion will not occur, as a result of the proposed land disturbing or development activity (post developed condition).

B. Volume Discharge Standards. Applicant must demonstrate rights to permanent public easements from the land disturbing or development activity to the public waters. Where a continuous public easement does not exist, the City may approve the stormwater management plan provided:

1. All discharges are managed so the discharge volume of runoff from the two (2), ten (10), and one hundred (100) year twenty four (24) hour storm event from the property existing before the proposed land disturbing or development activity (pre-developed condition) is not increased, and downstream flooding is unlikely to occur, as a result of the proposed land disturbing or development activity (post developed condition).

2. The City determines that the drainage way from the proposed land disturbing or development activity is of a type that is not likely to need maintenance in the future and the flow of stormwater through such a drainage way is not likely to become obstructed in the future.

Subdivision 13(b): STORMWATER DISCHARGE STANDARDS – WATER QUALITY

Due to the sensitive nature of the surface waters of the City, and to protect the health, welfare and safety of the public, runoff originating from impervious surfaces on the property must be treated for water quality. All properties for which a Stormwater Management Plan is required, must treat, before leaving the site or entering surface waters, at least the Water Quality Volume of surface water runoff from new impervious surfaces on the property. Water Quality Volume is the volume amount equal to 0.5 inch of runoff from impervious surfaces.

A. In the shoreland district, the Water Quality Volume from new impervious surfaces created, plus a percentage of the existing impervious surfaces must be treated, as provided in Subd. 13(b)(B) and (C).

B. In the shoreland district, it is the goal of this ordinance to remedy existing problems by treating the runoff from existing impervious surfaces, in addition to the new impervious surfaces. Therefore, if the parcel:

1. Has existing impervious surfaces that are not being treated for water quality;

2. Is entirely or partially in the shoreland district; and

3. The amount of impervious surface on the parcel is increasing;

Then, the stormwater permit must provide for treatment for water quality for a percentage of the existing impervious surfaces, as provided in Subd. 13(b)(C):

C. In the shoreland district, the amount of existing impervious surfaces that must be treated, in addition to the new impervious surface, is:

1. All of the existing surfaces, if

(a) Any single addition or new improvement, or the cumulative area of all additions and improvements since the adoption of this ordinance, exceeds 700 square feet.

(b) If the parcel requires a variance from the impervious surface limits.

2. One-fifth of all existing surfaces, if, the parcel has a total impervious surface area greater than 12%, but no variance is required.

3. Otherwise, the stormwater permit must provide for treatment for

water quality of 5% of all existing impervious surfaces.

D. In all areas of the City, runoff is considered treated for water quality if:

1. Site runoff volume is reduced by the Water Quality Volume; or

2. One of the methods outlined in the NPDES General Stormwater Permit for Construction Activity Part III.C.1 through Part III.C.5 from the Minnesota Pollution Control Agency is followed. The NPDES General Stormwater Permit for Construction Activity can be obtained from MPCA website: (http://www.pca.state.mn.us/water/stormwater/); or

E. In the shoreland district, where a NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, runoff is also considered treated for water quality if:

1. Runoff is treated by one of the methods provided in Subdivision 13(d)(C); or

2. Runoff is treated through other means approved by the City Engineer.

Subdivision 13(c): WAIVER BASED ON EXISTING SITE CONDITIONS

The City Engineer may provide credit for existing site conditions that adequately treat the Water Quality Volume of runoff of the subject property. The amount of the credit may be any portion or may waive the treatment requirement.

Subdivision 13(d): APPROVED WATER QUALITY TREATMENT METHODS (SHORELAND DISTRICT ONLY)

Except for subdivisions, planned unit developments and industrial and commercial land uses, which are not exempted by Subdivision 2(b), and where a NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency does not require a permanent stormwater management system, any applicant in the shoreland district that meets the following standards will receive expedited review, as these methods are approved to meet the requirements of Subdivision 13(b). Alternatively, the City Engineer may approve another method. Use of these methods does not guarantee approval, and failure to meet these options does not indicate rejection of the application for Stormwater Management Plan, but prevents the expedited review anticipated herein.

A. Impervious surfaces required to be treated are designed to direct all runoff to approved stormwater facilities through use of rain gutters,

swales, or other means.

B. An approved stormwater facility must:

1. Be designed for the capacity directed to it,

2. Have berms or other protections which insures overflow is directed away from buildings, streets, driveways or walkways,

3. Is placed between 10 - 30 feet from structures,

4. Use a means of conveyance designed for ease of maintenance, and cannot have extensive underground or obstructed portions, and

5. Has provisions to prevent erosion where excess runoff is discharged.

C. To receive expedited review, one of the following approved methods must be followed:

1. Rainwater Gardens

(a) A depression with a final grade depth of 8 inches below surrounding topography,

(b) A minimum surface area (measured at the bottom) that is, the greater of the following values, 25 square feet or 10% of the area of the impervious surface being controlled per Subdivision 13(b),

(c) Soil amendment mix of 70% compost and 30% sand to be tilled evenly 3-inches into base of depression. The amount added shall be, at a minimum, equal to the impervious surface area, as determined in Subdivision 13(b), divided by 1,000 times 9.36. Existing soils may be used in-lieu of soil amendment mix if demonstrated to be adequate (water infiltrates within 48 hours),

(d) Live plant species installed follow Board of Water and Soil Resources (BWSR) Native Sedge/Wet Meadow- W2 seed mix. Plant list is available at City Hall.

(e) Maintain separation from ground water table.

(f) Not allowed in areas that have exposed significant

materials (clogging), or near vehicle fueling and maintenance areas.

2. Rain Barrels

(a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet times 0.312. This storage capacity in cubic yards is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet divided by 648.0.

(b) Has safety provisions to prevent drowning, and

(c) Has provisions to prevent breeding grounds for mosquitoes.

(d) City may limit the number of individual barrels allowed for aesthetic reasons.

3. Soakaway Pit / Infiltration Trench

(a) A minimum storage capacity equal to the Water Quality Volume. This storage capacity in gallons is equal to the area of impervious surface, as determined in Subdivision 13(b), in square feet times 0.312. This storage capacity in cubic yards is equal to the area of impervious surfaces, as determined in Subdivision 13(b), in square feet divided by 648.0,

(b) Must consist of 1.5 to 3.0 inch clean-washed rock wrapped in filter fabric buried below surface a maximum of 5 feet deep. The amount of rock required in cubic yards is equal to the storage capacity determined in cubic yards above divided by 0.4. This formula is based on approximately 40% void space yield between individual rocks,

(c) Bottom shall be a minimum of 3 feet above the seasonal high groundwater table to prevent the possibility of groundwater contamination,

(d) Roof leaders/downspouts directed below ground to Soakaway Pit shall have above ground overflow pipe to a splash pad, and a removable above ground section with filter below the overflow pipe,

(e) Non-roof runoff directed to Soakaway Pit shall be filtered by vegetated filter strip or other acceptable means prior to entering Soakaway Pit to prevent clogging,

(f) Not allowed in high silt or clay content soils, for industrial uses, areas with exposed significant materials, vehicle fueling and maintenance areas, or other uses that risk introducing pollutants into the groundwater.

4. Shoreline Buffer

(a) Must be constructed adjacent to shoreline, and is not available for non-riparian properties.

(b) Runoff being treated must be sheet flow as it enters the buffer.

(c) The buffer must be 25 feet wide over 75% length of shoreline. Buffer vegetation must be comprised of BWSR W2 mix, and left unmowed or otherwise undisturbed.

Subdivision 14: REQUIRED MAINTENANCE OF VEGETATION

Within the shoreland district, no building permit may be issued unless the proposed improvement provides for the maintenance of existing vegetation, as required by the Shoreland Overlay District.

Subdivision 15: OTHER CONSIDERATIONS

A. Models/Methodologies. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the City Engineer. Plan, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

B. Watershed Management Plans/Groundwater Management Plans. Approvals under this section must be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes section 123B.231 and 103B.255 respectively, and as approved by the local watershed authority as required by state law.

C. Easements. If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to

obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water such that a continuous public easement acceptable to the City Engineer and City Attorney from the proposed land disturbing or development activity to public waters.

Subdivision 16: CONFLICTS

In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, shoreland protection or other ordinance adopted, or watershed district, state or federal permits, the more restrictive standard prevails.

Subdivision 17(a): CREATION OF STORMWATER MANAGEMENT PLAN

Zoning Administrator may establish or adopt a certificate or form for the documentation of compliance with this section and the approval of a Stormwater Management Plan.

Subdivision 17(b): CREATION OF APPLICATION

Zoning Administrator may establish or adopt a form for the application for a Stormwater Management Plan.

Subdivision 17(c): FEE

The City Council may establish a fee for the application for Stormwater Management Plan and the transfer of a Stormwater Management Plan. The fee must be by ordinance, but may be amended from time to time, and may be adopted with other land use fees. The fee may provide for different rates, if reasonably related to the application and proposed development, including variations based on the time and resources necessary from City staff and consultants to review, the type of land use, the density of development or the ratio or amount of impervious surface created.

Subdivision 17(d): ENFORCEMENT

The requirements of this ordinance may be enforced as any zoning control.

Draft Rockville Short Term Rental Ordinance

NOTE: if the City has a rental code the rental code should apply and a license should be issued.

Definition:

Short Term Rental Unit – a dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for periods of less than 31 consecutive days.

The following standards apply to Short Term Rentals when money or exchange of goods or services apply.

8. The maximum rental period shall not be more than 31 consecutive nights.

9. The permit holder (owner) of a short-term rental must apply for and receive an Interim (Or CUP) Use Permit. Owner occupied dwellings during a short- term rental period do not require an Interim Use Permit. (CUP) If choice is between IUP or CUP; recommend IUP with specified term (i.e. one year or two years). That way if not operating appropriately City can choose not to renew IUP. You could also have the IUP expire if the property changed hands, therefore making it non-transferable.

10. The permit holder must be a real person, not an LLC, Corporation, Management Company, rental agent, or Website Company. (To be defined by Legal Counsel) What about requiring property to be homesteaded??

11. Only one short-term rental will be allowed per real person. This might be able to be circumvented by having different, related persons apply for different properties.

12. The application for an Interim (Or CUP) Use Permit shall include:

    1. All information required for a Conditional Use Permit

    2. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations

    3. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.

    4. Lot size must be a conforming lot.

5. A plan for garbage disposal by the permit holder.

6. A pet policy.

13. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental.

14. A permit holder must provide the name, address, and phone number for the managing agent or local contact (within 25 miles) to all property owners within 300' of the property boundary. The permit holder shall notify all property owners within 300' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.

15. A permit holder must disclose in writing to their renters the following information:

    1. The managing agent or local contact's name, address, and phone number

    2. The maximum number of guests allowed at the property

16. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked as detailed in the Interim or Conditional use permit.

17. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities

18. Applicable sections of City ordinances governing noise, parks, parking and pets

19. The occupancy of a short-term rental shall be limited to not more than 2 people per bedroom.

20. Each Applicant shall indicate the number of bedrooms which are contained in the Short Term Home Rental. No Applicant shall advertise the Short Term Home Rental as containing any more than the identified number of bedrooms. The number of bedrooms, as indicated on the license, shall be used for all calculations required herein.

21. Rooms used for sleeping shall be provided with egress windows and smoke detectors in

locations that comply with the Minnesota state building code or the requirements of the Building Department, whichever is stricter.

22. The short-term rental septic system must be tested prior to issuing of short- term rental permit to meet all city, county and state requirements.

23. A short-term rental bathroom shall have as a minimum (sink, toilet, tub or shower).

24. Additional occupancy by use of recreational vehicles, tents, and accessory structures or fish houses is not permitted.

25. Events are not allowed to be hosted by transient guests on the premises. For purposes of this Section, an event means a gathering on the premises of the total number of people permitted to stay on the premises plus five. Events hosted by the property owner are allowed, but must abide by all applicable city ordinances and policies.

26. No commercial signage is allowed on the property of any Short Term Home Rental.

27. No physical alterations of a the Short Term Home Rental shall be permitted in conjunction with the operation of a Short Term Home Rental, except that additional on- site parking may be provided, to the extent that such parking is otherwise permitted by the applicable provisions of the city's code.

28. As a condition of permit approval, the City may require additional off-street parking be provided equivalent to one (1) off-street spot per bedroom.

29. The permit holder shall provide a physical visual demarcation of the property lines.

30. The permit holder shall keep a report; detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to the Planning Department upon request.

31. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Rockville rental housing maintenance code. Each unit shall be inspected annually by the

rental housing inspector and the fire Marshall.

32. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.

33. A permit holder must post their permit number on all print, poster or web advertisements;

34. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.

35. Insurance requirements will be detailed in the Interim or Conditional Use permit. The Applicant must provide a Certificate of Property Insurance at the time of license issuance. The City may request proof of such insurance at any point during which the license is active, and the Applicant must provide evidence that the coverage as remained in effect during the entire license period within one week of the city's request for confirmation. Such obligation shall exist during all times at which a valid license is issued for the property.

36. Fees and enforcement will be in compliance with the City of Rockville policies and procedures.

SECTION 34. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed by the Council this 16th day of April, 2003.

Approved

_____

Mayor

Attest:

_____

Zoning Administrator

SEWER: The total of all of the lost sewer fund revenue from all of the multi family rental units in the city of Rockville will save Sewer Base rater:

- Kraemer 311 Elm St- 4 units saving $432.00 yearly
- ATG Enterprise Tallman 232 Broadway St - 4 units saving $432.00 yearly
- ATG Enterprise Tallman 132/140 Broadway St - 12 units saving $1,584.00 yearly
- Danielson 143 Broadway St - 4 units saving $432.00 yearly
- John Clark Co-op Willenbring 241 Broadway St -24 units saving $3,312.00 yearly
- AppleHill Properties Beumer 501 Maple St - 12 units saving $1,584.00 yearly
- AppleHill Properties Beumer 305 Birch St - 12 units saving $1,584.00 yearly
- AppleHill Properties Beumer 309 Birch St - 12 units saving $1,584.00 yearly
- AppleHill Properties Beumer 301 Birch St - 12 units saving $1,584.00 yearly
- AppleHill Properties Beumer 309 Birch St - 8 units saving $1,008.00 yearly
- Stonecreek Beumer 311 Co Rd 8 - 8 units saving $1,008.00 yearly
- Stonecreek Beumer 317 Co Rd 8 - 8 units saving $1,008.00 yearly
- Granite Edge Café/Businesses 244 Broadway St - 4 units saving $432.00 yearly
- The Hideaway Bar/upstairs living 201 Broadway St – 2 units saving $144.00 yearly
- Voigts School Bus/Business 875 Prairie Court- 2 units saving $144.00 yearly

Total lost revenue in the sewer fund $16,272.00

WATER: The total of all of the lost water fund revenue from all of the multi family rental units in the city of Rockville that will save on base water rates

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- Kraemer 311 Elm St- 4 units saving $468.00 yearly
- ATG Enterprise Tallman 232 Broadway St - 4 units saving $468.00 yearly
- ATG Enterprise Tallman 132/140 Broadway St - 12 units saving $1,716.00 yearly
- Danielson 143 Broadway St - 4 units saving $468.00 yearly
- John Clark Co-op Willenbring 241 Broadway St -24 units saving $3,588.00 yearly
- AppleHill Properties Beumer 501 Maple St - 12 units saving $1,716.00 yearly
- AppleHill Properties Beumer 305 Birch St - 12 units saving $1,716.00 yearly
- AppleHill Properties Beumer 309 Birch St - 12 units saving $1,716.00 yearly
- AppleHill Properties Beumer 301 Birch St - 12 units saving $1,716.00 yearly
- AppleHill Properties Beumer 309 Birch St - 8 units saving $1,092.00 yearly
- Stonecreek Beumer 311 Co Rd 8 - 8 units saving $1,092.00 yearly
- Stonecreek Beumer 317 Co Rd 8 - 8 units saving $1,092.00 yearly
- Granite Edge Café/Businesses 244 Broadway St - 4 units saving $468.00 yearly
- The Hideaway Bar/upstairs living 201 Broadway St – 2 units saving $156.00 yearly
- Voigts School Bus/Business 875 Prairie Court- 2 units saving $156.00 yearly

Total lost revenue in the water fund $17,628.00

City of Rockville

Sewer .Base rate

2017 YTD Actual	Amount	% of this cost that is Fixed	% of this cost that is Varuable	(Operating) Fixed Cost Amount	Variable Cost Amount	Lakes Minimum Charge	Unit charge	Core Minimum Charge
309 Lakes sewer Bond 444,000	$ -	100%	0%	$ -	$ -	$ -	$ -	$ -
Bond Interest 49,848	$ -	100%	0%	$ -	$ -	$ -	$ -	$ -
Operations Staff Salaries	$ 39,215	0%	100%	$ -	$ 39,215	9.92	$ 1.98	9.92
Benefits	$ 11,878	0%	100%	$ -	$ 11,878	3.00	$ 0.60	3.00
Workers Comp 151	$ 900	0%	100%	$ -	$ 900	0.23	$ 0.05	0.23
GASBE-Audit 129, 301	$ 6,114	0%	100%	$ -	$ 6,114	1.55	$ 0.31	1.55
Office Supplies 200,210,209	$ 501	0%	100%	$ -	$ 501	0.13	$ 0.03	0.13
Gas & Oil 212	$ 356	0%	100%	$ -	$ 356	0.09	$ 0.02	0.09
Mach and equip 540	$ 284	0%	100%	$ -	$ 284	0.07	$ 0.01	0.07
Repair/Maint Supply 220	$ 5,618	0%	100%	$ -	$ 5,618	$ 1.42	$ 0.28	1.42
PL Repairs and Grinder Station 221,289	$ 37,272	0%	100%	$ -	$ 37,272	14.76	$ 1.89	-
Sewer cleaning 230	$ 14,726	0%	100%	$ -	$ 14,726	3.72	$ 0.75	3.72
Deprec $277,612.00	$ -	0%	100%	$ -	$ -	-	$ -	-
Lakes lift station 288	$ 6,870	0%	100%	$ -	$ 6,870	$ 2.72	$ 0.35	-
Locates 291	$ 238	0%	100%	$ -	$ 238	0.06	$ 0.01	0.06
Wastewtr Bill - Lk Area 293 (2016 Yr)	$ 43,499	0%	100%	$ -	$ 43,499	17.22	$ 2.20	-
Lakes sewer contract srv 296	$ 6,793	0%	100%	$ -	$ 6,793	2.69	$ 0.34	-
Legal 300, 304	$ 65	0%	100%	$ -	$ 65	0.02	$ 0.00	0.02
Engineering 303	$ 1,311	0%	100%	$ -	$ 1,311	0.33	$ 0.07	0.33
IT 307, 309,323	$ 1,922	0%	100%	$ -	$ 1,922	0.49	$ 0.10	0.49
Professional 310	$ 200	0%	100%	$ -	$ 200	0.05	$ 0.01	0.05
Wastewtr Bill - Core City 312	$ 37,029	0%	100%	$ -	$ 37,029	0	$ 1.87	25.93
Contract Srv Rounds 314	$ 702	0%	100%	$ -	$ 702	0.18	$ 0.04	0.18
Phone 321	$ 5,261	0%	100%	$ -	$ 5,261	1.33	$ 0.27	1.33
Postage, meter and copier 322,413,415	$ 1,954	0%	100%	$ -	$ 1,954	0.49	$ 0.10	0.49
Training and mileage 331, 332,	$ 193	0%	100%	$ -	$ 193	0.05	$ 0.01	0.05
Liability Ins 361	$ 3,624	0%	100%	$ -	$ 3,624	0.92	$ 0.18	0.92
Deed Grant 215	$ 2,367	0%	100%	$ -	$ 2,367	0.60	$ 0.12	0.60
Electric, Gas and garbage 362,381, 383,384	$ 12,346	0%	100%	$ -	$ 12,346	3.12	$ 0.62	3.12
Misc 340,430,441,235,	$ 303	0%	100%	$ -	$ 303	0.08	$ 0.02	0.08
	$ 241,541.00			$ -	$ 241,541	**$ 65.22**	$ 12.22	**53.77**
2017 Actual	$ 241,541.00							

		# of Users PL Lakes	192			
one unit = one base rate		# of Users GR Lakes	180	Projected	68.00	
	8	# of Users PIP Gravity Fed	8			
	35	# of Users Brentwood Gravity Fed	41			
			421			12,797.34
		# of Bills sent/year (F):	6			76,784.03
Depreciation	277,612	# of Core Users	238			
	70.21	Total	659			

Units

Average Use/User Billing Period (cubic ft.)	19,763,347	$ 0.01222	Previous (Year) Water Sold	
Dwn Twn Twr	17,512,121	0.00444		

					Gravity Base Fe
					24.00
Grinders Toal	372	659	241,541		287
Per two months	54.86	68.00			41,328.00
Per year	122,448	268,872.00	119,093		77,765.48

ee

City of Rockville

Water Base rate

2017 Actual	Amount	% of this cost that is Fixed	% of this cost that is Varuable	(Operating) Fixed Cost Amount	Variable Cost Amount	Brentwood Minimum Charge	BW Unit charge	Dwtn Minimum Charge
Dwtn Bond	$ -	0%	100%	$ -	$ -	$ -	$ -	$ -
PL LK Bond	$ -	0%	100%	$ -	$ -	$ -	$ -	$ -
Bond Interest	$ -	0%	100%	$ -	$ -	$ -	$ -	$ -
Operations Staff Salaries	$ 33,673	0%	100%	$ -	$ 33,673	$ 14.28	$ 1.70	$ 14.28
Benefits	$ 7,040	0%	100%	$ -	$ 7,040	$ 2.99	$ 0.36	$ 2.99
Workers Comp	$ 724	0%	100%	$ -	$ 724	$ 0.31	$ 0.04	$ 0.31
GASB-Audit	$ 2,062	0%	100%	$ -	$ 2,062	$ 0.87	$ 0.10	$ 0.87
Office Supplies	$ 395	0%	100%	$ -	$ 395	$ 0.17	$ 0.02	$ 0.17
Gas & Oil	$ 439	0%	100%	$ -	$ 439	$ 0.19	$ 0.02	$ 0.19
Mach & Equip	$ 284	0%	100%	$ -	$ 284	$ 0.12	$ 0.01	$ 0.12
Dwtn Repair/Maint Supply	$ 13,838	0%	100%	$ -	$ 13,838	$ -	$ 0.70	$ 5.87
PL Lk Repair/maint supply	$ 4,107	0%	100%	$ -	$ 4,107	$ 19.56	$ 0.21	$ -
Dwtn Chemicals/chm product	$ 2,669	0%	100%	$ -	$ 2,669	$ -	$ 0.14	$ 1.24
PL LK chemical/chm product	$ 2,076	0%	100%	$ -	$ 2,076	$ 9.89	$ 0.11	$ -
Wellhead	$ 657	0%	100%	$ -	$ 657	$ 0.28	$ 0.03	$ 0.28
Maintenance Agmt	$ 864	0%	100%	$ -	$ 864	$ 0.37	$ 0.04	$ 0.37
Locates	$ 238	0%	100%	$ -	$ 238	$ 0.10	$ 0.01	$ 0.10
Legal	$ 177	0%	100%	$ -	$ 177	$ 0.08	$ 0.01	$ 0.08
Engineering	$ 1,870	0%	100%	$ -	$ 1,870	$ 0.79	$ 0.09	$ 0.79
IT	$ 1,319	0%	100%	$ -	$ 1,319	$ 0.56	$ 0.07	$ 0.56
Audit	$ 2,485	0%	100%	$ -	$ 2,485	$ 1.05	$ 0.13	$ 1.05
Contract Srv Rounds	$ 1,332	0%	100%	$ -	$ 1,332	$ 0.56	$ 0.07	$ 0.56
Telephone	$ 1,801	0%	100%	$ -	$ 1,801	$ 0.76	$ 0.09	$ 0.76
Postage, meter and copier	$ 754	0%	100%	$ -	$ 754	$ 0.32	$ 0.04	$ 0.32
Dwtn Training and mileage	$ 490	0%	100%	$ -	$ 490	$ -	$ 0.02	$ 0.23
PL LK Training and mileage	$ 32	0%	100%	$ -	$ 32	$ 0.15	$ 0.00	$ -
Liability Ins	$ 2,158	0%	100%	$ -	$ 2,158	$ 0.92	$ 0.11	$ 0.92
Dwtn Electric,	$ 8,459	0%	100%	$ -	$ 8,459	$ 3.59	$ 0.43	$ 3.59
PL LK Eletric	$ 4,878	0%	100%	$ -	$ 4,878	$ 23.23	$ 0.25	$ -
Gas, Garbage	$ 1,955	0%	100%	$ -	$ 1,955	$ 0.83	$ 0.10	$ 0.83
Dwtn Bldg & Structure	$ -	0%	100%	$ -	$ -	$ -	$ -	$ -
Dwtn Core Meters	$ -	0%	100%	$ -	$ -	$ -	$ -	$ -
Transfer	$ 114,772	0%	100%	$ -	$ -	$ -	$ -	$ -
Misc	$ 1,965	0%	100%	$ -	$ 1,965	$ 0.83	$ 0.10	$ 0.83
	$ 213,513.00			$ -	$ 98,741	**$ 82.79**	$ 5.00	**37.30**
2017 Actual	$ 213,513.00							

one unit = one base rate

# of Users Downtown (E):	358
# of Bills sent/year (F):	6
# of Brentwood Users	35
Total	393

19,763,347 Water Sold

		Base	current base	Projected
Core City/PIP Transfer	33,000		26.00	16.00
Brentwood Water (From General Tax Levy)	85,000		26.00	
Total Debt				
Water Sold 2016	19,763,347		0.003	0.005

Council Fee Meeting 11.20.18

Current		Possible	
Water			
Base 26.00		16.00	
Per /1000 gal	3.00	5.50	Tier 1
	3.50	5.75	Tier 2
	4.25	6.00	Tier 3
	4.75	6.25	Tier 4
Tier 1 1 - 4,000		1 - 30,000	
Tier 2 4,001 - 8,000		30,001 – 60,000	"
Tier 3 8,001 - 14,000		60,001 – 90,000	"
Tier 4 14,001 – 999999999		90,001 – 999999999	"
5,000 gal = 41.50		5,000 gal = 43.50	
10,000 = 60.50		10,000 = 71.00	
20,000 = 106.00		20,000 = 126.00	
40,000 = 201.00		40,000 = 238.50	

Pickup Power and Sports and Ron's Auto and Trucks is not on City Water

SEWER			
Core – Base	24.00	24.00	
Per /1000 gal	1.22	4.45	
5,000 = 30.10		5,000 = 46.25	
10,000 = 36.20		10,000 = 68.50	
20,000 = 48.40		20,000 = 113.00	
40,000 – 72.80		40,000 = 202.00	
Lakes 54.86		65.00 (Pleasant Lk, Grand Lk)	
Lakes Seasonal	41.14	65.00	
Brentwood – Core rate		65.00	
PIP – Core Rate		65.00	
25983 80th Core Rate		65.00	
25942 Lake Rd Base only 24.00		65.00	
400 H Club Core Rate		65.00	