

REQUEST FOR COUNCIL ACTION

Date: January 30, 2023
Item No.: 7.d

Department Approval

City Manager Approval



Item Description: Discuss phase II Zoning Code amendments regarding shoreland and sustainability regulations

BACKGROUND

The legislative history surrounding the second phase of amendments to the Zoning Code is as follows:

- November 8, 2021: City Council adopted an ordinance approving phase one amendments to the Zoning Code to ensure compliance with the City's 2040 Comprehensive Plan. The Planning Commission held numerous meetings in 2021 reviewing these amendments and forwarded a recommendation to the City Council.
- September 1, 2021: Planning Commission held a preliminary discussion to prioritize the second phase of updates to the Zoning Code. At that time, consensus was built around two related topics: 1) shoreland and 2) sustainability.
- January 31, 2022: Planning Commission held a joint meeting with the City Council to determine if Commission and Council interests were aligned regarding the second phase of updates to the Zoning Code. That discussion revealed consensus to focus on updating the City's Shoreland Ordinance to comply with the DNR's current model ordinance and to pursue other Zoning Code amendments surrounding sustainability.
- February 28, 2022: City Council authorized additional budget to ensure phase two topics could be fully examined.
- June 1, 2022: The Planning Commission held a discussion on the phase two updates, including reviewing the DNR's model ordinance and potential modifications to the model ordinance to accommodate the implementation of such rules in Roseville. A preliminary discussion was also held regarding other sustainability topics, including requirements and incentives.
- July 6, 2022: The Planning Commission held a discussion on the phase two updates, including recommendations for certain requirements surrounding EV ready/charging, minimum tree requirements for multi-family development, and native landscaping. A discussion was also had about solar and whether screening requirements should be imposed, but a determination was made to leave the City's existing solar rules in place and not implement a screening requirement. A broader, more conceptual discussion occurred regarding incentives to promote more sustainable building practices. The incentives discussion was in response to existing barriers whereby State law limits the City's ability to impose more restrictive building standards than the Building Code, so development that is more sustainable would have to be incentivized.
- September 7, 2022: The Planning Commission reviewed the latest draft of the Shoreland Ordinance, final drafts of the language related to sustainability requirements (EV ready/charging and landscaping), and began discussion on sustainability incentives. It was determined incentives could best be offered through a worksheet and point system that offers

a variety of ways to achieve sustainability and what incentives would be provided in exchange for sustainable development practices.

- October 5, 2022: The Planning Commission reviewed the latest draft of the sustainability incentives worksheet and provided feedback to staff. The Planning Commission also reviewed a spreadsheet regarding the impact of the incentives offered via the worksheet (Attachment E).
- November 2, 2022: The Planning Commission reviewed the latest revisions to the sustainability incentives worksheet based on feedback obtained during the October meeting. Feedback included confirmation on a limit to the number of incentives a single project could obtain and that a greater number of points should be provided for incorporating bird-safe windows into a project.
- November 17, 2022: An open house regarding the phase II amendments was held at the City Hall Council Chambers from noon – 6pm. Based on those who signed the sign-in sheet, approximately 25 households attended the open house. Residents who attended were solely interested in the Shoreland Ordinance updates. Staff also managed a webpage informing the public of the phase II update process, including interactive mapping materials and ways to provide feedback. That webpage is still live at www.cityofroseville.com/zoningupdate. Aside from interest in the Shoreland Ordinance, the public has not expressed concerns about the other proposed amendments related to EV and landscaping (Attachment D).
- December 7, 2022: The Planning Commission held a public hearing regarding the phase II Zoning Code amendments. No persons from the public attended or provided testimony. The Planning Commission recommended the City Council approve amendments to five areas of the Zoning Code, with no further changes, consistent with the Commission's prior discussions and the staff recommendation.

The City's consultant, HKGi, provided a memo summarizing all the areas proposed for amendment (Attachment B). Additionally, they will provide a presentation overviewing the same information (Attachment A). Given the Planning Commission conducted numerous meetings/discussions throughout 2022, which formed much of the proposed amendment language, staff has included the minutes from those meetings should the Council wish to review the content of those discussions (Attachment F).

Lastly, unlike the amendments proposed with the phase one updates, which were adopted in November of 2021, these updates are not required to align the Zoning Map and Comprehensive Plan. Rather, these updates were undertaken based on a desire to achieve more meaningful progress towards sustainability goals outlined within the 2040 Comprehensive Plan. Additionally, the desire to update the Shoreland Ordinance to comply with the Mn DNR's current model ordinance was in response to resident feedback related to the Victoria Shores plat request located on the northwest side of Lake Owasso. Updates to the Shoreland Ordinance must be reviewed and approved by the Mn DNR, who has signaled acceptance of the current draft (Attachment C). Because the DNR has approval authority over the Shoreland Ordinance update, the City is somewhat limited in what modifications are allowed.

Staff understands these amendments cover a broad range of code regulations and intends for this discussion to be introductory and summarizing. The above legislative summary and attachments attempt to provide the necessary background information that led to the amendment language recommended by the Planning Commission. Adoption of the amendments would occur at a future meeting once the Council has been given the opportunity to provide feedback to staff.

POLICY OBJECTIVE

Ensure compliance and consistency between the City’s 2040 Comprehensive Plan and the City’s Zoning Code.

BUDGET IMPLICATIONS

On February 28, 2022 the City Council authorized a First Amendment to the professional services agreement with HKGi providing an additional \$15,000 to cover professional service costs related to the second phase of Zoning Code amendments. Based on the funds that remained after the first phase of amendments, the total cost to complete the second phase of amendments was approximately \$25,000. These funds were paid for from Community Development Fund balance.

RACIAL EQUITY IMPACT SUMMARY

Impacts on racial equity were not considered in conjunction with the phase II amendments to the Zoning Code. However, such impacts are not anticipated based on the Zoning Code topics proposed for amendment.

STAFF RECOMMENDATION

Receive a presentation summarizing the Phase II Zoning Code amendments. Hold a discussion, and provide feedback to staff surrounding the following five areas recommended for amendment:

- 1) Shoreland Overlay District: repeal Chapter 1017 and replace into Chapter 1012 (Overlay Districts chapter)
- 2) Electric vehicle charging standards: new language inserted into Section 1019.04 (Parking & Loading chapter)
- 3) New & revised definitions: Section 1001.10 (Introduction chapter)
- 4) Revised landscaping standards: Section 1011.03 (Property Performance Standards chapter)
- 5) Creation of sustainability incentives: new Section 1011.13 (Property Performance Standards chapter)

REQUESTED COUNCIL ACTION

Receive presentation and provide feedback to staff on the five areas of the Zoning Code recommended for amendment.

Prepared by: Janice Gundlach, Community Development Director
Attachments: A: HKGi presentation slides
B: HKGi memo dated 12/1/2022 summarizing proposed amendments
C: Proposed Shoreland Ordinance updates (definitions & Overlay District)
D: Proposed sustainability-related updates (EV, landscaping, sustainability incentives)
E: Analysis of incentives
F: Planning Commission meeting minutes



Sustainability Related Zoning Ordinances and Incentives

City Council Meeting
January 30, 2023

Sustainability Related Zoning Ordinance Amendments

- **Shoreland Overlay District:** repeal Chapter 1017 and replace into Chapter 1012 (Overlay Districts chapter)
- **Electric Vehicle Charging Standards:** new language inserted into Section 1019.04 in Parking chapter
- **Landscaping Standards:** Section 1011.03 in Landscaping & Screening chapter
- **Creation of Sustainable Building Incentives:** new Section 1011.13 in Property Performance Standards chapter

Previous Planning Commission Review and Discussion

- **June 1** – review of DNR's shoreland model ordinance, potential sustainability requirements/incentives
- **July 6** – determination of sustainability requirements vs. incentives
- **September 7** – shoreland overlay district, EV charging and landscaping requirements, preliminary sustainable building incentives
- **October 5** – focus on the sustainable building incentives worksheet
- **November 2** – finalized the sustainable building incentives worksheet
- **December 7** – public hearing, PC recommendation to CC for adoption

Shoreland Overlay District Overview

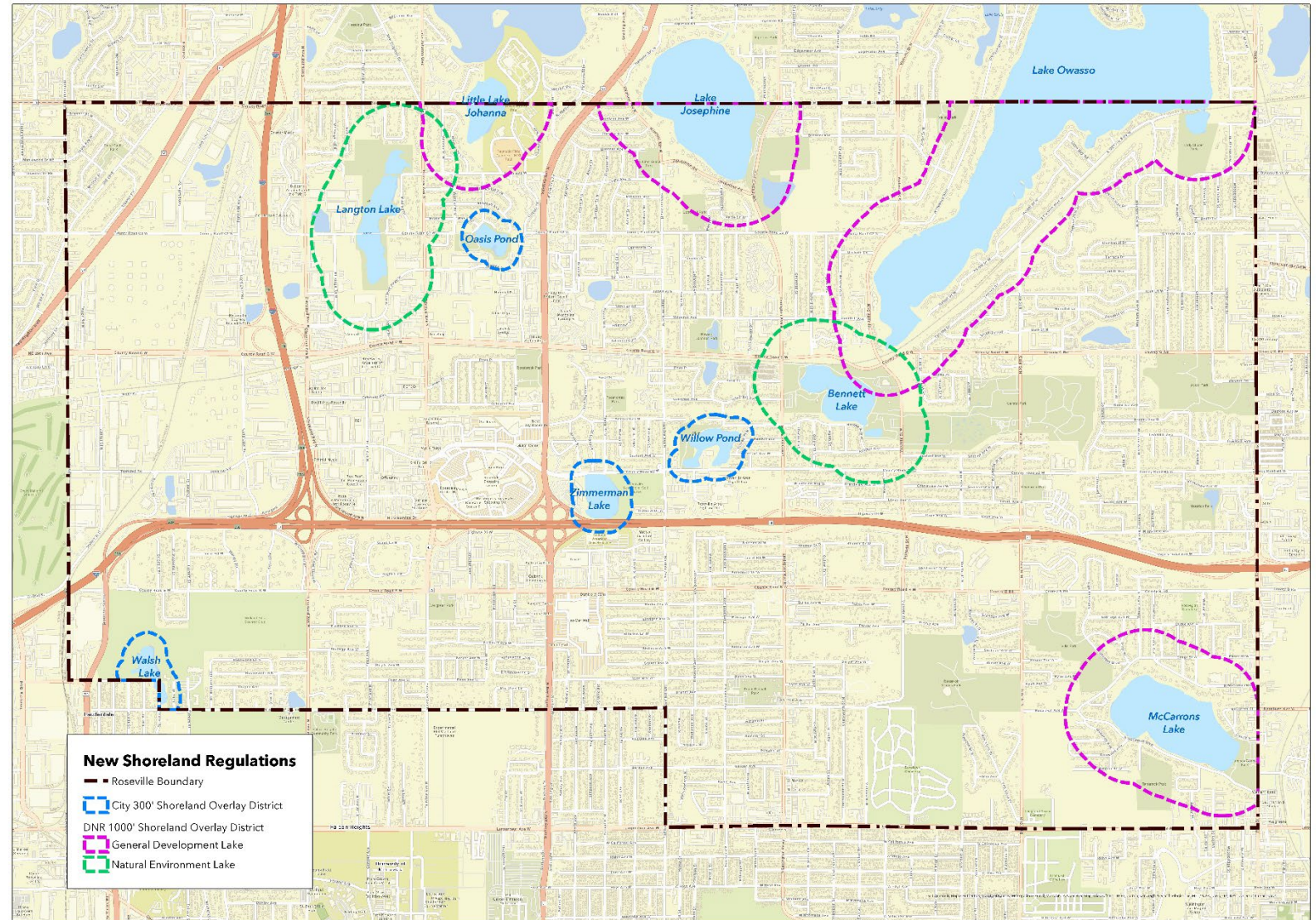
- State shoreland management program dates to 1969 when the Shoreland Management Act was passed
- Purpose of shoreland regulations is to preserve, protect, and enhance the environmental, recreational, and hydrologic resources and functions of the City's lakes through regulating the use of land adjacent to public waters
- Minimum development standards are in Mn Rules (6120.2500 to 6120.3900) but are administered through local ordinances

Public Open House

- Open House for Shoreland Overlay District changes
 - Zoning Code requires an open house for zoning map amendments
- November 17, Noon – 6pm, at City Hall
- Approximately 25 attendees (households)
- Generally attendees did not express significant concerns about the changes
- Specific concern from one property owner - inability to exceed 25% impervious

Shoreland Overlay District Location

- Extends 1,000 feet from MnDNR designated public waters (*this is being increased from 300 feet*)
- Extends 300 feet from City designated public waters



Shoreland Overlay District Overview

- City's existing chapter based on historical model ordinances
 - Current chapter dates to 1994
 - Amendments were made in 1998, 2002, 2006, 2008, and 2011
- City Council, in consultation with Planning Commission, directed the update of the City's shoreland regulations in February of 2023
- Generally using the MnDNR model ordinance to craft regulations

Shoreland Overlay District Highlights

- Did remove definitions and regulations that do not apply to the City, such as animal feedlot, extractive uses, forest land, metallic mining, etc.
- Retaining bluff impact zone (30 feet) and single family minimum lot width of 85 feet for general development lakes
- Impervious surface limited to 25% instead of 30%
 - Also eliminate the ability of property owners to exceed 25% limit by directing water runoff to city approved facility.

Shoreland Overlay District Highlights

- Landings for stairways reduced from 48 square feet to 32 square feet
- Additional regulations for accessory dwelling units
 - Minimum lot size will be 24,000 square feet
 - A new detached ADU will need to be located or designed to reduce its visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions

Shoreland Overlay District Highlights

- Property owners seeking a variance to shoreland setbacks from the ordinary high-water level or the maximum impervious surface coverage will need to meet the following conditions:
 - The greater of 20 feet or 20% of contiguous shoreline to a depth of 10 feet will need to be restored with trees, shrubs, and low ground covers consisting of native plants which are consistent with the natural cover of the shoreline.
 - A planting plan, which is acceptable to City Staff, will need to be submitted to demonstrate how the restoration will occur.
 - Either a conservation easement for the restored area shall be established and recorded, or signage following City policies shall be installed and maintained around the restoration area.

Shoreland Overlay District Highlights

- Moving some regulations to Title 8 Public Works Amendments
 - Revisions to Chapter 803 Storm Water Drainage
 - Insert new 803.05 Storm Water Management Overlay District that includes existing language/language from model ordinance - includes lands within 100 feet of storm water ponds or wetlands managed for storm water quantity and quality management purposes
 - Insert new 806.06 Wetland Protection Overlay District
 - Includes lands within 100 feet of the wetland boundary of wetlands and those waters not specifically listed as shoreland
 - Includes provisions from Ramsey Washington Metro Watershed District relative to wetland buffers as proposed by City's Environmental Manager

Electric Vehicle Charging Standards

Recommend the City establish EV charging standards in the Zoning Code

- Add new sub-section within Section 1019.04 in Parking and Loading Areas Chapter
- Same section as minimum parking spaces requirements



EV Charging Standards Highlights

- EV charging stations **required** for:
 - **new** parking areas with 30 or more parking spaces
 - **existing** parking areas (with 30 or more parking spaces)
 - that expand by 25% or more parking spaces
 - more than 25% of the parking area is improved

EV Charging Standards Highlights

- **Multi-family dwelling (5+ units) minimum requirements**
 - Where minimum number of parking spaces is 30 to 49:
 - Level 1 stations - 5% of required parking spaces
 - Where minimum number of parking spaces is 50+:
 - Level 1 stations - 10% of required parking spaces
 - Level 2 stations - 1 for guest parking

EV Charging Standards Highlights

- **Non-residential development minimum requirements**
 - Where minimum number of parking spaces is 30 to 49:
 - Level 2 stations - 1
 - Where minimum number of parking spaces is 50+:
 - Level 2 stations - 1% of required parking spaces
 - DC charging stations may be substituted for Level 2 stations

EV Charging Standards Highlights

- **Multi-family dwelling (5+ units) and non-residential development**
 - Handicapped spaces – one space with access to a Level 1 station
 - EV ready infrastructure - 10% of the required parking spaces must have the electrical capacity installed to accommodate future Level 2 or DC charging stations

EV Charging Standards Highlights

- **Non-residential development**
 - All new motor fuel sales (gas station) development
 - Level 2 stations – 1
 - DC charging station may be substituted for a Level 2 station

EV Charging Standards Highlights

- Reductions to EV Charging Requirements - when the cost of installing EVSE would exceed 5% of the total project cost
- Equipment cannot impede pedestrian travel or create trip hazards on sidewalks
- Equipment cannot encroach into the required dimensions of the parking space
- EV definitions added to Zoning Code's Definitions section

Landscaping and Screening Ordinance: Minimum Tree Requirement for Multi-family Residential Dwelling

Recommend that the minimum tree requirement for multi-family residential dwellings be changed to:

- 1 canopy tree and 1 evergreen tree per two thousand (2,000) square feet of open area.

Landscaping and Screening Ordinance: Drought-tolerant or Native Landscaping

Recommend two minor additions to the existing landscaping standards:

- All plant materials shall be selected based on zone tolerance in accordance with the USDA Plant Hardiness Zone Map.
- No new landscaping shall contain plant materials that are listed on the MN Dept. of Agriculture Noxious Weed List or the MN DNR Invasive Terrestrial Plants List.

Sustainable Building Zoning Incentives

**Sustainable Building Incentives Point System =
Sustainable Building Features + Zoning Incentives**



Sustainable Building Zoning Incentives

- Developers can **choose** this development option
- Developers receive a zoning incentive by incorporating sustainable building features into a new development
- Point system provides incentives and options rather than requirements
- Potentially could also be linked to any projects receiving public financial assistance; Staff intends to bring this topic forward to the EDA for their direction

Sustainable Building Zoning Incentives

- Add as a new section (1011.13) in Zoning Code Chapter 1011 (Property Performance Standards)
- Detailed point system worksheet will be located outside the Zoning Code, but referred to in the Zoning Code
- Locating point system outside Zoning Code offers more flexibility for updating over time, code amendments not necessary
- Updates to point system subject to Planning Commission review

Zoning Incentive/ Bonus Options

- **Density** – dwelling units per acre, lot area, lot width
- **Building intensity** – building height, improvement area, impervious surface
- **Building setbacks** – front, corner, rear
- **Building design** – horizontal façade articulation, exterior materials, window & door openings

Sustainable Building Feature Options

- Building energy efficiency
- Electric vehicle charging stations / EV-ready infrastructure
- Stormwater management
- Natural open space / landscaping
- Bird-safe buildings



Sustainable Building Incentives Worksheet

Potential Zoning Incentives	Points Needed
Density Bonus – 20% increase in maximum	8
Lot Area Bonus – reduction in minimum	8
Lot Width Bonus – reduction in minimum	8
Building Height Bonus – increase in maximum	8
Improvement Area Bonus – increased %	6
Impervious Surface Area Bonus – increased %	6
Front Setback Bonus – 20% reduction of minimum	6
Corner Setback Bonus – 20% reduction of minimum	6
Rear Setback Bonus – 20% reduction of minimum	6
Deviation from Horizontal Façade Articulation Design Standard – increase in minimum distance	4
Deviation from Exterior Materials Design Standard – reduction in minimum % of primary materials required and/or increase in maximum % of secondary materials allowed	4
Deviation from Façade Transparency Design Standards – reduction in minimum %	4

- Keep the point system as simple as possible
- A zoning incentive will require 2-3 sustainable building features
- Worksheet options and points can be updated based on experience

Sustainable Building Incentives Worksheet

Sustainable Building Features	Points Available
Building Energy Efficiency: Certification by an eligible sustainable building rating system: - US Green Building Council's LEED; certified silver, gold or platinum - MN B3 Guidelines; certified compliant - Enterprise's Green Communities (MN Overlay and Guide); certified - MN GreenStar; certified silver or greater	6 5 5 4
Building Energy Efficiency: Participate in the City's Building Energy Benchmarking Program	1
On-Site Renewable Energy Generation: Generate no less than 5% of the electricity needed by the development from on-site solar, wind, and/or geothermal energy sources.	4
Building Electrification Readiness: The building is designed and built with the electricity technologies to convert the building to full electrification in the future and to discontinue the building's use of fossil fuels for its energy needs.	3
EV Level 1 or 2 Charging Stations & EV-Ready Infrastructure: - Exceed EV requirements by 10% - Exceed EV requirements by 20%	2 4
EV DC/Level 3 Charging Stations: Install a DC/Level 3 EV charging station(s)	3
Stormwater Best Management Practices that Enhance/Improve on Existing Requirements: - Install a bioretention area/rain garden - Install a stormwater harvesting and reuse system - Install pervious pavements on at least 50% of paved surfaces - Other stormwater best management practices – utilization of new technologies as they emerge over time with approval from the City's sustainability staff	2
Water Quality: Within the Shoreland Overlay District – implement shoreline restoration and/or buffers	1
Green Roof: Install a green roof covering a minimum of 25% of the total roof area of a multi-family residential building (5 or more dwelling units) and a non-residential building.	3
Natural Landscaping: Utilize pre-development natural, non-exotic vegetation on a minimum of 50% of the site's open space area	4
Community Garden: Provide a community garden comprising a minimum of 5% of the site's total area	2
Wind-Resistant Windows: Meet the Whole Building Thermal Energy (WBTE) of less than or equal to 15	2
Total Points Earned	

Staff Recommendation

- Receive presentation
- Discuss proposed amendments
- Provide feedback and/or direction to City staff surrounding the following five areas recommended for amendment:
 - Shoreland Overlay District: repeal Chapter 1017 & replace into Chapter 1012 (Overlay Districts chapter)
 - Create EV charging standards: new language inserted into Section 1019.04 (Parking & Loading chapter)
 - New & revised definitions: Section 1001.10 (Introduction chapter)
 - Revisions to landscaping standards: Section 1011.03 (Property Performance Standards chapter)
 - Creation of a sustainable incentives point system for new development/redevelopment: new Section 1011.13 (Property Performance Standards chapter)

Requested Council Action

- Discussion and feedback
- Ordinance adoption to occur at a future meeting – date TBD based on Council feedback
- Title 8 changes will come forward as a separate ordinance – concurrently with the Shoreland Ordinance



MEMORANDUM

TO: Roseville Planning Commission
FROM: Jeff Miller and Rita Trapp, HKGi
DATE: December 1, 2022
SUBJECT: Final Shoreland and Sustainability Related Zoning Code Ordinances & Incentives – Recommendation to City Council and Public Hearing

Overview

At its December meeting the Planning Commission will hold a public hearing and consider sustainability-related zoning code amendments for recommendation to the City Council. Following the public hearing, Staff recommends that the proposed ordinance amendments be recommended to the City Council for adoption. In conjunction with the required public hearing, HKGi will present to the Planning Commission the final versions of the ordinances and incentives. The ordinances involve amendments to the following zoning code chapters:

- **Shoreland Overlay District** – removal of Chapter 1017 (Shoreland, Wetland and Storm Water Management and addition of an updated Shoreland Overlay District section in Chapter 1012 (Overlay Districts); removal of Chapter 1017 also involves the relocation of some wetland and storm water management ordinances to the Public Works Code (Title 8 of the City Code) which is outside of the Zoning Code
- **Electric Vehicle Charging Standards** – addition of an Electric Vehicle Charging Standards section in Chapter 1019 (Parking and Loading Areas)
- **Definitions** – addition of 11 EV definitions in Chapter 1001 (Introduction, Definitions section); three definitions relevant to the new shoreland ordinance will be updated
- **Landscaping Standards** – update/addition of tree/native vegetation standards in Chapter 1011 (Property Performance Standards, Landscaping section)
- **Sustainability Incentives** – addition of a Sustainability Incentives section in Chapter 1011 (Property Performance Standards)

Shoreland Overlay District Ordinance

The shoreland zoning code changes are being proposed to bring the City's regulations, which are decades old, into consistency with the Department of Natural Resources (DNR) model ordinance.

Staff, the consultant team and the Planning Commission have been working to revise the shoreland regulations throughout 2022 (see June and September 2022 Planning Commission meetings). The update process has involved two review meetings with the Planning Commission as well as multiple meetings with the DNR. The City has received conditional approval from the DNR. Conditional approval means that if the City adopts the amendment as proposed, the DNR will approve the City's regulations and allow their implementation.

As required by the City Code, an open house was held on November 17th from 12 p.m. to 6 p.m. There were about 25 people who attended the open house. Generally attendees did not express significant concerns about the changes. One property owner did express concern about the impact of the change to the maximum impervious surface limit as he is in the process of a building improvement process and may have to exceed the limit. Staff discussed options with the resident and will continue to work with him as the improvement project is developed.

Since the September Planning Commission meeting, Staff has formatted the proposed revisions into the zoning code. As shown in the attached Exhibit A, the shoreland overlay district is proposed to be created as Section 1012.03 in Chapter 1012 (Overlay Districts).

Attachment A shows the proposed Shoreland Overlay District Ordinance.

Electric Vehicle Charging Ordinance

The new electric vehicle (EV) charging ordinance will be located in Chapter 1019 – Parking and Loading Areas. The existing Minimum Parking Requirements (Sec. 1019.04) will be amended to become the Minimum Parking Spaces and Electric Vehicle Charging Requirements, sub-section D. See the proposed ordinance in **Attachment B**. The new ordinance is based primarily on St. Louis Park's EV ordinance. Other ordinances researched and used in developing the proposed Roseville EV ordinance include Minneapolis, Richfield, Bloomington, Lakeville, Golden Valley, St. Paul, and Duluth. The proposed ordinance incorporates the Planning Commission's input at the July and September PC meetings.

Definitions

To support the new electric vehicle charging ordinance, 11 definitions will be added in the Definitions section of the Zoning Code (Sec. 1001.10). There are also three definitions related to shoreland that are proposed to be updated in Sec. 1001.10. See the definitions in **Attachment B**.

Landscaping Standards

The proposed sustainability-related changes to the existing Landscaping and Screening Ordinance will be located in Chapter 1011.03. The three changes include the following:

1. The minimum tree requirement for multi-family residential dwellings would change from one canopy or evergreen tree per dwelling unit to "1 canopy tree and 1 evergreen tree per two thousand (2,000) square feet of the site not occupied by buildings." This standard was confirmed appropriate by the City's consultant forester.
2. Additional plant material standards:
 - a. All plant materials shall be selected based on zone tolerance in accordance with the USDA Plant Hardiness Zone Map.
 - b. No new landscaping shall contain plant materials that are listed on the MN Dept. of Agriculture Noxious Weed List or the MN DNR Invasive Terrestrial Plants List.

See **Attachment B** for where these three changes would be located within the existing Landscaping Ordinance.

Sustainability Incentives

The proposed sustainable building incentives/bonuses point system is intended to increase developers' incorporation of sustainability building features into new development projects. A developer can request some type of zoning incentive by incorporating sustainable building features into a new development project. The sustainable building incentives/bonuses is proposed as a new section (1011.13) in Zoning Code Chapter 1011 – Property Performance Standards. This new section will establish the sustainable building incentives/bonuses points system as a development option and refer to a more detailed sustainable building incentives/bonuses worksheet that is located outside of the zoning code. Locating the detailed worksheet outside the code will provide more flexibility over time to amend and adapt the details of the incentives as it is implemented and as sustainability efforts evolve and become more mainstream. While located outside the code, any revisions to the worksheet would still be subject to Planning Commission review.

Attachment C shows the proposed **Sustainable Building Incentives Point System Worksheet**. The worksheet will have two primary components:

- Zoning Incentives
- Sustainable Building Features.

The worksheet identifies 12 zoning incentive/bonus options, consisting of the following:

- Density – dwelling units per acre, lot area, lot width
- Building intensity – building height, improvement area, impervious surface
- Building setbacks – front, corner, rear
- Building design – horizontal façade articulation, exterior materials, window & door openings

The worksheet also identifies 12 sustainable building feature options that developers could incorporate into new development projects in order to gain approval of desired zoning incentives/bonuses, consisting of the following:

- Building energy efficiency
- Electric vehicle charging stations / EV-ready infrastructure
- Stormwater management
- Natural open space / landscaping
- Bird-safe buildings

The worksheet includes proposed points for each zoning incentive/bonus (points needed) and each sustainable building feature (points earned). The intent is to keep the points system method as simple as possible. Some details will be added to the final version of the worksheet, such as use instructions and definition of the components where needed.

In order to ensure long-term compliance with the commitments made via this sustainable building incentives/bonuses point system, the property owner will have to agree to attach the worksheet of sustainability building features and zoning incentives to a property covenant that gets recorded against the property title. The concept and language of the covenant, assuming the Planning Commission and City Council wish to advance this effort, will need to be drafted by the City Attorney.

ATTACHMENTS

- A: Shoreland Overlay District Ordinance
- B: Sustainability-Related Ordinances and Incentives
- C: Sustainable Building Incentives Point System Worksheet

Attachment C

Proposed Shoreland Ordinance Update

LODGE, PRIVATE: An association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

LODGING: A building containing rooming units providing temporary sleeping accommodations (less than 30 days duration) to the general public, which may include additional facilities for food service, meeting space, and/or recreation.

LOT: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

LOT, CORNER: A lot of which at least 2 adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

LOT, KEY: The first interior lot to the rear of a reverse corner lot.

LOT, NON-CONFORMING PRE-EXISTING: Any lot which does not comply with existing code requirements, but which complied with existing regulations at the time the lot was established.

LOT, REVERSE CORNER: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the key lot to its rear.

LOT, THROUGH: A lot having a pair of opposite lot lines along, and access to, 2 more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries

LOT LINE, FRONT: The boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of a lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Community Development Department, based on the effects of such choice on development of the lot itself or on adjacent properties.

LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or a rear lot line.

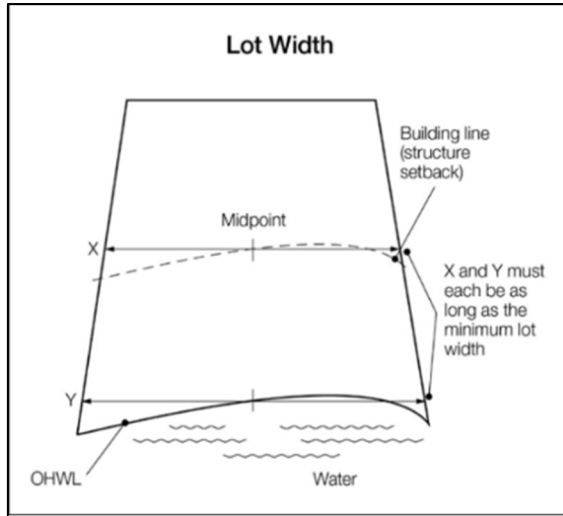
LOT WIDTH: ~~The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.~~The minimum distance between:

- Side lot lines measured at the midpoint of the building line; and

Attachment C

Proposed Shoreland Ordinance Update

- Side lot lines at the ordinary high water level, if applicable (see figure below). Otherwise, side lot lines at the rear yard building setback line.



M.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “recreational vehicle.”

MANUFACTURING, PRODUCTION AND PROCESSING: Manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing, production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.

MASSAGE THERAPY: A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, “massage” is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; “therapy” is action aimed at achieving or increasing health and wellness; “adjunctive therapies” may include

1. application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs,
2. the use of mechanical devices and tools which mimic or enhance manual actions and
3. instructed self-care and stress management.

MICROBREWERY: A facility that produces for sale no more than 3,500 barrels annually of cider, mead, beer or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A microbrewery may include a taproom. (Ord. 1566, 10-22-2018)

Attachment C

Proposed Shoreland Ordinance Update

N.

NATURAL GRADE: The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

NONCONFORMING, ILLEGAL: Designates a lot, use, or structure which failed to satisfy all applicable zoning requirements and was, therefore, illegally established when it was created, initiated, or constructed and which currently fails to satisfy all applicable requirements of this Title as amended.

NONCONFORMING, LEGAL: Designates a lot, use, or structure which satisfied all applicable zoning requirements when it was created, initiated, or constructed but which currently fails to satisfy all applicable requirements of this Title as amended.

NON-MOTORIZED PATHWAYS: On-road and off-road pathways which are used for pedestrian, bicycle, and other non-motorized means of transportation, the specifications of which shall be established by the Public Works Director.

NOXIOUS MATTER: Material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the psychological, social or economic well-being of human beings.

NURSERY SCHOOL: A public or private facility, licensed by the state, the principal function of which is to provide an educational experience outside of the family home for children of preschool age.

NURSING HOME: A state-licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients, or disabled persons that are not related.

O.

OFFICE: The general use of a building for administrative, executive, professional, ~~research~~, or similar organizations having only limited contact with the public. Office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services. (Ord. 1572, 06-03-2019)

OFFICE SHOWROOM: A facility in which up to 50% of the total floor area is utilized for the conduct of a business that involves the display and sale of goods or merchandise on the premises.

OFFICE MEDICAL, OR DENTAL: Section repealed. (Ord. 1572, 06-03-2019)

OVERLAY DISTRICT: A zoning district that encompasses one or more primary zoning districts or portions thereof and that imposes additional requirements or relaxes one or more standards required by the primary zoning district.

ORDINARY HIGH WATER LEVEL: ~~The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.~~ 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

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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.

OUTDOOR DISPLAY: The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

OUTDOOR SALES EVENTS: A seasonal or occasional sale held on the sidewalk or other location outside a building.

OUTDOOR STORAGE, EQUIPMENT AND GOODS: Storage of equipment (e.g., household lawn/garden implements, larger construction equipment, trailers, etc.) or salable goods on racks, pallets, bundles, etc., outside of an enclosed building. For the purpose of outdoor storage regulation, “equipment” does not include snow removal machinery that may be seasonally present on a property for on-site use.

OUTDOOR STORAGE, FLEET VEHICLES: Storage outside of an enclosed building of fleet vehicles, ranging in size from passenger cars to commercial trucks, which are in active use by a rental agency, dispatch service, or other similar distribution or transportation service. Inoperable vehicles in need of repair or vehicles which are stored for seasonal use (e.g. snow plows in summer months) are defined and regulated as inoperable/out of service vehicles or equipment.

OUTDOOR STORAGE, INOPERABLE/OUT OF SERVICE VEHICLES OR EQUIPMENT: Storage outside of an enclosed building of vehicles or equipment which are in need of repair or unused for more than 72 hours.

OUTDOOR STORAGE, LOOSE MATERIALS: Storage outside of an enclosed building of gravel, rock, mulch, sand, salt, or other such material stored in piles or bins.

OVERHEAD DOOR: A door for vehicle access to loading docks, service bays, garages, or other similar areas that opens vertically or horizontally.

OWNER (OF BUILDING OR LAND): Any sole owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety.

P.

PARKING FACILITY: An area used for parking of customer or employee vehicles; includes parking lots and parking structures.

PARKING LOT: A one-level, surfaced, open-to-the-air area used for parking vehicles.

PARKING SPACE: A paved surface located in a permanently maintained area, either within or outside of a building, of sufficient size to store one automobile.

PARKING STRUCTURE: A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

PAWN SHOP: Any business establishment operated by a Pawnbroker as defined in Chapter 311 of the Roseville City Code, in which pawn transactions take place.

PERMITTED: Designates a use or structure which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of the district in which it is located.

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only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than 50%.

STREET: A public right-of-way which affords a primary means of access to abutting property.

STRUCTURE: ~~A structure is anything constructed or erected, including paved surfaces, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed. A structure is anything constructed or erected, including paved surfaces, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed. Structures include, but are not limited to, decks, driveways, and at-grade patios. Structures do not include aerial or underground utility lines such as sewer, electric, telephone, gas lines, towers, poles, and other supporting structures.~~

STUDENT HOUSING: Group living quarters designed for students of an elementary, middle, junior, or high school, college, university, or seminary, organized and owned by such institution.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over 24 inches.

T.

TAPROOM: An area for the on-sale consumption of cider, mead, beer or other beverages made from malt by fermentation produced for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of cider, mead, beer or other beverages made from malt by fermentation produced at the brewery location and owned by the brewery for off-premises consumption, packaged subject to Minnesota Statute 340A.301, subdivision 7(b), or its successor. (Ord. 1566, 10-22-2018)

TELECOMMUNICATION FACILITIES: Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area, and other accessory development.

TELECOMMUNICATIONS TOWER: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 15 feet tall and 6 inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.

TENANT: Any person who occupies the whole or any part of a building or land, either alone or with others.

THEATER: A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

TOWNHOUSE: A form of one-family attached dwelling.

TRAILER: Any structure which is or may be mounted upon wheels for moving about, is drawn by an external motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated

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CHAPTER 1012 OVERLAY DISTRICTS

SECTION:

1012.01: Statement of Purpose

1012.02: Bus Rapid Transit (BRT) Overlay District

1012.03: Shoreland Overlay District

1012.01: STATEMENT OF PURPOSE

Overlay Districts are designed to:

A. Provide specialized guidance for specific geographic areas that may have a number of underlying zoning districts.

B. Comply with the Comprehensive Plan's land use guidance.

1012.02: BUS RAPID TRANSIT (BRT) OVERLAY DISTRICT

A. Purpose

The Bus Rapid Transit (BRT) Overlay District is intended to:

1. Achieve the guidance of the Comprehensive Plan's future land use goals and policies.
2. Promote higher residential density development within the half-mile walkshed of BRT stations.
3. Establish standards above and beyond those existing in underlying zoning districts for those areas.
4. Focus on enhancing pedestrian connections as part of development.

B. Overlay District Boundaries: This section shall apply to all lands within the jurisdiction of the City of Roseville, Minnesota, shown on the official zoning map and/or the attachments thereto as meeting both of the following:

1. Located within the boundaries of the Bus Rapid Transit (BRT) Overlay District; and,
2. Having the underlying zoning of the following base zoning districts:
 - a. HDR High Density Residential District
 - b. MU-1 Neighborhood Mixed Use District
 - c. MU-2A and MU-2B Community Mixed Use Districts
 - d. MU-3 Corridor Mixed Use District
 - e. MU-4 Core Mixed Use District

C. Density Standards

1. Residential density shall be a minimum of 15 units per acre.

D. Pedestrian and Bicycle Facilities Plan: Any expansion of existing buildings or uses, a change in use, or redevelopment of property will require submittal of a Pedestrian and Bicycle Facilities Plan prior to

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any City approval of proposed development. The Pedestrian and Bicycle Facilities Plan shall include the following:

1. Area map showing existing public and private pedestrian and bicycle facilities and destinations within a half-mile walkshed of the property.
2. Proposed pedestrian and bicycle facilities.
3. Proposed pedestrian and bicycle connections to existing or planned public sidewalks and trails, including pedestrian/bike street crossings.

E. Pedestrian and Bicycle Facilities Standards

1. Provision of pedestrian and bicycle connections to all existing or planned public sidewalks and trails, including pedestrian/bike street crossings, adjacent to the site.
2. Provision of pedestrian-oriented open space adjacent to BRT stations and major roadway intersections designed as a semi-public space, outdoor seating, or other semi-public uses.

1012.03: SHORELAND OVERLAY DISTRICT

A. Statutory Authorization and Policy

1. Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
2. 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 Roseville.
3. Purpose: The purpose of the Shoreland Overlay District is to recognize, preserve, protect and enhance the environmental, recreational and hydrologic resources and functions of the city's lakes by regulating the use of land adjacent to public waters. In order to promote the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification by the Minnesota Department of Natural Resources and the City of Roseville. The intent of the Shoreland Overlay District is to apply the regulations and standards found in this chapter to public waters and adjacent land as an overlay zone, further regulating the use of land as allowed by other districts of this ordinance.

B. General Provisions and Definitions

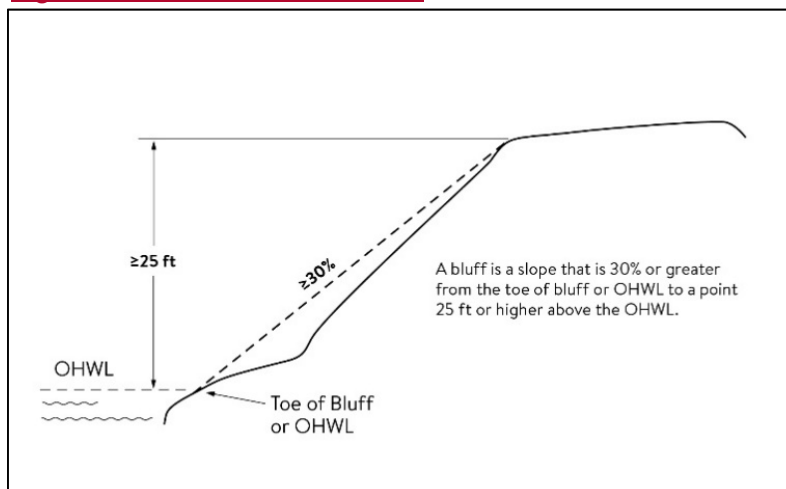
1. Jurisdiction: The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 1012.03.D.1 of this ordinance. Pursuant to Minnesota Rules, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas 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.

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2. Enforcement: The Community Development Director 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 Section 1012.03.C.2 of this ordinance.
3. 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.
4. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
5. Definitions: 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.
- BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics:
- Part or all of the feature is located in a shoreland area;
 - The slope must drain toward the waterbody.
 - The slope rises at least 25 feet above the ordinary high water level;
 - 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 (see Figure 1012-1), 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 (see Figure 1012-2).

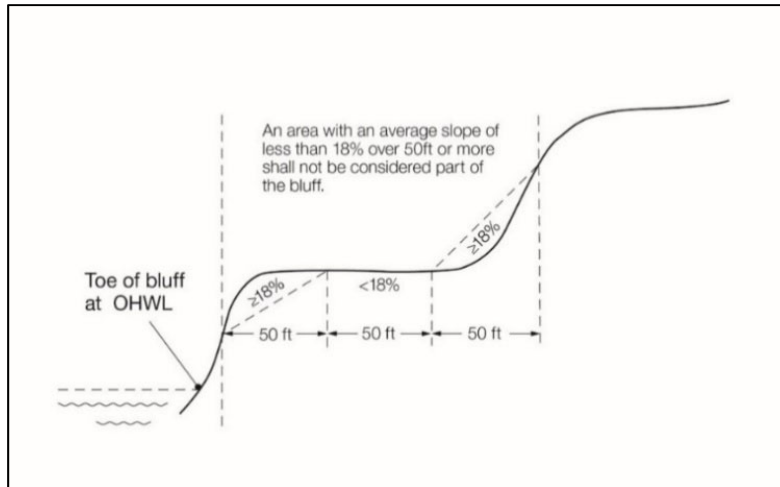
Figure 1012-1: Illustration of Bluff



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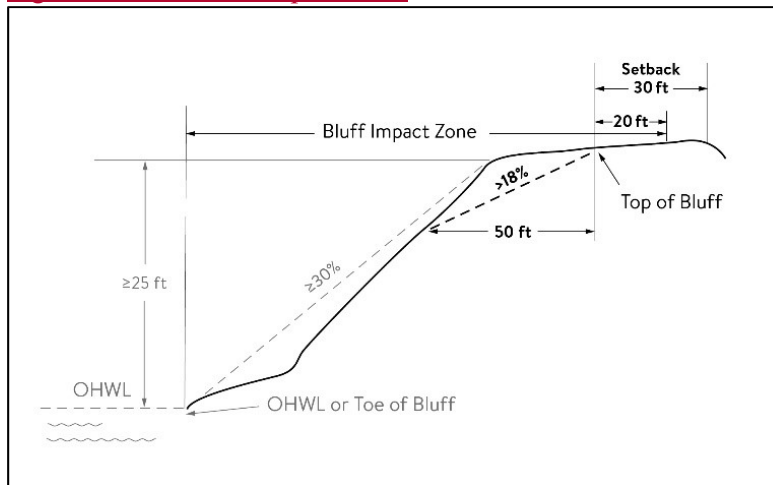
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Figure 1012-2: Exception to Bluff



BLUFF IMPACT ZONE: A bluff and land located within 30 feet of the top of a bluff. See Figure 1012-3.

Figure 1012-3: Bluff Impact Zone



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, bluff impact zone, and administering vegetation management standards, 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 nonriparian lots within the same subdivision containing the controlled access lot.

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COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

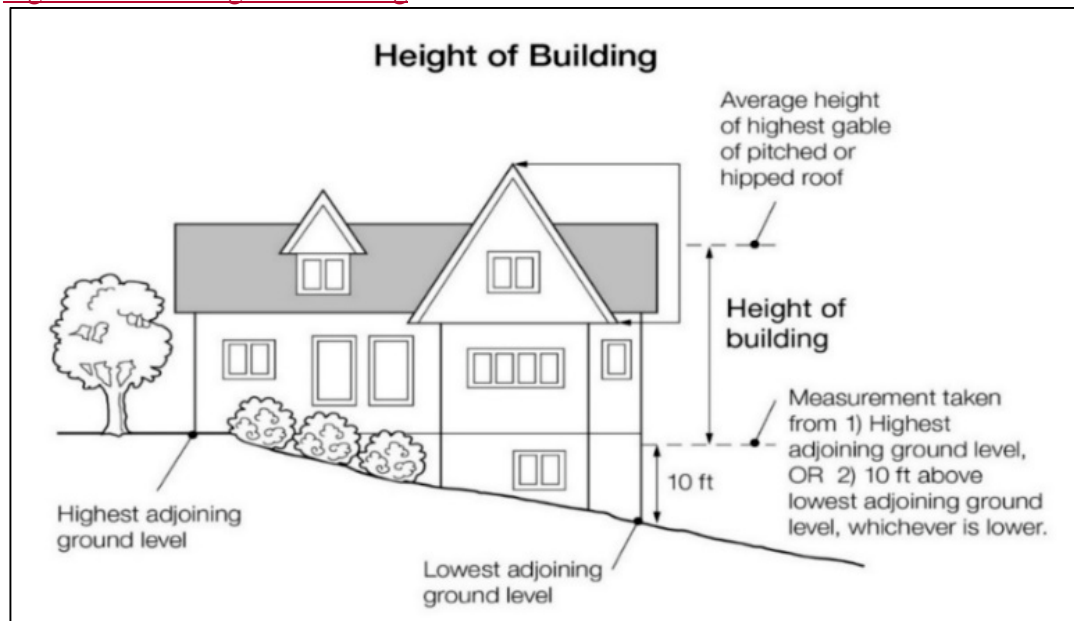
COMMISSIONER: The commissioner of the Department of Natural Resources.

CONDITIONAL USE: 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.

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

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 (see Figure 1012-4).

Figure 1012-4: Height of Building



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.

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.

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

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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, 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.

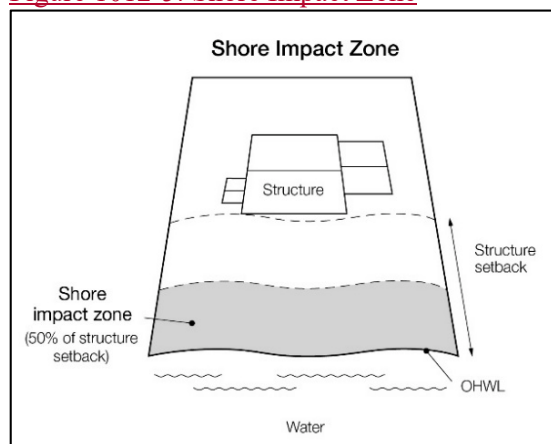
SEMI-PUBLIC USE: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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.

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 (see Figure 1012-5).

Figure 1012-5: Shore Impact Zone



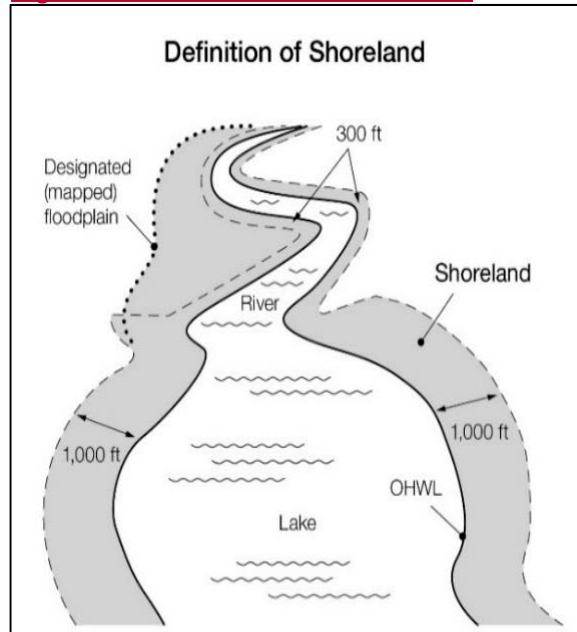
SHORELAND: "Shoreland" means land located within the following distances from public waters:

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- 1,000 feet from the ordinary high water level of a Department of Natural Resources designated lake, pond, or flowage; and
- 300 feet from a city designated water body; and
- 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 (see Figure 1012-6).

Figure 1012-6: Definition of Shoreland



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.

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

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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 462.357 Subd. 6 (2).

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.

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

WETLAND: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

C. Administration

1. Purpose: The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

2. Permits

a. A permit is required for the construction of buildings or building additions (including construction of decks and signs) and those grading and filling activities not exempted by Section 1012.03.H.3 of this ordinance.

b. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property.

3. Application Materials: Application for permits and other zoning applications such as variances shall be made to the Community Development Department on the forms provided. The application shall include the necessary information so that the Community Development Director can evaluate how the application complies with the provisions of this ordinance.

4. Variances: Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:

a. A variance may not circumvent the general purposes and intent of this ordinance; and

b. Variances that allow a structure to be located within the ordinary high water level setback or that allow more impervious surface coverage than the standard shall include the following conditions:

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- i. The greater of 20 feet or 20% of contiguous shoreline to a depth of 10 feet shall be restored with trees, shrubs, and low ground covers consisting of native plants which are consistent with the natural cover of the shoreline.
- ii. A planting plan which is acceptable to City Staff shall be submitted that demonstrates how the restoration will occur.
- iii. Either a conservation easement for the restored area shall be established and recorded, or signage following City policies shall be installed and maintained around the restoration area.

5. Conditional Uses: All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b. The visibility of structures and other facilities as viewed from public waters is limited;
- c. There is adequate water supply and on-site sewage treatment; and
- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

6. Mitigation

- a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - i. Advanced storm water runoff management treatment;
 - ii. Reducing impervious surfaces;
 - iii. Increasing setbacks from the ordinary high water level;
 - iv. Restoration of wetlands;
 - v. Limiting vegetation removal and/or riparian vegetation restoration;
 - vi. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - vii. Other conditions the zoning authority deems necessary.
- b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

7. Nonconformities

- a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, 462.357 Subd. 1e and other regulations of this

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community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

- b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1012.03.E to 1012.03.H of this ordinance. Any deviation from these requirements must be authorized by a variance.

8. Notifications to the Department of Natural Resources

- a. 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 City of Roseville will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.

- b. 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.

- c. 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 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.

- d. Any request to change the shoreland management classification of public waters within the City of Roseville must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

- e. Any request to reduce the boundaries of shorelands of public waters within City of Roseville must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

9. Mandatory EAW: An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

10. Planned Unit Development: A planned unit development (PUD) may be permitted within the Shoreland Overlay District as long as it follows the requirements of Chapter 1024 Planned Unit Developments and Section 1012.03.J below.

D. Shoreland Classification System and Land Uses

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1. Shoreland Classification System

a. Purpose. To ensure that shoreland development on the public waters of the City of Roseville is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

b. Lakes are classified as follows:

i. State designated general development (GD) lakes:

<u>Lake Name</u>	<u>DNR Public Waters I.D. #</u>
<u>Little Johanna</u>	<u>62005800 or 62-58P</u>
<u>Lake Josephine</u>	<u>62005700 or 62-57P</u>
<u>Lake Owasso</u>	<u>62005600 or 62-56P</u>
<u>McCarron Lake</u>	<u>62005400 or 62-54P</u>

ii. State designated natural environment (NE) lakes:

<u>Lake Name</u>	<u>DNR Public Waters I.D. #</u>
<u>Bennett Lake</u>	<u>62004800 or 62-48W</u>
<u>Langton Lake</u>	<u>62004900 or 62-49W</u>

iii. City designated general development (GD) lakes:

<u>Lake Name</u>
<u>Oasis Pond</u>
<u>Zimmerman Lake</u>
<u>Walsh Lake</u>
<u>Willow Pond</u>

2. Land Uses: The land uses allowable for the Shoreland Overlay District shall follow the permitted and conditional use designations as defined and outlined in the underlying zoning district.

E. Special Land Use Provisions

1. Commercial, Industrial, Public, and Semipublic Use Standards

a. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

i. The use complies with provisions of Section 1012.03.G;

ii. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

iii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

iv. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

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A. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

B. Signs placed within the shore impact zone are:

1. No higher than ten feet above the ground, and no greater than 32 square feet in size; and

2. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

C. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

2. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

F. Dimensional and General Performance Standards

1. Purpose: To establish dimensional and performance standards that protect shoreland resources from impacts of development.

2. Lot Area and Width Standards: After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in subsection d below, subject to the following standards:

a. Only lands above the ordinary high water level can be used to meet lot area and width standards;

b. Lot width standards must be met at both the ordinary high water level and at the building line;

c. Residential subdivisions of one-family housing (lot) types that have dwelling unit densities exceeding those in subsection d below are allowed only if designed and approved as residential PUDs under Section 1012.03.J of this ordinance; and

d. Minimum Lot Area and Width Standards for One-Family to Four-Family Housing (Lot Type).

i. Riparian Lot

<u>Housing (Lot) Type</u>	<u>General Development Lake</u>		<u>Natural Environment Lake</u>	
	<u>Lot Area (sf)</u>	<u>Lot Width (ft)</u>	<u>Lot Area (sf)</u>	<u>Lot Width (ft)</u>
<u>One-Family (Single)</u>	<u>15,000</u>	<u>85</u>	<u>40,000</u>	<u>125</u>
<u>Two-Family (Duplex)</u>	<u>26,000</u>	<u>135</u>	<u>70,000</u>	<u>225</u>
<u>Three-Family (Triplex)</u>	<u>38,000</u>	<u>195</u>	<u>100,000</u>	<u>325</u>
<u>Four-Family (Quad)</u>	<u>49,000</u>	<u>255</u>	<u>130,000</u>	<u>425</u>

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ii. Non-Riparian Lot. The lot area and lot width shall meet the standards set forth in the underlying zoning district.

3. Impervious Surface Coverage: Lot development shall meet the impervious surface and storm water management requirements of the underlying zoning district.

4. Special Residential Lot Provisions:

a. Development of attached, courtyard cottage, and multifamily housing shall meet the following standards:

i. The lot area and lot width shall meet the standards of the underlying zoning district.

ii. 70% of the shore impact zone must be permanently protected. If that zone does not meet a riparian buffer standards then restoration is required.

iii. Shore recreation facilities:

A. Must be centralized and located in areas suitable for them based on a suitability analysis.

B. Docking, mooring, or over-water storage of more than six (6) watercraft on the centralized facility for the development will only be allowed if the width of the development is greater than the minimum lot width for a riparian single-family residential lot on the respective lake type. For each watercraft greater than six, the width of the development must be increased consistent with the following table:

<u>Ratio of lake size to shore length (acres/mile)</u>	<u>Required percent increase in frontage</u>
<u>Less than 100</u>	<u>25%</u>
<u>100 – 200</u>	<u>20%</u>
<u>201 – 300</u>	<u>15%</u>
<u>301 – 400</u>	<u>10%</u>
<u>Greater than 400</u>	<u>5%</u>

C. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units.

D. A legal instrument must be developed that:

1. Specifies which tenants and/or lot owners have authority to use the facilities;

2. Identifies what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;

3. Limits the total number of vehicles allowed to be parked in any parking area specifically dedicated to the centralized facilities and the total number of watercraft allowed to be continuously moored, docked, or stored over water;

4. Requires centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and

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5. Requires all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

E. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

F. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.

b. Subdivisions of two-family (duplexes), three-family (triplexes), and four-family (quads) are conditional uses on Natural Environment Lakes and must also meet the following standards:

i. Each building must be set back at least 200 feet from the ordinary high water level;

ii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

iii. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

c. An accessory dwelling unit may be allowed as long as the standards of Section 1011.12.B.1 and i and ii below are met:

i. The minimum lot size for a detached ADU must meet the two-family (duplex) standard for the lake type.

ii. A detached ADU must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf- on conditions.

d. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:

i. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in subsection iv below;

ii. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

<u>Ratio of lake size to shore length (acres/mile)</u>	<u>Required percent increase in frontage</u>
<u>Less than 100</u>	<u>25%</u>
<u>100 – 200</u>	<u>20%</u>
<u>201 – 300</u>	<u>15%</u>
<u>301 – 400</u>	<u>10%</u>
<u>Greater than 400</u>	<u>5%</u>

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- iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- iv. Covenants or other equally effective legal instruments must be developed that:
 - A. Specify which lot owners have authority to use the access lot;
 - B. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - C. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
 - D. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - E. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

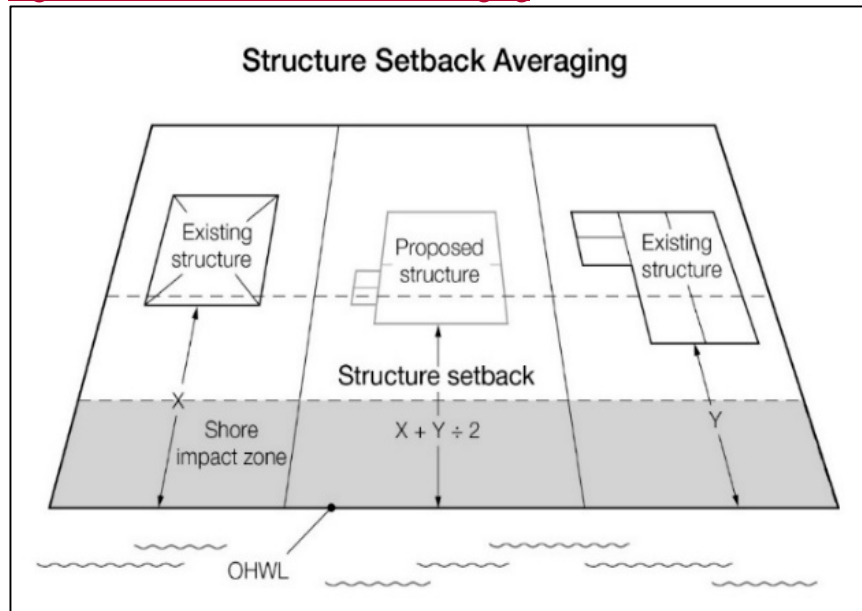
5. Placement, Height, and Design of Structures

- a. OHWL Setback for Structures. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions.
 - i. General Development Lake – 50 feet
 - ii. Natural Environment Lake – 150 feet
 - iii. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 1012.03.G.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.
 - iv. Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 1012-7);

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Figure 1012-7: Structure Setback Averaging

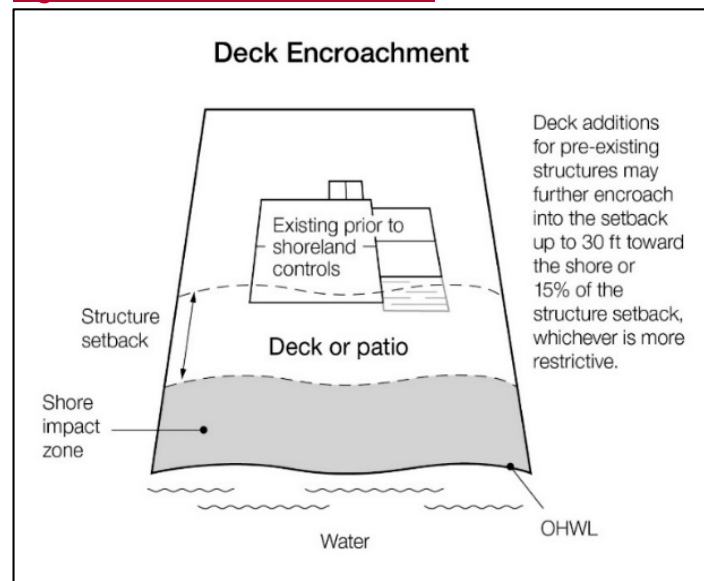


- v. Setbacks of decks: Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met.
- A. The structure existed on the date the structure setbacks were established;
 - B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - C. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - D. The deck is constructed primarily of wood or composite materials having the appearance of wood, and is not roofed or screened (see Figure 1012-8).

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Figure 1012-8: Deck Encroachment



vi. Additional structure setbacks: Structures must also meet the following setbacks, regardless of the waterbody classification.

A. 30 feet from the top of the bluff

B. 50 feet from an unplatted cemetery

vii. Bluff Impact Zones: Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

b. Height of Structures: All structures must meet the height limitations of the underlying zoning district.

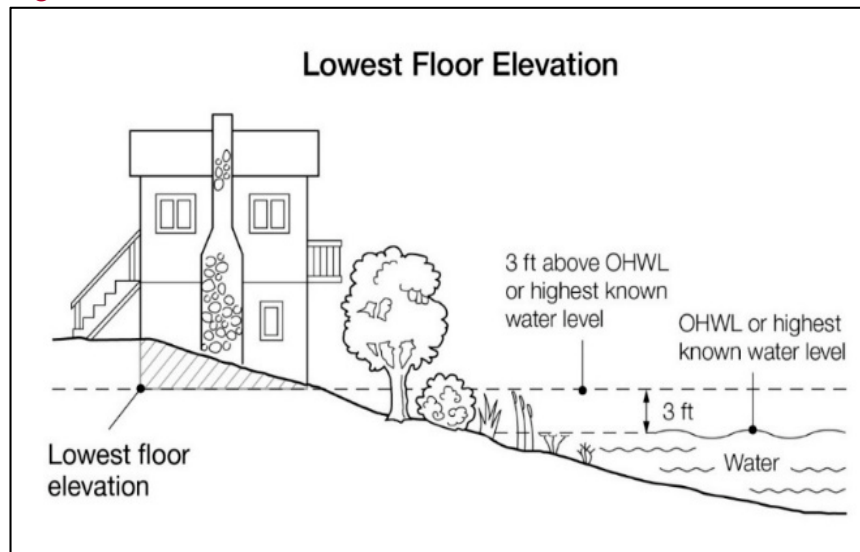
c. Lowest Floor Elevation

i. Determining elevations: Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined for lakes by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 1012-9).

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Figure 1012.9: Lowest Floor Elevation



ii. Methods for Placement

- A. In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in subsection i above.
- B. If elevation methods involving fill would result in filling in the shore impact zone, then structures must instead be elevated through floodproofing methods in accordance with subsection C below;
- C. If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.
- d. Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

6. Water Supply and Sewage Treatment

- a. Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- b. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

G. Performance Standards for Public and Private Facilities

- 1. Placement and Design of Roads, Driveways, and Parking Areas: Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

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- a. 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 the City Engineer determines that no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
- b. 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;
- c. Private facilities must comply with the grading and filling provisions of Section 1012.03.H.3 of this ordinance; and
- d. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are 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.
2. Stairways, Lifts, and Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
- a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
- b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
- c. Canopies or roofs are not allowed on stairways, lifts, or landings;
- d. 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;
- e. 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; and
- f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of items a-e above and the requirements of Minnesota Rules, Chapter 1341.
3. Water-oriented Accessory Structures or Facilities: Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
- a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
- b. The structure or facility is not in the Bluff Impact Zone;

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- c. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
- d. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
- e. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- f. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
- g. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
- h. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
- i. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 1012.03.F.5.c.i if the structure is designed to accommodate internal flooding, 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.

H. Vegetation and Land Alterations

1. Purpose: Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

2. Vegetation Management

- a. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
- i. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities; and
- ii. The construction of public roads and parking areas if consistent with Section 1012.03.G.1 of this ordinance.
- b. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.
- c. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

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- i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- ii. Existing shading of water surfaces along rivers is preserved;
- iii. Cutting debris or slash shall be scattered and not mounded on the ground; and
- iv. Perennial ground cover is retained.
- v. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
- d. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- e. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

3. Grading and Filling

- a. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 1012.03.G.1 of this ordinance.

b. Permit Requirements

- i. Grading, filling and excavations necessary for the construction of structures, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 1017.08.B.3 of this ordinance must be incorporated into the permit.
- ii. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - A. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - B. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

c. Grading, filling and excavation activities must meet the following standards:

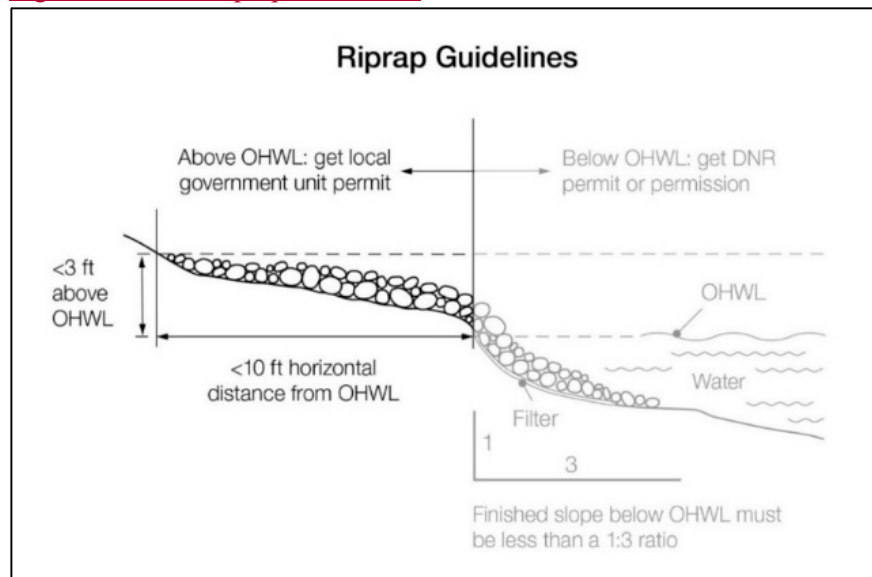
- i. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
- ii. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - A. Limiting the amount and time of bare ground exposure;
 - B. Using temporary ground covers such as mulches or similar materials;
 - C. Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;

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- D. Using sediment traps, vegetated buffer strips or other appropriate techniques;
- E. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
- F. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- G. Fill or excavated material must not be placed in bluff impact zones;
- H. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
- I. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- J. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
1. the finished slope does not exceed three feet horizontal to one-foot vertical;
 2. the landward extent of the riprap is within ten feet of the ordinary high water level; and
 3. the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 1012-10).

Figure 1012-10: Riprap Guidelines



- d. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

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I. Subdivision/Platting Provisions

1. Purpose: To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
2. Land suitability: Each lot created through subdivision, including planned unit developments authorized under Section 1012.03.J of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
3. Consistency with other controls: Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
4. Dedications: When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
5. Platting: All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (cities) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.
6. Controlled Access Lots: Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 1012.03.F.2.d of this ordinance.

J. Planned Unit Developments (PUDs)

1. 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.
2. 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 1012.03.F.2.d of this ordinance is allowed if the standards in this Section are met.
3. Processing of PUDs: Planned unit developments must be created through rezoning to an overlay district. The Planned unit development shall comply with the provisions of this section in addition to the standards set forth in Chapter 1023 Planned Unit Developments.
4. Application for a PUD: In addition to the application materials required by Chapter 1023 Planned Unit Developments, the applicant for a PUD must submit the following documents prior to final action on the application request:
 - a. A property owner's association agreement (for residential PUDs) which includes mandatory membership, and which is consistent with Section 1012.03.J.6 of this ordinance.

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b. Deed restrictions, covenants, permanent easements or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in subsection 6 below.

5. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

a. Step 1: Identify Density Analysis Tiers. 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:

<u>Waterbody Classification</u>	<u>No Sewer (ft)</u>	<u>Sewer (ft)</u>
<u>General Development Lakes – 1st tier</u>	<u>200</u>	<u>200</u>
<u>General Development Lakes – all other tiers</u>	<u>267</u>	<u>200</u>
<u>Natural Environment Lakes</u>	<u>400</u>	<u>320</u>

b. Step 2: Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

c. Step 3: Determine Base Density. 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.

<u>Inside Living Floor Area or Dwelling Site Areas (sf)</u>	<u>General Development Lakes w/sewer – all tiers</u>	<u>Natural Environment Lakes</u>
<u>< 200</u>	<u>.040</u>	<u>.010</u>
<u>300</u>	<u>.048</u>	<u>.012</u>
<u>400</u>	<u>.056</u>	<u>.014</u>
<u>500</u>	<u>.065</u>	<u>.016</u>
<u>600</u>	<u>.072</u>	<u>.019</u>
<u>700</u>	<u>.082</u>	<u>.021</u>
<u>800</u>	<u>.091</u>	<u>.023</u>
<u>900</u>	<u>.099</u>	<u>.025</u>
<u>1,000</u>	<u>.108</u>	<u>.027</u>
<u>1,100</u>	<u>.116</u>	<u>.029</u>
<u>1,200</u>	<u>.125</u>	<u>.032</u>
<u>1,300</u>	<u>.133</u>	<u>.034</u>
<u>1,400</u>	<u>.142</u>	<u>.036</u>
<u>> 1,500</u>	<u>.150</u>	<u>.038</u>

d. Step 4: Determine if the Site can Accommodate Increased Density:

i. The following increases to the dwelling unit or dwelling site base densities determined in Step 3 above are allowed if the design criteria in Section 1012.03.J.6 of this ordinance are satisfied as well as the standards in subsection ii below:

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<u>Shoreland Tier</u>	<u>Maximum density increase within each tier (percent)</u>
<u>1st</u>	<u>50</u>
<u>2nd</u>	<u>100</u>
<u>3rd</u>	<u>200</u>
<u>4th</u>	<u>200</u>
<u>5th</u>	<u>200</u>

ii. Structure setbacks from the ordinary high water level:

A. Are increased to at least 50 percent greater than the minimum setback; or

B. 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.

6. Design Criteria: All PUDs must meet the following design criteria.

a. General Design Standards

i. All residential planned unit developments must contain at least five dwelling units or sites.

ii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

iii. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Section 1012.03.F:

iv. Shore recreation facilities:

A. Must be centralized and located in areas suitable for them based on a suitability analysis.

B. 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.

C. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

v. 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.

vi. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

vii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.

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- b. Open Space Requirements: Open space must constitute at least 50 percent of the total project area and must include:
- i. Areas with physical characteristics unsuitable for development in their natural state;
 - ii. Areas containing significant historic sites or unplatted cemeteries;
 - iii. Portions of the shore impact zone preserved in its natural or existing state as follows:
 - A. For existing residential PUDs, at least 50 percent of the shore impact zone
 - B. For new residential PUDs, at least 70 percent of the shore impact zone.
 - iv. 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. Non-public water wetlands.
 - v. Open space shall not include:
 - A. Dwelling sites;
 - 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.
- c. Open Space Maintenance and Administration Requirements
- i. 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 PUDs);
 - 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.
 - ii. 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

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D. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

d. Erosion Control and Stormwater Management

i. Erosion control plans must be developed and must be consistent with the provisions of Section 1012.03.H.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

~~i.~~ ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

Attachment C
Proposed Shoreland Ordinance Update

5508 **CHAPTER 1017 SHORELAND, WETLAND AND STORM WATER**
5509 **MANAGEMENT**

5510 Eliminated-Ord. _____, 1-____-2023

5511 **SECTION:**

5512 ~~1017.01: _____ Short Title~~

5513 ~~1017.02: _____ Jurisdiction~~

5514 ~~1017.03: _____ Statutory Authorization~~

5515 ~~1017.04: _____ Policy; Statement of Purpose~~

5516 ~~1017.05: _____ Definitions~~

5517 ~~1017.06: _____ Enforcement Compliance~~

5518 ~~1017.07: _____ Disclaimer~~

5519 ~~1017.08: _____ Interpretation~~

5520 ~~1017.09: _____ Severability~~

5521 ~~1017.10: _____ Abrogation and Greater Restrictions~~

5522 ~~1017.11: _____ Administration~~

5523 ~~1017.12: _____ Water Management Overlay Districts~~

5524 ~~1017.13: _____ Shoreland Classifications~~

5525 ~~1017.14: _____ Water Management Overlay District Lot Standards~~

5526 ~~1017.15: _____ Additional Lot Dimension Requirements~~

5527 ~~1017.16: _____ Structure Design Standards~~

5528 ~~1017.17: _____ General Design Criteria for Structures~~

5529 ~~1017.18: _____ Design Criteria for Commercial, Industrial, Public and Semi-Public Uses~~

5530 ~~1017.19: _____ Notifications to the Department of Natural Resources~~

5531 ~~1017.20: _____ Variances~~

5532 ~~1017.21: _____ Conditional Uses~~

5533 ~~1017.22: _____ Nonconformities~~

5534 ~~1017.23: _____ Subdivision/Platting Provisions~~

5535 ~~1017.24: _____ Planned Unit Development Requirements—Repealed (Ord. 1405, 2-28-2011)~~

5536 ~~1017.25: _____ Grading, Filling and Land Alteration—Repealed (Ord. 1557, 6-18-2018)~~

5537 ~~1017.26: _____ Storm Water Management~~

5538 ~~1017.27: _____ Amendment~~

Attachment D
Proposed Sustainability-Related Zoning Code Changes

1) Electric Vehicle Charging Standards

1019.04 Minimum Parking Spaces & Electric Vehicle Charging Requirements

NEW SECTION

D. Electric Vehicle Charging Standards

1. The intent of this section is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and establish minimum requirements for such infrastructure to serve both short and long-term parking needs.
2. Minimum Number of Required Electric Vehicle Charging Stations
 - a. All new parking areas and existing parking areas expanding by 25% or more parking spaces are subject to the standards of Table 1019-2.

Table 1019-2- Minimum Number of Required Electric Vehicle Charging Stations

Number of spaces	EVSE required spaces for new parking areas	EVSE required spaces for expansion or improvement of existing parking areas
29 or fewer	• Optional	• Optional
30- 49	• Multiple family residential (5 or more units)- 5% of required parking as Level 1 • Non-residential land uses- One Level 2 station • One handicapped space required to have access to an EVCS	• In the event that a parking area is expanded or improved (per Section 1019.03), EVSE are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved
50+	• Multiple family residential (5 or more units)- 10% of required parking as Level 1, one Level 2 station required for guest parking • Non-residential land uses- At least 1% of required parking as Level 2 stations. DC charging stations may be installed to satisfy the EVCS requirements on a one-for-one basis.	• In the event that a parking area is expanded or improved (per Section 1019.03), EVSE are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved

- b. Notwithstanding the requirements of subsections above, all new motor fuel sales (gas station) as defined in Chapter 1001.01 Section 1 shall be required to install at least one additional Level 2 charging station. A DC charging station may be installed to meet this requirement.
- c. In addition to the number of required EVCSs, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:

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- i. Multiple-Family Residential Land Uses (5 or more units per building): all new and expanded parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces.
 - ii. Non-Residential Land Uses: all new and expanded parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC EVCSs for a minimum of 10% of required parking spaces.
 - d. These requirements may be revised upward or downward by the City Council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
3. Reductions to EVSE requirements. When the cost of installing EVSE required by this Chapter would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Community Development Department may administratively approve a reduction to the required amount of EVSE in order to limit the EVSE installation costs to not more than five percent of the total project cost.
4. Permitted Locations.
- a. Level 1, Level 2, and DC EVCSs are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at residential uses shall be designated as private restricted use only.
 - b. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel sales use for zoning purposes. Installation shall be located in zoning districts which permit a motor fuel sales use.
5. General Requirements for One- to Four-Family Dwellings.
- a. EVSE shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
 - b. EVSE shall comply with all relevant design criteria as outlined in section (F)4, unless specifically exempted.
6. General Requirements for Multi-Family Dwellings (5 or more units per building) and Non-Residential Development.
- a. Accessible Spaces. A charging station will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVSE exclusively for the use of vehicles parked in the accessible space.
 - b. EVSE – public use shall be subject to the following requirements:
 - i. The EVCSs shall be located in a manner that will be easily seen by the public for informational and security purposes.
 - ii. The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
 - iii. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.

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Proposed Sustainability-Related Zoning Code Changes

- c. Lighting. Site lighting shall be provided where EVSE is installed, unless charging is for daytime purposes only.
- d. Equipment Design Standards.
 - i. Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - ii. Electric vehicle charging devices may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - iii. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - iv. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
- e. Usage Fees. The property owner may collect a service fee for the use of EVSE.
- f. Maintenance. EVSE shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

2) Definitions Related to Electric Vehicle Charging and Shoreland Standards

1001.10 Definitions

NEW ELECTRIC VEHICLE CHARGING DEFINITIONS

ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION: electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

BATTERY CHARGING STATION: means an electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

BATTERY ELECTRIC VEHICLE: any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

CHARGING LEVELS: standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

1. Level 1 is considered slow charging with 120v outlets.

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Proposed Sustainability-Related Zoning Code Changes

2. Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.

3. DC is considered fast or rapid charging. Voltage is greater than 240.

ELECTRIC VEHICLE: a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. “Electric vehicle” includes:

1. Battery electric vehicle

2. Plug-in hybrid electric vehicle

ELECTRIC VEHICLE CHARGING STATION (EVCS): a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE INFRASTRUCTURE: conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

ELECTRIC VEHICLE PARKING SPACE: any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

ELECTRICAL CAPACITY shall mean, at minimum:

1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;

2. Conduit from an electric panel to future EVCS location(s).

PLUG IN HYBRID ELECTRIC VEHICLE: an electric vehicle that:

1. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;

2. Charges its battery primarily by connecting to the grid or other off-board electrical source;

3. May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and

4. Has the ability to travel powered by electricity.

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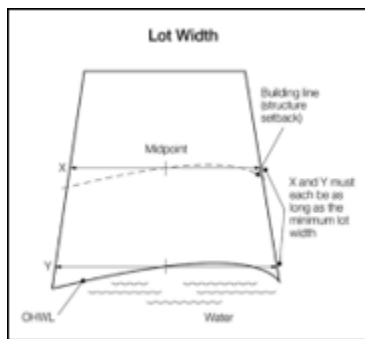
UPDATED DEFINITIONS RELEVANT TO THE SHORELAND OVERLAY DISTRICT

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 (see Figure 4). Otherwise, side lot lines at the rear yard building setback line.

Figure 4. Lot Width



~~ORDINARY HIGH WATER LEVEL: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.~~

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.

STRUCTURE: A structure is anything constructed or erected, including paved surfaces, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed. Structures include, but are not limited to, decks, driveways, and at-grade patios. Structures do not include aerial or underground utility lines such as sewer, electric, telephone, gas lines, towers, poles, and other supporting structures.

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Proposed Sustainability-Related Zoning Code Changes

3) Landscaping Standards

1011.03 Landscaping and Screening in All Districts

UPDATED LANDSCAPING STANDARDS

- A.3.e. The following minimum number of plant materials shall be provided:
- i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.
 - ii. Multi-family residential dwellings shall require the following:
 - 1 canopy **tree and 1** evergreen tree per two thousand (2,000) square feet of open area.
 - iii. Non-Residential uses shall require the greater of:
 - 1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or
 - 1 canopy or evergreen tree per 50 lineal feet of site perimeter;
 - iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.
 - v. Except for one- and two-family dwellings, shrubs shall be required at the greater of the following:
 - 6 shrubs per 1,000 square feet of gross building floor area; or
 - 6 shrubs per 50 lineal feet of site perimeter.
 - vi. In a mixed-use building or development, each use shall be calculated separately to determine minimum landscape requirements.
- A.4. Plant Material Standards:
- a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of a single species.
 - b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.
 - i. Canopy tree: 3-inch caliper
 - ii. Ornamental tree: 1.5-inch caliper
 - iii. Evergreen tree: 6-foot height
 - iv. Deciduous or evergreen shrub: 5-gallon pot
 - c. All plant materials shall be selected based on zone tolerance in accordance with the USDA Plant Hardiness Zone Map.
 - d. No new landscaping shall contain plant materials that are listed on the MN Dept. of Agriculture Noxious Weed List or the MN DNR Invasive Terrestrial Plants List.

4) Sustainability Incentives

NEW SECTION

1011.13: SUSTAINABLE BUILDING ZONING INCENTIVES

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Proposed Sustainability-Related Zoning Code Changes

A. In order to promote sustainable building practices, eligible new development, redevelopment, and building expansions may apply for up to three (3) zoning incentives in exchange for incorporating sustainable building features in their development project. Application for a zoning incentive(s) shall be accomplished by submitting a completed Sustainable Building Zoning Incentives Worksheet to the Community Development Department. Applicants shall choose from the options of zoning incentives and sustainable building features identified on the Sustainable Building Zoning Incentives Worksheet. Approval of a zoning incentive(s) is processed administratively by the Community Development Department, in coordination with the Sustainability Specialist. Such approval shall be memorialized through recording of a property covenant that ensures compliance with the commitments made via the approved Sustainable Building Zoning Incentives Worksheet. The Sustainable Building Zoning Incentives Worksheet is on file with the Community Development Department.

[illegible]

None.

- b. **From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Member McGehee indicated there will be an electric vehicle fair at Prince of Peace Lutheran Church on June 21st at 6:00 p.m.

6. Other Business

- a. **Discuss Phase Two Zoning Code Amendments Regarding the Shoreland Ordinance and Sustainability**

Community Development Director Janice Gundlach presented the Phase Two Zoning Code Amendments regarding the Shoreland Ordinance and Sustainability. She reviewed the changes and asked the Commission for feedback.

Ms. Rita Trapp, HKGi, made a presentation on Roseville's Shoreland Ordinance to the Commission. She asked for feedback on this item from the Commission.

Member McGehee indicated regarding uses near lakes, around Langdon Lake on Cleveland Avenue side there is some heavy development and that lake does have commercial and industrial development on the side and also Bennett Lake is there. She did not think that is the case on other lakes but it is on that one.

Ms. Trapp explained HKGi looked at this specifically with the DNR and what they are looking for is the traditional, heavy manufacturing that would have outdoor storage, would have a potential for contamination or things like that. She thought the redevelopment that is being seen while it may include some lighter industrial or the office/flex/tech., that is not the kind of thing the DNR is concerned about because that will be fully contained within the building and commercial is not of concern.

Ms. Gundlach clarified what could be allowed under the Zoning designation, not is what is there today. What is there today is essentially grandfathered in.

Ms. Trapp continued with her presentation.

Member Schaffhausen asked what riparian meant.

Ms. Trapp explained riparian means it is actually on the lakeshore and has parts on the property that include or are adjacent to the ordinary high-water level of the lake. It is only properties that are adjacent and anything that is separated from a lake by a public piece of property or another property or a street would be considered non-riparian.

Chair Kimble asked if the two model ordinance columns would be for the riparian lots and then the others that are non-riparian but are within the thousand would follow what the City normally has for an ordinance.

Ms. Trapp indicated that was correct.

Ms. Trapp continued her presentation on sustainability in regard to the Phase Two Zoning Code Amendments, Title 8 Public Works Amendments.

Member McGehee asked since there are three watershed, how did the City pick Ramsey/Washington, she wondered if this was the best one. She also indicated the wetland is not under the DNR at all, it is under BOWSER so there is no reason it would be regulated by the DNR.

Ms. Trapp indicated that was correct and one of the reasons they are suggesting separating it out so that it is not confusing. She explained they were trying to keep as close to the model ordinance as possible. She noted Ryan is the one who picked Ramsey/Washington Watershed and is the one he liked. She thought they were pretty complete and easy to pick out the sections he liked and insert them into the City's Code.

Ms. Trapp continued her presentation on sustainability in regard to the Phase Two Zoning Code Amendments, Next Steps. She asked for Commission feedback.

Member McGehee indicated when the discussion gets to the right part of the upcoming discussion, she wants to mention that the PUD is still available. She understands why the DNR likes the PUD and the mission. She indicated she was looking around at other cities and she thought it would be nice to draft a statement of what the City is trying to do with this.

Chair Kimble indicated one thousand feet is a significant distance from the shore. She indicated if someone has a riparian lot the owner would be grandfathered in but she wondered what would happen if there were redevelopment there because people cannot resize a lot but what would happen if someone wanted to rebuild what would happen. She asked if a variance would be needed.

Mr. Paschke indicated it depended on what would be proposed to be built.

Staff reviewed some examples of redevelopment.

Ms. Trapp indicated there are some rules in the State Statute regarding riparian lots. She reviewed the information with the Commission.

Staff discussed with the Commission previous developments that the Commission reviewed involving lakes and the DNR in the City.

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Ms. Trapp indicated the City currently has a statement of purpose in the original section called “Policy Statement of Purpose” and there is a Waters and Wetland Policy and a Statement of Purpose. She thought if the Commission wanted to go back to have a language of purpose to go back and start with the language the City already has as opposed to starting from scratch.

Member McGehee indicated she had in mind something that was more brief than that and not so regulatory.

Chair Kimble thought the statement could be reworded and not so regulatory.

Ms. Trapp reviewed the Shoreland Classification table with the Commission.

Member Schaffhausen indicated Victoria Shores is a done deal but how do they make the distinction with something as lakeshore changes there is wetland that arrives that was not there previously and was open water, she wondered how that distinction is made in a lake.

Ms. Trapp explained in general, regulations for lake are based on the ordinary high-water level, which is an established level that has been established based on the historical record of the lake. Things do change over time but generally regulations are based on an ordinary high level that has been established for a number of years for each lake. In addition, relative specifically to the wetland question, when redevelopment occurs, generally the developer needs to get a wetland delineation and that is done by a scientist who understands how wetlands and how the surface area changes. There is a scientific measure that is used.

Member Bjorum indicated in most of the cases there are existing stormwater management within the existing boundary, he wondered if once it goes out one thousand feet does the existing language carry out for stormwater management or is there additional language that they have to add to prevent things from flowing into the wetland.

Mr. Paschke explained stormwater management is Citywide.

Ms. Trapp indicated there is a section about stormwater management in this that has not changed and it will be moved to the section where the rest of the stormwater information is located.

Ms. Trapp asked if there were any concerns about the designations being proposed.

Chair Kimble asked if the Commission was clear on the impact the one thousand feet will have on all the homeowners.

Ms. Trapp explained anybody who is existing will be able to continue as they are today. It will have some impacts in terms of the potential level of development. Primarily it will be on the non-riparian lots.

Member Schaffhausen asked if there is any redevelopment than there will have to be conversation about that.

Ms. Trapp indicated that was correct.

Ms. Gundlach indicated the value is the City matches the model ordinance and define the shoreland as being out one thousand feet. The practical impact to the City's non-riparian lots who are now scooped up in that boundary is minimal, if non-existent and the City will need to be very careful about how this is messaged moving forward because once this gets to a public hearing the City will be notifying those people and she imagined there will be concerns about that.

The Commission discussed with staff wetland rules and wording in the ordinance.

Chair Kimble asked if there was consensus of the Commission to keep the smaller water bodies within the shoreland and keep the three hundred feet for those ones.

The Commission concurred.

Member McGehee asked if there should be a consensus on the bluff, she thought there were not many bluffs in the City but did not know why it would not be kept at thirty feet like it currently is. She thought that would be another offering when trying to adjust things.

Staff and the Commission discussed where in the City there were bluffs.

Chair Kimble thought rather than agreeing to this maybe staff could assess whether it should be removed, if the City does not have any bluffs.

Mr. Paschke did not think it would hurt to leave the section in because staff does not honestly know if there are any bluffs in the City or not.

The Commission and staff discussed Section 3.0, Administration.

Commission Schaffhausen liked this and thought it fit in line with some of the other things the City does as far as the park dedication and kind of feels in line with that.

Chair Kimble was on the fence about this because she felt like she did not have enough examples of what this could be and she was concerned it could possibly be too much of a penalty or overly restrictive to people.

Commissioner Schaffhausen asked if it would show up in a variance or be a condition of a variance.

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Mr. Paschke indicated it would be a condition of the approved variance that they provide vegetation cover and does not preclude them of having access to the lake, having a dock or other things.

Ma. Trapp explained they did specifically state “restore”, which has a cost implication versus just leaving it natural.

Chair Kimble indicated for the developer that is one thing, for a single family trying to get a variance for a simple thing on their single-family lot, that is her concern. She explained she was not against the idea of it and she understood the purpose of it but she was concerned what the City was doing to ordinary people that want to do something and now have this thing that they do not understand and have a cost implication. She indicated she does have a concern.

The Commission and staff discussed the implications regarding Section 3.

Ms. Trapp asked if there were any concerns with Section 4.0, Shoreland Classification and Land Uses or with Section 5.0, Special Lane Use Provisions.

The Commission did not have any concerns.

Ms. Trapp indicated Section 6.0, Dimensional and General Performance Standards might need some discussion and clarification. She asked the Commission if there were any concerns or changes for the riparian lots.

The Commission indicated they would support following the model ordinance and providing more protection.

Ms. Trapp explained staff thought the underlying Zoning District should be used for the non-riparian lots which will reduce the impact of that extension to a thousand feet and will make it easier for all of the people who do not realize that they are in a shoreland district anyway.

The Commission agreed.

Ms. Trapp asked if there were any questions about the special residential lot provisions for attached, courtyard cottage and multifamily housing and wondered if it made sense as a strategy to try to move the City in the direction to have some standards that people would follow.

The Commission did not have any additional concerns.

Ms. Trapp asked if there were any questions in Section 7.0, Performance Standards for Public and Private Facilities.

Member McGehee thought in Section 7.11 there might be an easy place for a loophole. It did not seem quite nailed down.

Ms. Trapp reviewed the section with the Commission.

Member McGehee asked who decides when no alternatives exist.

Chair Kimble thought that would be a part of the review process.

Staff concurred and indicated the DNR would chime in as well.

Ms. Trapp asked if there the Commission had any concerns with Section 8.0, Vegetation and Land Alterations.

The Commission did not have any concerns.

Ms. Trapp asked for additional feedback on Section 9.0, Subdivision/Platting Provisions.

The Commission was fine with following the model ordinance.

Ms. Trapp asked if the Commission had concerns with Section 10.0, Planned Unit Developments (PUDs).

The Commission did not have any additional concerns or questions.

Ms. Trapp asked if there were any other questions on this.

Chair Kimble thanked Ms. Trapp for going through these items with the Commission.

Ms. Trapp reviewed the next steps and indicated she will make the changes and bring them forward to the Commission and for the public hearing.

Chair Kimble indicated the next part of the item is regarding sustainability.

Mr. Jeff Miller indicated HKGi has been examining the City's existing sustainability related ordinances, as well as policies and programs, and exploring potential ordinances or incentives that the City may want to consider. He made a presentation on trees, landscaping and screening with the Commission.

The Commission discussed landscaping and tree requirements that could be done for sustainability in the City as well as previous development requirements.

Mr. Miller continued with his presentation on sustainability. He asked if there was something the Commission thought was missing or if there was something HKGi should look into as far as sustainability elements or if there were any concerns with the ones that are listed in the presentation.

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Member Schaffhausen indicated she had a question on the standards. She thought about their capacity to actually influence change. She asked if the City actually has the ability to influence change such as in packaging.

Ms. Gundlach thought the issue has come up a few times at the City Council level about proposing requirements regarding plastic bags or take out containers. It has not been anything that has been pursued yet but has been talked about. In the context of what has been presented to the Commission, staff is thinking about if the businesses through redevelopment commit to do these things then could unlock some of the other incentives listed. She explained businesses have been through a lot in the last few years with the Pandemic and starting to roll out some of these things could be very burdensome on them. It is trying to find the right balance in regard to imposing requirements regarding these issues because they are important versus what can businesses practically do and what does the business have access to get instead of the containers currently being used.

Member Pribyl one thing that is related to development that is tangent to that is that it could be incentivized or required as a certain percentage of construction waste management such as the waste recycling when building a new building.

Mr. Gundlach thought Ramsey County already required developers to sort the demolition material and recycle what can be recycled.

Chair Kimble indicated she has seen some rebates related to that.

Member McGehee indicated it seemed to her that in every instance the City does not have anything else to trade besides making a taller building, taking away impervious surface or adding more density.

Member Pribyl asked how far can the City go in requiring things. She knew there were some limitations on that but she knew in Duluth the developer has to choose between a number of sustainability features. The developer does not have to do all of them so they choose the ones that work best for the project, site or are most affordable. If the City cannot require everything than maybe the City can require some number of things.

Member McGehee indicated she liked that idea better.

Ms. Gundlach explained that was the idea behind the worksheet. She noted the City is up against State Law that says the City cannot impose more restrictions that are more restrictive than the building code and a lot of these sustainability things certainly regarding net zero buildings and all of that is not required in the building code so staff has to figure that out. Staff did not want to get the City in some legally precarious position based on what is done here. The worksheet idea is not that the developer automatically gets all of the incentives in it, it would be a point system. The right balance is going to need to be found on that worksheet and she wanted the worksheet to live outside of the Zoning Code because staff wants to be able to adapt and amend

that over time. She noted there was also talk about starting out small because they do not want to put the City in an economically disadvantaged position compared to its neighbors and then build up as the development community sort of gets used to what the City is doing.

Chair Kimble thought staff has captured and spent a lot of time on this.

Member Pribyl thought some items that might be included related to landscaping could be less lawn or no mow areas, food forest and specifically pollinator friendly areas. She also thought there could more bike parking requirements with indoor parking, sheltered parking and repair stations, connections to bike paths as well as EV and PV ready areas should be required.

Member Bjorum thought pedestrian and bike accessibility would be a big one for him. He loved the checklist idea, especially if it is incentivized based on certain criteria and getting more rather than the low hanging fruit.

Member McGehee thought the checklist was a great idea and having outside of the Code is also a good idea so that it can stay current. She thought the checklist should be included as part of any public financing assistance provided by the City.

Chair Kimble thanked HKGi and staff for all their work and indicated she looked forward to seeing this again.

7. Adjourn

MOTION

Member Pribyl, seconded by Member Schaffhausen, to adjourn the meeting at 8:40 p.m.

Ayes: 6

Nays: 0

Motion carried.

Member Pribyl agreed and noted she does not necessarily like the layout of this but also do not feel that having twinhomes in the neighborhood with large lots ruins the character of the neighborhood automatically.

Ayes: 4 ayes

Nays: 1 nay (McGehee)

Motion carried.

7. Other Business

a. Discuss Phase Two Zoning Code Update Amendments

Mr. Jeff Miller of HKGi, summarized the information as detailed in the staff report dated July 6, 2022. She asked for feedback regarding the four identified areas for sustainability requirements.

Mr. Miller made a presentation on Phase Two of the Zoning Code Update.

Staff and the Commission discussed EV charging station requirements for different size businesses.

Ms. Gundlach indicated staff is looking for specific feedback from the Commission. Staff is looking to see if the Commission is ok with the EV ready versus the EV charging, the percentage and the overall number of parking that should trigger that requirement.

Chair Kimble indicated given this is new she would err on the conservative side and say minimum of thirty parking stalls versus twenty and include if it is burdensome. The City can always see how it goes and increase this if needed rather than imposing something that is a little stricter.

Member Pribyl agreed. She noted there are more and more electric vehicles out there so there will be more demand from residents living in multi-family or people shopping looking for EV charging stations. Getting something in the Zoning Code is helpful and important and making this intermediate step makes sense.

Member Bjorum thought it was also ok to say there needs to be some on day one but to have additional down the road may be needed. He has found that some developers will go more than EV ready just because they know it is coming down the line and forcing the minimum really tells them to just do the whole setup. He knew that with a lot of these things it demands a much bigger electrical feed to do these projects when done but he thought that was anticipated on the front end and a lot less damaging to anybody doing development work. He thought having the split is probably very important.

Member Pribyl indicated for new construction it is not as much as a cost and easier to get them ready and to have electric service.

Member Bjorum understood there are varying stages of charging and all dependent on the speed in which the vehicle is charged. He wondered if that was something the City would add into that requirement.

Mr. Miller explained if this is of interest his team will look at that further and what the best practice is right now.

Member McGehee thought it might be easier for the older buildings that do not have the service to have the option to provide EV charging at the lower end of service.

Mr. Paschke indicated he was not opposed to that requirement but most of the charging stations that have been approved for the City of Roseville is a separate fee that goes right to the unit that then feeds the charging station. It is not coming directly from the building itself and feeding it out. It is a separate line brought in by Xcel that goes to a transformer tool that brings it to the station so that would not necessarily be a concern or issue. He thought the issue was when reconstructing a parking lot the requirement to install the EV stations which would be an extra expense to the building owner.

Member Schaffhausen indicated she was not opposed to any of this but she knew from a small business perspective, that cash flow their businesses and can barely afford to survive. She thought this is something to consider and what the Commission is talking about is not creating a lot. She wondered if a small business would be forced to put in EV stations if they could not afford to install them.

Member Bjorum thought that is where the five percent kicks in. If the EV station were to cost more than five percent of the entire project than there is an allowance in there that the states the business would not have to do as many or something like that.

Chair Kimble asked what the definition is of reconstructing for a parking lot. She asked if it would just be repaving or something more because that makes a difference as well.

Ms. Gundlach explained maintenance of existing stalls like repaving them would not trigger this in staff's mind of implementing it. If there is an existing business doing an expansion or adding parking and at the thirty stalls then at that point it would.

Chair Kimble thought staff should define what reconstructed means.

Ms. Gundlach reviewed the discussion and what the Commission would like to be changed.

The Commission was in consensus with the changes to the Zoning Code with what was discussed.

Ms. Gundlach noted all of the solar in the City is on a map on the website and she noted the requirement for EV charging stations does not go into effect on residential homes until it hits the apartment building level. The requirement is only for apartment buildings and non-residential buildings and will be up to the owners whether or not to install them.

Mr. Miller continued with his presentation on screening of solar energy systems. He noted it is being recommended not to add a screening requirement.

Staff reviewed with the Commission why screening of solar energy systems is not recommended.

Mr. Miller reviewed the proposed Minimum Tree Requirement for Multi-Family Residential Development.

The Commission discussed the minimum tree requirement proposal with staff.

Ms. Gundlach summarized the Commission was ok with going with the one per thousand of open space for multi-family but staff will go back and look at the model standard, which does not impose differing standards for residential, commercial or industrial.

Mr. Miller continued his presentation on Drought-Tolerant or Native Landscaping recommendations.

Staff reviewed some reasons why having a Drought-tolerant or Native landscaping list makes sense for the City for developers.

The Commission and staff discussed enforcement, rules and regulations and other processes in the City regarding irrigation, lawn mowing and other landscaping and sustainability.

Mr. Miller reviewed next steps with the Commission.

8. Adjourn

MOTION

Member Pribyl, seconded by Member Schaffhausen, to adjourn the meeting at 8:41 p.m.

Ayes: 5

Nays: 0

Motion carried.

She agreed with everyone about the accesses in and out. Everyone uses them and it is very busy. She added that the neighbors also deal with the noise pollution from Highway 36 and Snelling as well as from the Fair in the fall and can be very bad during the weekends.

Member Schaffhausen explained Chair Kimble was kind enough to reiterate this but was worth noting that as far as tonight's conversation, when, if this actually ever comes to fruition as far as an actual issue, what are the next steps that the people in here should be aware of. There was talk about their needing to be connected with regard to the person that alerted them to begin with, staying up to date with the website, but in addition to that, these conversations go where and what do they need to do next so the neighborhood can continue to provide their feedback.

Ms. Gundlach indicated the City does not have any official applications yet and staff does not know if the developer will come to the City or not. The neighborhood can always call staff to see if the City has received an application and staff will be happy to have one on one conversations with people. The residents can also watch the Planning Commission agendas posted online and then those who own property within five hundred feet of these properties would receive an official invitation to a Planning Commission public hearing if and when one is scheduled and they can share that notice with their neighbors as well. If a meeting is scheduled, there will be an online packet of materials that people can view from the website.

Chair Kimble thanked the public for coming and speaking to them. She indicated the Commission does listen to what is said.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Member Kruzel explained she is on the Four Parks Board and their Annual event called Tapped and Uncorked is coming up on September 23, 2022 from 6:00 p.m. to 10:00 p.m. at the John Rose OVAL. There will be a bunch of foods trucks as well as a band.

Chair Kimble vouched that this is a great event and raises money for Roseville parks.

6. Other Business

a. Discuss Phase Two Zoning Code Amendments

Community Development Direct Gundlach summarized the Phase Two Zoning Code Amendments.

Ms. Rita Trapp, HKGi made a presentation to the Commission on the Shoreland Ordinance.

Member McGehee asked if Ms. Trapp could explain a little bit on how HKGi decided on the twenty percent, and when they are doing this, she believed, all of the watershed districts who have holdings and a say in all parts of the City have a list of plants that are a part of the restoration of shoreland that they recommend. That list of plants and how that is done and often grants are available to homeowners to assist with the plant purchases.

Ms. Trapp explained the intent is that the homeowners will be in consult with staff when looking at these things because she did not think residents would have any idea what type of plants would be suitable to plant. Relative to the twenty feet or twenty percent HKGi was trying to come up with an amount that was an improvement to a situation. They were trying to balance those needs and figure it out.

Ms. Trapp continued with her presentation on the key changes to the Shoreland Ordinance.

Member McGehee indicated she did not understand the really stark differences between the PUD process the City goes through and any other development process the City goes through. She explained there is a reason why the City does not have many PUDs. She continued that if someone reads through the reasons why the City has PUD in the Code, the aspirational part, it seems like what government would always want in Roseville for redevelopment. There is a long list: improved environment, improved use of the land, less impervious surface, and so on. All of these things are desired and desirable, but yet the City makes it ten times harder for a developer to even ask for a PUD. A fee has to be paid in the beginning and the applicant has to go through the entire thing twice. McGehee opined that she thought is missing in the whole review process, since she has been on the Planning Commission, is not having impervious surface computed and present for review yet the PUD process now includes a second review with the color renderings of what a proposed project is going to look like and its impervious surface coverage. This is actually very nice and since Roseville is a fully developed suburb and talking about a large part of redevelopment and when she thinks of the group that was just speaking before this item and everything they asked for was visioning of that large lot of land, a PUD seems perfect. The other thing was the lack of how to be more specific. The City needs to clarify how these decisions are made, need to clarify what is going to be looked at to make these decisions. She asked if that clarification would appear when it comes back to the Commission because somebody is going to decide on the suitability of a piece of property for something but she wondered on what basis will they decide and what are the findings they should make public. She noted under 6.4.2 in the comment there is a very telling comment that states “to reduce confusion and ensure conflict between different codes created”. She thought that should be corrected to not ensure conflict. She indicated she was looking for some of that clarification and did not see it in her review of the information in the packet.

Ms. Gundlach indicated regarding the suitability part, that suitability language is in the current Shoreland Ordinance and will continue if the City moves to the Model Ordinance.

Mr. Jeff Miller, HKGi continued the presentation on Electric Vehicle Charging Ordinance and Definitions.

Member McGehee asked if there was a check and balance system in place for when a developer comes in with a cost that is too high. Does the City has the ability to verify their figures, just to be sure?

Chair Kimble asked how the figures could be verified.

Member McGehee was not sure but thought maybe a third party might be able to do that.

Chair Kimble thought there were so many variables that she was not sure the City could get a third party to verify that.

Member Bjorum did not know what the legal ramifications would be for that.

Member Schaffhausen thought technically the five percent also helps small businesses because that was one of the things discussed earlier.

Mr. Paschke agreed and thought there would be ways for staff to challenge the numbers if they did not think it is correct. He did not think there needed to be a checks and balance in the Ordinance but if staff believes it may be too high they could question and challenge the amount and work with the developer on it.

Chair Kimble thought developers want to provide electric charging stations because it was a way to attract people to offices and is important.

Mr. Miller continued his presentation on EV Charging Ordinance and Definitions.

Member Pribyl explained there is nothing in the Accessibility Code that specifically addresses EV charging. She thought it probably would in the next cycle and the model codes, at least what she has heard so far, will not be required to be at an assigned, required accessible parking stall but at least some of the EV charging stations will be required to have access aisle and appropriate reach range so they are not tying up a designated accessible stall, as close to the building for EV charging but providing that accessibility at some of the charging stations. She thought it might be more appropriate to think about providing an access aisle and providing the reach ranges at one of the charging locations and they might also want to reference that requirement or the State Accessibility Code, whichever is more stringent because when that goes into effect that might impact this as well.

Chair Kimble thought that made sense.

Ms. Gundlach explained staff talked about this a little this morning and she thought it might be appropriate to pull out the requirement under the handicapped stall because her concerns all along have been that she did not want the State Building Official to tell them that they are implementing a requirement that is more restrictive than the Building Code and the accessibility requirements are in the Building Code so if they have those on the accessibility stalls that could be a red flag. If and when the change comes into place where the Building Code will require those accessible stall to have it that would not be a concern. She noted staff can work on this.

Mr. Miller continued the presentation on Landscaping and Screening Ordinance.

Member Pribyl indicated she had a question on the landscaping that was not presented on the slide but was in the handout, in paragraph six regarding mixed use building or development, it states each use shall be calculated separately to determine minimum landscape requirements. She found this confusing because these are two different kinds of definitions and wondered if that meant they would add the requirement if they felt the mixed-use building of residential and commercial that there would be one canopy and one evergreen per two thousand plus what would be required for commercial or is it whichever is more restrictive.

Mr. Miller indicated that is not a change.

Mr. Lloyd explained it would be a pro-rated thing. If a certain amount of the building is commercial type uses and a certain amount of the building is residential type uses then the landscaping would be divided by that pro-rated amount.

Member Pribyl indicated these are defined differently now so there is one defined based on the open space and one that is defined based on the gross building area or the linear feet of site parameter.

Chair Kimble thought if there were vertical mixed use then it could get sticky and be excessive.

Mr. Paschke indicated that is what the variance process might be for and how it would be done now.

Member McGehee asked if it would be possible to include anything to encourage the use of drought tolerant native plants and pollinators and they offer the ability to reduce the amount of irrigation necessary.

Ms. Gundlach thought that was a component of the incentives conversation that will be next.

Mr. Miller reviewed the Sustainable Building Features through Incentives with the Commission.

Member McGehee indicated she liked the list but when she went through them they all seemed equivalent. She did not see a high and a low. She thought it would be different depending on the kind of project proposed. She thought the developer should be able to get points for doing any of the things on the list.

Member Pribyl explained it depends on what the City's goals are by doing these things because some of these are much more rigorous and require a lot more investment and time as well as costs than others so she would not say they are equivalent.

Chair Kimble indicated that was going to be one of her questions and was not sure if these all needed to be listed or make a statement but there are a lot of companies that are starting to incorporate elements of LEED but not get the certification and her question was if the developer had to get the certification or a percentage to qualify. She knew this was a start but this was one of the questions she had because there are companies that are not getting certifications anymore but are still making huge progress in sustainability.

Ms. Gundlach stated that is the exact issue staff has been talking about. Staff thinks the first one on the list is the crème de la crème and what the City would look for and if achieved would get the most points available in order to unlock some of the incentives. Some of the other ones, developments could pursue those without doing the LEED B3. Staff also talked about the fact that it is expensive to go through the LEED process and there is the ongoing monitoring and maintenance to make sure that they are continuing to honor the requirements under LEED. If the City does not require it, the City does not have the expertise to be tracking that. Once the building permit is issued it is not tracked and that is going to be a challenge with this incentive's conversation in general. If the development does not want to get the actual certifications they certainly could unlock some of these other standards.

Member Schaffhausen indicated because of what was recently proposed with regard to the number of EV Stations like it being one, she thought what they have done is created an incentive so as demand increases the City is actually providing an incentive so there would be no reason really to go in and increase the number of expectation for EV charging stations, in her mind, technically. She thought if there was a required number of one that fear to providing an incentive there would not be a reason to actually increase the number of required. What that means is the way it is listed now is actually ok.

Ms. Gundlach wanted to clarify that where it states ten percent/twenty percent, they are exceeding the requirements for EV charging by ten percent and by twenty percent. The development still has to meet the minimum requirement and

then if they went above and beyond by ten or twenty percent that could be an opportunity to unlock an incentive.

Member Schaffhausen explained if thought about, if today, demand is not high enough, an expense, as a result of that expense is also high. What the City is saying if the development is willing to take that on the City will offset that cost in some way based on this incentive. By keeping the number low, as far as the expectation, that actually helps with keeping that number at that one based on the requirement.

Member Bjorum thought that just because it says low does not mean that it is not going to get done even more often than something that is high because if this is a point system and if he cannot going to do B but he wanted to get incentives on these he is going to hammer every single one of the low ones. There would be more opportunity to get it done and some of these items are a little less expensive so easier to obtain points.

Ms. Gundlach explained Member Bjorum's comments are exactly what staff was thinking of when ranking low, medium, and high. When this was initially done points were assigned to them but was pulled back on it because staff wanted this conversation to remain more conceptual but that is the exact reason why some of those environmental issues are ranked as lower points because they are easier and sometimes less expensive to incorporate into a project.

Member Pribyl indicated she was wondering on the pervious pavements if that is something the City Engineer weighed in on at all. When the Commission looked at that before it has been a real challenge for maintenance in Minnesota and usually used in very limited areas. If this is something that a high incentive is being created for but is something that is not going to maintained over the long term, that is something the City really wants to not promote.

Ms. Gundlach indicated they did include Public Works staff on this list. There is recognition that pervious pavements require maintenance in order to keep them pervious and that is going to be a challenge, just like maintaining LEED certification is going to be a challenge. That goes back to the sort of covenant conversation where if the development unlocked an incentive doing pervious pavements the covenant is going to obligate them to do the maintenance on those pervious pavements to make sure they remain pervious over time.

Mr. Paschke explained how the City currently address it is typically with stormwater management and there are requirements and things recorded against the property that specify that they have to keep it pervious in perpetuity because they are getting credit for stormwater through both the Watershed Districts and through the City of Roseville. It is a convenient or some type of document that is recorded that they have to do that or if they remove it they will have to go in and do new stormwater management which may be an even higher standard because it is x years down the road.

Member Pribyl wondered if that would make more sense as a part of the non-traditional stormwater system as an option rather than being its own thing and being a high shot at points.

Ms. Gundlach indicated staff could certainly lump it into that category.

Member Pribyl also wondered under stormwater systems by retention area, raingarden if the City is requesting something different than what the Watershed Districts would require.

Mr. Paschke thought it was, perhaps, it was more for commercial development in areas that would not normally provide the City with the bioretention, rain garden thing. They would build an underground storm system which is how most everyone deals with it. What this is doing is trying to get the developer to think a little differently to have a little more green area and to provide filtration and other things versus just providing a system underground.

Ms. Gundlach continued the presentation on potential zoning incentives with the Commission.

Chair Kimble thought if someone is really committed to sustainability they ought to be able to get more than one incentive.

Ms. Gundlach agreed.

Chair Kimble also thought with keeping it outside of the Code there will be feedback by developers along the way that will be beneficial.

Ms. Gundlach explained the research done showed them that no one is doing this. Everybody is tying it to public finance assistance. Nobody is writing incentives into their code so if Roseville did this the City would sort of be a leader.

Member McGehee asked if the City is going to include public financing as one of the incentives because all there is now, is density and height or changing the exterior.

Ms. Gundlach explained public finance assistance is not really a zoning incentive. It should not be in the Zoning Code and the City is very limited on what it can actually provide public financing assistance for. What staff is talking about is the City does have a public finance assistance policy and staff is talking asking the EDA to revise that policy to say any projects that receive public finance assistance have to do x, y and z related to sustainability. She listed some examples.

Chair Kimble thought it was really an adjustment to the EDA's requirements for public financing versus a public financing impact on this.

Ms. Gundlach indicated that was correct.

Member Pribyl thought the only thing she did not see on the list is related to production of water usage other than stormwater reuse. Really low use plumbing fixtures or very highly efficient irrigation, things like that for the other chart.

Ms. Gundlach indicated she would make note of that.

The Commission discussed other possible incentives and bonuses to be included in the Ordinance.

Chair Kimble indicated she liked staff's idea of just taking a look at what would happen if staff just probed a little deeper on the density bonuses to the underlying zoning.

Ms. Gundlach explained staff could do that. She reviewed the next steps with the Commission.

Chair Kimble thanked the consultants and staff for the presentation.

7. Adjourn

MOTION

Member Pribyl, seconded by Member Schaffhausen, to adjourn the meeting at 8:50 p.m.

Ayes: 6

Nays: 0

Motion carried.

Public Comment

No one came forward to speak for or against this request.

Chair Kimble closed the public hearing at 6:56 p.m.

Commission Deliberation

None.

MOTION

Member McGehee moved, seconded by Member Pribyl, to recommend to the City Council approval of a Conditional Use for 2020 Twin Lakes Parkway, allowing a drive-through on the subject property based on the comments, findings, and the conditions stated in the October 5, 2022 staff report. (PF22-009).

Ayes: 6

Nays: 0

Motion carried.

8. Other Business

a. **Discuss Phase Two Zoning Code Amendments**

Community Development Director Janice Gundlach summarized the Phase Two Zoning Code Amendments.

Mr. Jeff Miller of HKGi who presented Phase Two Zoning Code Amendments.

Member Pribyl indicated on the first chart she had a question on the primary and secondary materials. She asked if primary and secondary are the only options so if the amount of primary materials is decreased the amount of secondary materials is increased. She wondered if there was a third tier.

Mr. Miller indicated there are only two.

Member McGehee thought this was a good idea however she was not sure that the impervious surface, to increase impervious surface in a City where there already is so much impervious surface seems to be moving in the wrong direction from the standpoint of sustainability. She thought in general planning, what is the vision for a sustainable community. How does this all fit together because right now it is just looking at pieces and she was not sure how this will all fit together. She indicated she did not have any problem with a point system but struggled with what makes sense for the incentives other than cash. She did appreciate that some of these do not apply to the residential lots.

Mr. Miller explained to clarify all three of them, if seen as not supporting sustainability, they would be attained by doing something that is promoting sustainability. He thought there were different ways to obtain sustainability. The impervious surface right now only applies to residential districts so that is why it is being done in residential districts.

Chair Kimble explained to her it seems like they are always on a journey and can never go from zero to one hundred right away and they have talked about the fact that this needed to be tested and it is being kept outside of the Code to see what works and what does not work and to Mr. Miller's point, she thought there has been a lot of careful thought to what staff has applied the different incentives to and how much that range has been but staff is also going to find out from developers if it is interesting enough. She thought staff is going to have to keep looking at it as various projects come through and test it but she thought it is hard to have everything perfect so there will be some tradeoffs and there will be some things that are more important now for sustainability and she thought it is a really good start.

Chair Kimble asked in looking at all of these that there is enough opportunity also for industrial product in sustainability.

Ms. Gundlach indicated the City should make this an option for Employment Districts. She was not sure if there was any conversation on why this was not included because she thought there is an opportunity to make a major improvement if the City were to include those Employment Districts being those are large buildings or intensely developed sights. She thought this should be added in.

Member Pribyl indicated she had comments on potential sustainable building features and points earned. She agreed on the certification and would probably split those because LEED is more expensive just to go through the certification process is more rigorous. She could see why Green Star is related to single family but more people will go for Green Star over LEED if they have the same points. Green Communities is for affordable housing and those projects are already typically required to follow Green Communities base on funding sources. It will not be an incentive to do more than what is already expected to be done with that program. She thought that would be a good thing to tie to City financed projects.

Ms. Gundlach thought the Commission was suggesting instead of having a five for all of these, maybe have the most points be for LEED and then reduce it down from there. She asked if it was accurate to say that LEED receives the most points. She indicated she does not work with these systems enough to fully understand how easy or hard it is to achieve these. She asked for recommendations on what should be next.

Member Pribyl thought LEED would be the top and then B3, she would even say for Green Star, she did not work with that often but thought it would be more for

low-density housing and it could be even distinguished that Green Star is specifically for those types rather than making it a blanket approach.

The Commission discussed with staff the different sustainability levels and point values assigned to each.

Member McGee asked regarding the non-traditional stormwater system, if there is a bio-retention area or rain garden it would receive 2 points but if a buffer is put in or if the shoreland is restored it would receive 1 point. She thought those were similar things unless there is a reason that these two things are not.

Mr. Miller explained that could be considered.

Member Bjorum thought the only reason he would think that would not be true is in some of the non-traditional water systems there is an additional cost in there that might not be carried in a shoreland component so the project is getting that extra point because of the additional cost associated with it. He did not think it necessarily says one is more important than the other, rather, it is how points would work themselves out.

Member Pribyl wondered if it would make sense to have a lower point threshold for lower density project because they probably would not be as likely to do EV charging stations or a green roof or a publicly accessible family garden. She thought it might be worth considering that.

There was further discussion between the Commission and staff on the point system and how to implement it.

Ms. Gundlach explained when staff drafts the language in sections 1011, Property Performance Standards, she thought the intent there is to make sure it is clarified that this is new development or redevelopment. This is not for a single family home.

Mr. Miller indicated this worksheet is a work in progress. He noted the next step is to refine this further with a public hearing in December for this and the Shoreland Ordinance and City Council adoption after that.

9. Adjourn

MOTION

Member Kruzel, seconded by Member Pribyl, to adjourn the meeting at 7:55 p.m.

Ayes: 6

Nays: 0

Motion carried.

Chair Kimble thought there were some on there that still needed Conditional Uses.

Member McGehee agreed and explained she did not want to get rid of the institutional uses and the City has a lot of them. Having a Conditional Use is not onerous for someone to come forward with.

Ms. Gundlach thought there was some misunderstanding. Staff is not talking about getting rid of the Institutional District, that needs to be retained. What staff is seeking clarification on is Maintenance Facility is currently listed as a Conditional Use but is not defined. She noted Mr. Paschke is in a position where he has to review what happens on a Civic Campus and he has to review what Ramsey County wants to do in an Environmental Service Center, not all of those things fit under Maintenance Facility and not all those things fit under Government Office. The City needs to better define those terms. When they better define those terms, what is to be permitted and what is not ok to be permitted and needs a Conditional Use so that staff can go back and create better definitions to plug into this land use table.

Mr. Paschke noted staff would come back to the Commission with definitions of what those items are, whether it is public use as is indicated in the report, there is a definition within that of what that would cover. If it is something else that the Commission wants staff to define and the Commission wants it placed in the Use Table staff would have to search out and try to find a definition of whatever that might be and draft it and come back to the Commission to review if it made sense, then it is a matter of amending the table and the definition section for that specifically and then putting a “c” by it as having it be Conditional.

Member Pribyl thought that things that are coming to mind to her are things like the athletic field with lights and things that would be potential light and noise and traffic generators and maybe Maintenance Facility for similar reasons, depending on the size of it.

Ms. Gundlach thought the Commission would want to retain a Conditional Use option for uses that are deemed heavier in terms of impacts for lighting, noise, or traffic or maybe stuff that is stored outside.

Member Bjorum thought it should include anything that impacts property around it.

Ms. Gundlach thought fundamentally staff understands the Commission wants to retain the Conditional Use option and do not want to create an all-encompassing Government Use and it make it permitted. She indicated staff will go back and reevaluated how those terms are defined and come back to the Commission.

b. Discuss Phase Two Zoning Code Amendments

Community Development Director Gundlach reviewed the Phase Two Zoning Code Amendments with the Commission.

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Member McGehee wondered if the sustainability folks thought five percent was a lot because it seemed kind of low to her.

Ms. Gundlach indicated staff got that percent directly from the consultants and they got that number based on what they have been seeing in other cities or other projects. Staff has really relied on the consultants to gauge what the right percentage is. If the Commission would like something higher staff can certainly bring that back and make an amendment to the worksheet.

Member McGehee thought it could go higher, maybe ten percent because anything better would be good. She was also wondering about the stormwater management stuff. She did not know how much is involved in this but certainly from the standpoint of sustainability, her interest in this is to keep it at the maximum amount of permeable surface and the maximum amount of green space and the ability to have space to put a tree on. She indicated she was naturally going to want to value those.

Ms. Gundlach thought this was touched on at the last meeting. Regarding storm water, in terms of unlocking an incentive, if the project does unlock an incentive, enough points to increase their impervious surface the impervious surface still needed to be treated. That takes care of that issue. The other point regarding the two, the point values staff came up with were based upon the cost and the challenge in order to do these things and the belief is that some of these storm water items are less expensive and easier to implement on a project and so that is why the points were set at two versus some of the other things that are more expensive or more challenging and were valued higher.

Chair Kimble explained the only comment she was going to make on the five percent is that ten percent is better, but it might just not be achievable.

Member McGehee thought that was fine, she thought the City should see how this works, but she would like to see more points for the bird safe glass.

Ms. Gundlach indicated staff can make those changes.

Member Pribyl indicated she was very interested in how this will work. She reviewed as an architect what items she would work on to get points. She noted on the incentives if there was a maximum on the number of incentives that people can take.

Ms. Gundlach explained staff talked about a limit. She did not see that noted in the narrative but thought there was a discussion on the limit of no more than two or three so staff can incorporate that into the narrative.

Member Pribyl asked if there is going to be someplace else for further definition of some of the things in table two.

Ms. Gundlach explained her initial response would be staff can take another look at these and see what needs to be better defined. One concern she has is with the worksheet living outside of the Code and having a staff person who has knowledge about sustainability at levels the City Planners do not have, staff would like to have that person to have the ability to work on a project by project basis to evaluate the merits of these individual projects and to have some flexibility to make decisions based on what is in front of them with that specific project and she gets a little concerned when things are overly defined because that might be detrimental to developers actually utilizing this.

Chair Kimble thought this was great effort and everyone was excited to give it a try.

8. Adjourn

MOTION

Member Pribyl, seconded by Member McGehee, to adjourn the meeting at 8:48 p.m.

Ayes: 6

Nays: 0

Motion carried.

- a. **From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. **From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

None.

6. Public Hearing

- a. **Hold a Public Hearing and Make A Recommendation Regarding Phase Two Zoning Code Amendments**

Chair Kimble opened the public hearing for Phase Two Zoning Code Amendments at approximately 6:34 p.m. and reported on the purpose and process of a public hearing. She advised this item will be before the City Council January 30, 2023.

Community Development Director Gundlach summarized the request as detailed in the staff report dated December 7, 2022. She introduced the Jeff Miller and Rita Trapp from HKGI Consulting.

Mr. Miller and Ms. Trapp highlighted the Phase Two Zoning Code Amendments with the Commission.

Chair Kimble thanked staff, the Commission, and the consultants for everything that has been done and discussed.

Member McGehee wondered if there could be an addition made to the impervious surface section because there was a huge issue a while ago that swimming pools were not impervious surface. They are impervious surface and the DNR agrees but this is not in the listed items. She asked if anything was done with wetlands or if they were something separate from this shoreland work because she did not see anything regarding DNR regulated wetlands.

Ms. Gundlach knew there were some wetland regulations in the existing Shoreland Ordinance which is being pulled out and putting into a different section of City Code which is not under the purview of the Planning Commission, which is why it is not being seen in this information.

Ms. Trapp explained in the Public Works area where all of the ponding and stormwater management is listed there will be a new section added. The best practices from the Watershed District were taken and will continue to be a part of it.

Member McGehee explained she did not know if the gross square footage of a building was the amount of first floor coverage, or it based on how many floors. She wondered how gross square footage for a building is computed.

Chair Kimble explained gross square footage is everything and is specific to where it is measured on the exterior of the wall. She indicated there are very specific calculations done to figure it out.

Member McGehee indicated she would like an example of a building that is built to the current requirements of Roseville, how much open square footage there typically is.

Ms. Gundlach indicated staff would have to go back to one of the first meetings to get that information because Mr. Paschke did go and do some examples of what the City actually did recently with some of the newer apartment-built sites to see if that made sense based on what was actually happening. This information was previously provided to the Commission.

Member McGehee brought up one other thing in the table of points, and the Shoreland Ordinance. She questioned why restoring the shoreland only got one point when it seemed fairly important to her in terms of protection of public waters. She asked if staff felt it was sufficiently covered in the materials being put in Code. She thought it seemed a little low unless staff felt it is unnecessary because it is so rarely done. She opined that unless someone asks for a permit or variance there is no particular motivation for restoration.

Chair Kimble felt like where the City landed on the chart and points was that because this can be changed, she thought everyone agreed to leave the points as they are and test it. She thought quite a few changes were made prior to what is being presented for approval now.

Ms. Gundlach explained the number of points assigned; staff tried to correlate to the actual cost that the developer would incur in order to do that. The shoreland restoration, depending on how it is done might not be as costly, but in addition to cost is the ease of being able to do it, and these reasons deserved larger points. She noted that is what she recalled the Commission discussion being surrounding the point values. Obviously, the Planning Commission can make a decision of what that number should be but that was the decision that was made at previous discussions.

The Commission discussed with staff the definition of swimming pools and thought the definition should include “in ground swimming pools”.

Member McGehee asked what the City wanted to do as a sustainability effort because a tree has a big definition. There is everything from a Columnar Oak to an actual Savannah Tree. What is it that the City is really aiming for when asking for a tree or trees?

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Ms. Gundlach thought what the City was aiming for is a good balance between how many trees are suitable to be planted on a site based on how the Zoning Code allows that site to be developed. If the Zoning Code allows a multi-family property of a certain number of units and a certain amount of parking stalls once it is put on a site, there is only so much space left to plant trees. Staff was trying to come up with a reasonable standard for how many trees could fit in that space left to be planted. That is where staff came up with what is in the amendment based on review of what other cities had done, based on what the City Forester felt was reasonable, and then just to make sure Mr. Paschke went and looked at some multi-family properties that the City recently developed to see if things were sort of in line and she thought what Mr. Paschke was saying is those sites generally shoved more trees than probably will be able to thrive just because the development needed a variance and were trying to get them as close to compliance as possible so the standard staff came up with was kind of striking the right balance.

Member McGehee wondered if staff wanted to look at the broader sustainability picture, the shade, the canopy of the City and so on and how much impervious surface the City Code actually allows for commercial and multi-family developments. Apart from this specific topic of trees, Member McGehee raised the separate question of the issues involved as the City moves toward reviewing sustainability and environmental issues in general.

Ms. Gundlach noted on the Phase One amendments the City decreased the amount of improvement area for E-1 zoned properties and one could argue there is a sustainability element to that because they decreased how much a site could be covered. This was done to address the intensity across the commercial/industrial uses.

Member Schaffhausen indicated regarding equitability, she wondered that because this is innovative with not a lot of a benchmark with regard to how the City is going to apply this, how can the City create some sort of a rubric or because it is not included in the Zoning Code, how does the City make sure that the rules are applied equitably and that the changes are made in a way so that if the City decides to change the points available and what sits in the points, that it is clear and there is some degree of consistency to the people that are applying and asking for this. She thought it is an imperfect approach because this is new and she thought it was appropriate to keep it out of the Zoning Code for that exact reason, which means the City needs to be able to be flexible with it and both being flexible as well as equitable. She did not know if there was thought regarding how to apply this so that for each person that shows up it is fair.

Chair Kimble indicated staff has noted that any changes made will come back to the Planning Commission.

Ms. Gundlach indicated if staff were to make changes in the worksheet, because the worksheet is referenced in the Zoning Code the Planning Commission would get to weigh in and the Planning Commission cannot make any decision on its own so the

City Council would be involved as well. She thought she understood the concern about making sure the standards are applied equitably across various projects, but every project is unique and almost impossible to achieve. She noted that this is also a voluntary process, and the developer understands going into it that this is a little bit of a negotiation based on the specific characteristics of their project. What the developer is proposing to do and the incentives that the developer will be unlocking. The other thing she thought was important is the City Manager and City Council funded a full-time sustainability specialist beginning in 2023 and that person will have the primary responsibility, working with the planners, to review what is being proposed to make sure that the City is maximizing whatever it can, and the decisions being made are reasonable based on the specific characteristics of the project, but it is not a perfect system.

Chair Kimble noted when she looked at this it is very quantitative and is not a very subjective list so she did not know how it could be applied inequitably.

Commissioner Aspnes asked how the City will know this is worthwhile or whether it is achieving its purpose. Is there a process in place for this?

Ms. Gundlach explained it is going to take a project or two to see if it is worth their while and if people are not using it then there is no harm in it being in the Code. If people are using it, theoretically the sustainability specialist and the City planners, in working through the worksheet have found value otherwise the worksheet will not be approved.

Public Comment

No one came forward to speak for or against this request.

MOTION

Member McGehee moved, seconded by Member Aspnes, to recommend to the City Council approval of the Shoreland Overlay District, Repeal Chapter 1017 and replace into Chapter 1012, EV Charging Standards, amend Section 1019.04, new and revised definitions. Amend Section 1001.10, revise landscaping standards. Amend Section 1011.03, and add an amendment to create the sustainability incentives, Section 1001.13.

Ayes: 5

Nays: 0

Motion carried.

7. Other Business

- a. Consider 2023 Variance Board and Planning Commission Meeting Calendar**
Community Development Director Janice Gundlach presented the 2023 Variance Board and Planning Commission meeting calendar.