

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: March 6, 2023
Item No.: 7.d

Department Approval

City Manager Approval



Item Description: Consider Ordinances amending Titles 8 and 10 of the City Code regarding shoreland, wetland, stormwater, and sustainability regulations

BACKGROUND

The legislative history surrounding these amendments 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.
- January 30, 2023: The City Council discussed the proposed amendments and provided comments and direction to City staff. Staff indicated the Council feedback would be incorporated and scheduled for consideration at a future City Council meeting. It was also decided the revisions to Title 8, pertaining to stormwater and wetland regulations, would be scheduled for the same discussion given this language is being proposed to move from the shoreland rules to the Public Works chapter of the City Code.

At the January 30, 2023 City Council discussion (minutes provided as Attachment D), Council provided the following feedback and direction to staff, all of which have been incorporated into the Ordinances provided as Attachments A and B:

- Shoreland Overlay District (repeal of Chapter 1017 & replace into Chapter 1012):
 - Variances – clarify that the greater of 20 feet or 20% of the contiguous shoreline in the minimum
 - Relocation of wetland and stormwater requirements to Title 8 – the ordinance provided in Attachment B includes the regulations that were moved from the Shoreland Overlay to Title 8. A summary of the amendments are outlined below:
 - Proposed Chapter 803.05: Stormwater Management Overlay District - Land within 100 feet of a stormwater pond, or wetland, or land below the 100-year flood elevation. Language was also updated to be consistent with current stormwater standards that the City and local watershed districts use for stormwater quality, rate, and volume.
 - Proposed Chapter 803.06: Stormwater Best Management Practice (BMP) Maintenance is being moved from Chapter 803.05 to 803.06 to keep it at the end of Chapter. No changes are being proposed to the language in this section.

- 82 ▪ Proposed Chapter 804: Wetlands - All upland within 100 feet of the delineated
83 boundary of a wetland, and includes a maximum impervious coverage of 25%.
84 A proposed addition to the Chapter is the inclusion of wetland buffer width
85 averaging. With the proposed buffer averaging rule, a buffer must be on
86 average 25 feet wide, but can be as narrow as 12.5 feet wide. This buffer
87 averaging language is consistent with the local watershed district rules, who are
88 the Local Government Units (LGUs) in charge of administering the Wetland
89 Conservation Act (WCA) rules.
- 90 ▪ Chapter 803.04: Grading, Erosion and Sedimentation Control; language was
91 modified to include only the first ring properties (or up to 300 feet, whichever
92 is greater) for water resources identified in our Shoreland Ordinance, instead
93 of increasing the distance to 1,000 feet. The 300-foot distance from a water
94 resource identified in this chapter is consistent with our current permitting
95 rules. Increasing the distance to 1,000 feet from a water resource identified in
96 our Shoreland Ordinance Chapter would affect 2,557 properties, and would
97 require these properties to apply for a Grading, Erosion and Sedimentation
98 Control permit when doing any modification to their property.
- 99 ○ Include references to Title 8 within the Shoreland Overlay where appropriate
- 100 ○ Definitions – staff reviewed the definitions in the Shoreland Overlay and Section 1001
101 to make sure there are not duplicates or conflicts
- 102 • Electric vehicle charging standards (Section 1019.04):
- 103 ○ Clean up the references to EVCS and EVSE
- 104 ○ Revise Table 1019-2 regarding accessible parking space requirements
- 105 ○ Make sure fractional numbers require rounding up to one
- 106 • New & revised definitions (Section 1001.10):
- 107 ○ No additional comments beyond ensuring there are not duplicates and/or conflicts
108 between the definitions in the Shoreland Overlay and Section 1001
- 109 • Revised landscaping standards (Section 1011.03):
- 110 ○ No changes needed
- 111 • Creation of sustainability incentives (new Section 1011.13):
- 112 ○ Remove entirely – concern about the stacking of incentives, reconsider at a different
113 time, maybe as a pilot project

114
115 The Ordinances provided in Attachments A and B incorporate the City Council direction received at
116 the January 30th meeting.

117
118 The Public Works Environment & Transportation Commission reviewed the changes to Title 8 at their
119 February 28, 2023 meeting and recommended acceptance of the proposed ordinance changes.

120
121 Representatives from HKGi are not available to attend the meeting. City staff should be able to address
122 any questions or concerns, but given HKGi has most of the Shoreland Overlay and electric vehicle
123 requirement expertise, it is possible questions could arise that staff cannot answer. If that occurs, the
124 item should be tabled to a future meeting to ensure HKGi is available.

125
126 Given the length of the ordinances provided in Attachments A and B, a summary publication is
127 recommended to save on publishing costs. The summary language is provided as Attachment C. A
128 summary publication requires a 4/5th vote of the City Council.

129

130 **POLICY OBJECTIVE**

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

133 **BUDGET IMPLICATIONS**

134 On February 28, 2022 the City Council authorized a First Amendment to the professional services
135 agreement with HKGi providing an additional \$15,000 to cover professional service costs related to
136 the second phase of Zoning Code amendments. Based on the funds that remained after the first phase
137 of amendments, the total cost to complete the second phase of amendments was approximately
138 \$25,000. These funds were paid for from Community Development Fund balance.

139 **RACIAL EQUITY IMPACT SUMMARY**

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

143 **STAFF RECOMMENDATION**

144 Adopt the ordinances provided in Attachments A-C, amending Titles 8 and 10 of the City Code
145 regarding shoreland, wetland, stormwater and sustainability requirements.

146 **REQUESTED COUNCIL ACTION**

147 Adopt the ordinances provided in Attachments A-C, amending Titles 8 and 10 of the City Code
148 regarding shoreland, wetland, stormwater and sustainability requirements.

149

150 Prepared by: Janice Gundlach, Community Development Director

151 Jesse Freihammer, Public Works Director

152 Attachments: A: Ordinance (amendments to Title 10)

153 B: Ordinance (amendments to Title 8)

154 C: Ordinance (summary publication)

155 D: 1/30/2023 CC meeting minutes

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 10, ZONING, OF THE ROSEVILLE CITY CODE TO
UPDATE AND AMEND SHORELAND MANAGEMENT AND ENVIRONMENTAL
REGULATIONS

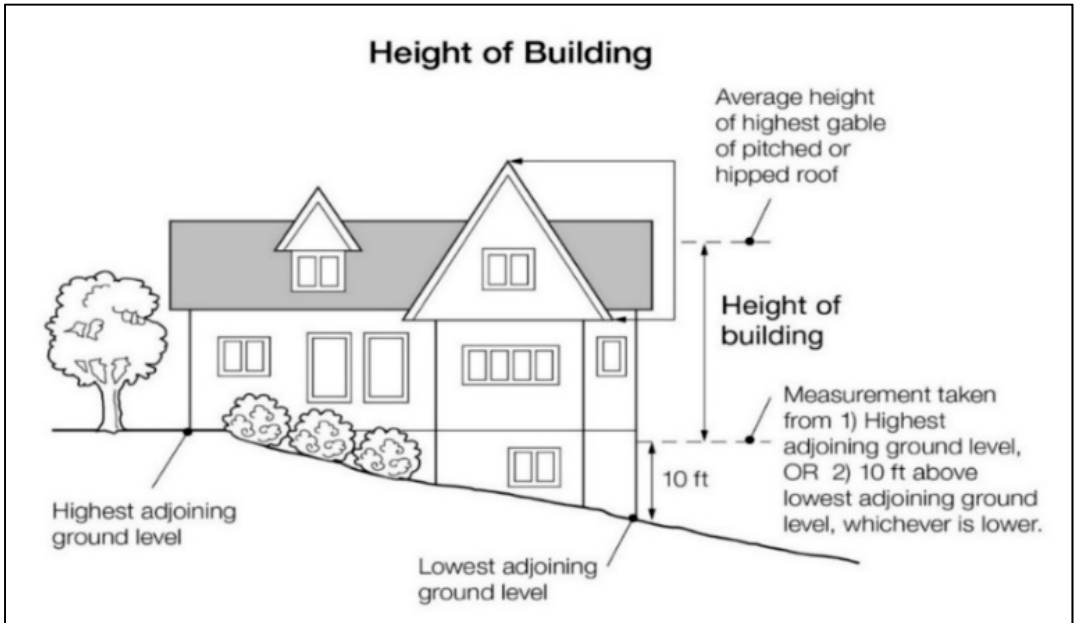
The City Council of the City of Roseville does ordain:

Section 1. Zoning Code Amended. After Planning Commission and City Council consideration of Phase 2 of Project File 0044, the Roseville City Code, Title 10 (Zoning) is hereby amended to add and update various 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 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.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction. 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.



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.
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 CHARGING 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.

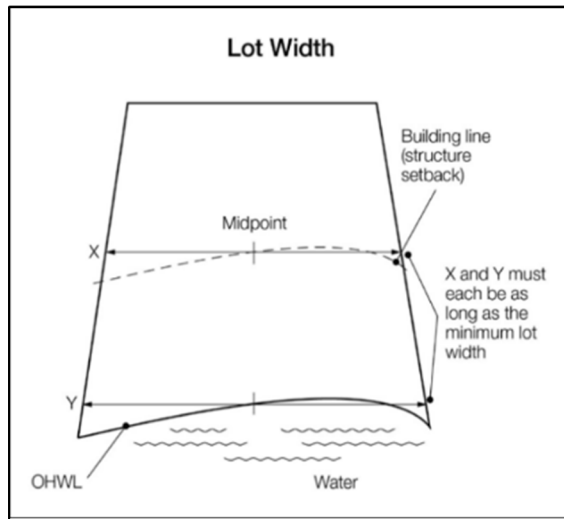
ELECTRICAL CAPACITY shall mean, at minimum:

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).

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:

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

4.2. 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.



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 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.

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.

SETBACK: ~~The minimum horizontal distance by which any building or structure must be separated from a street right-of-way, lot line, or ordinary high water level required between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road or highway right-of-way, property line, or other facility.~~ Also known as “required yard.”

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.

Section 2. Shoreland Management Regulations After Planning Commission and City Council consideration of Phase 2 of Project File 0044, the Roseville City Code, Title 10 (Zoning) is hereby amended to reflect updates to the shoreland management regulations made to ensure that the provisions of the zoning code are in alignment with the model ordinance prepared by Minnesota Department of Natural Resources, including repealing the existing Chapter 1017 (Shoreland, Wetland and Storm Water Management) and replacing it with a new Shoreland Overlay District in Chapter 1012 (Overlay Districts). Regulations in Chapter 1017 pertaining to wetland and storm water management will be incorporated into City Code Title 8 under a companion ordinance.

§1004.09.C.2

Within this improvement area limit, impervious surfaces shall be limited to 25% of the ~~parcel area for parcels~~ within a Shoreland ~~or Wetland~~ Management Overlay District, or within the Stormwater Management or Wetland Protection Overlay Districts regulated in Title 8 of this Code, to mitigate surface water impacts caused by excess storm water runoff. ~~This impervious surface limit may be exceeded, within the allowed improvement area and in compliance with pertinent regulations in Chapter 1017 of this Title, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.~~

§1004.10.C

Improvement Area: Improvement area, including paved surfaces, the footprints of principal and accessory buildings, and other structures like decks, pergolas, pools, etc, shall be limited to 60% of the parcel area. The purpose of this overall improvement area for rather liberal construction on a residential property while preventing over- building; ~~for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area.~~

§1004.10.C.2

Within this improvement area limit, impervious surfaces shall be limited to 25% of the ~~parcel area for parcels~~ within a Shoreland ~~or Wetland~~ Management Overlay District, or within the Stormwater Management or Wetland Protection Overlay Districts regulated in Title 8 of this Code, to mitigate surface water impacts caused by excess storm water runoff. ~~This impervious surface limit may be exceeded, within the allowed improvement area and in compliance with pertinent regulations in Chapter 1017 of this Title, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.~~

Chapter 1012 Overlay Districts

Section:

1012.03: Shoreland Overlay District

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.
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

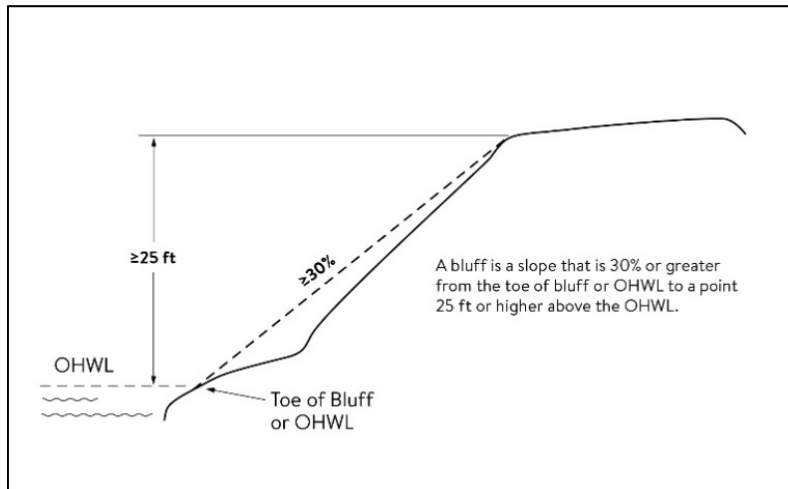
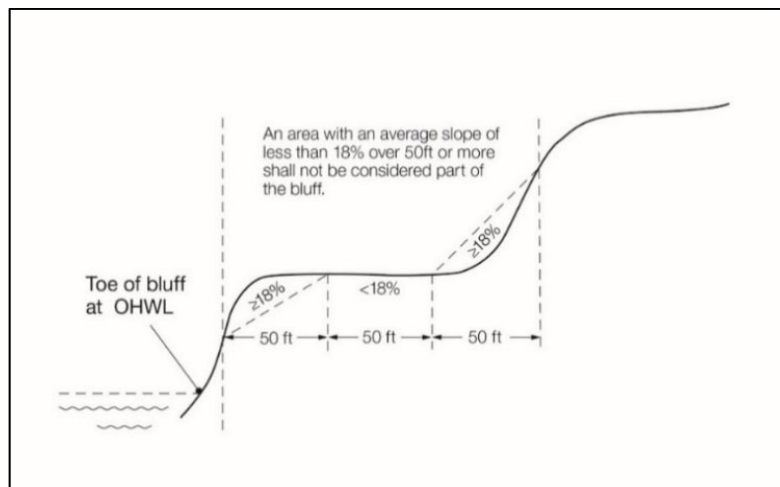
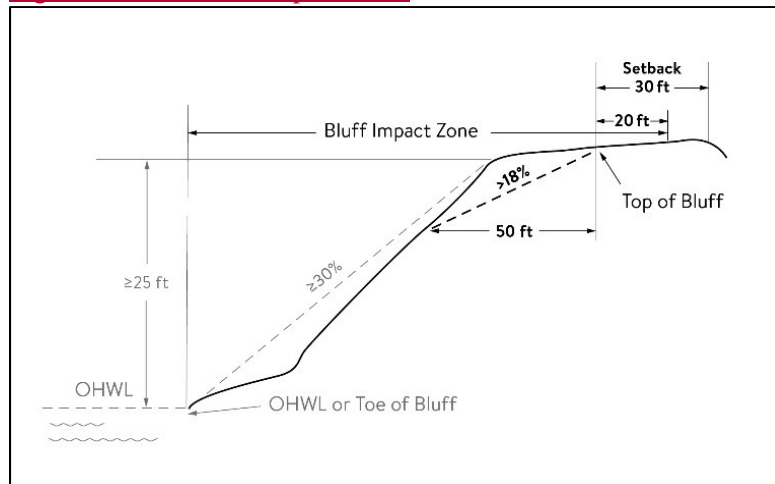


Figure 1012-2: Exception to Bluff



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.

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.

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

200 INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a
201 contiguous patch, strip, row, or block.

202 NONCONFORMITY: Any legal use, structure or parcel of land already in existence, recorded, or
203 authorized before the adoption of official controls or amendments to those controls that would not
204 have been permitted to become established under the terms of the official controls as now written.

205 PLANNED UNIT DEVELOPMENT: A type of development characterized by a unified site
206 design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or
207 lease, and also usually involving clustering of these units or sites to provide areas of common
208 open space, density increases, and a mix of structure types and land uses. These developments
209 may be organized and operated as condominiums, time-share condominiums, cooperatives, full
210 fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of
211 dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds,
212 resorts, hotels, motels, and conversions of structures and land uses to these uses.

213 PUBLIC WATERS: Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15,
214 15a.

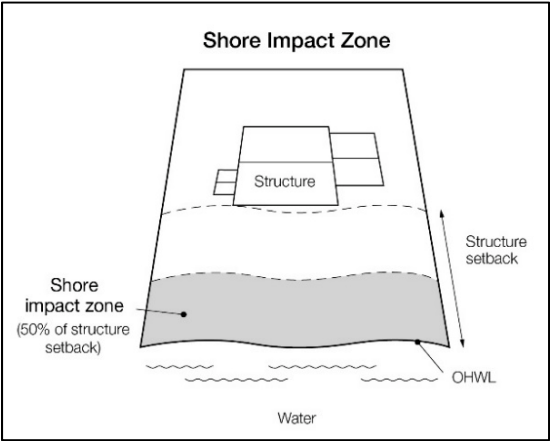
215 RESIDENTIAL PLANNED UNIT DEVELOPMENT: A use where the nature of residency is
216 nontransient and the major or primary focus of the development is not service-oriented. For
217 example, residential apartments, manufactured home parks, time-share condominiums,
218 townhouses, cooperatives, and full fee ownership residences would be considered as residential
219 planned unit developments. To qualify as a residential planned unit development, a development
220 must contain at least five dwelling units or sites.

221 SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public
222 service that is ordinarily open to some persons outside the regular constituency of the
223 organization.

224 SEWER SYSTEM: Pipelines or conduits, pumping stations, and force main, and all other
225 construction, devices, appliances, or appurtenances used for conducting sewage or industrial
226 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 1012-4).

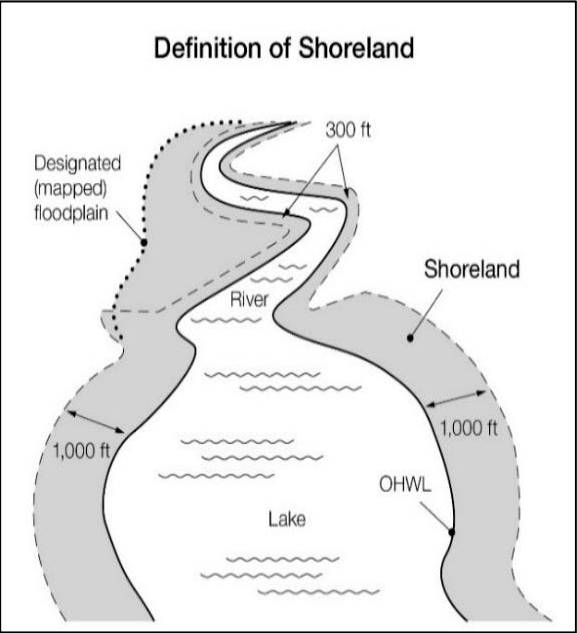
Figure 1012-4: Shore Impact Zone



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

- 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 1012-5).

Figure 1012-5: 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 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 minimum conditions:

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;

- 317 iv. Restoration of wetlands;
- 318 v. Limiting vegetation removal and/or riparian vegetation restoration;
- 319 vi. Provisions for the location, design, and use of structures, sewage treatment systems, water
- 320 supply systems, watercraft launching and docking areas, and parking areas; and
- 321 vii. Other conditions the zoning authority deems necessary.
- 322 b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or
- 323 other improvements on steep slopes, conditions to prevent erosion and to preserve existing
- 324 vegetation screening of structures, vehicles, and other facilities as viewed from the surface of
- 325 public waters assuming summer, leaf-on vegetation shall be attached to permits.
- 326 7. Nonconformities
- 327 a. All legally established nonconformities as of the date of this ordinance may continue, but will
- 328 be managed according to Minnesota Statutes, 462.357 Subd. 1e and other regulations of this
- 329 community for alterations and additions; repair after damage; discontinuance of use; and
- 330 intensification of use.
- 331 b. All additions or expansions to the outside dimensions of an existing nonconforming structure
- 332 must meet the setback, height, and other requirements of Sections 1012.03.E to 1012.03.H of
- 333 this ordinance. Any deviation from these requirements must be authorized by a variance.
- 334 8. Notifications to the Department of Natural Resources
- 335 a. All amendments to this shoreland ordinance must be submitted to the Department of Natural
- 336 Resources for review and approval for compliance with the statewide shoreland management
- 337 rules. The City of Roseville will submit the proposed ordinance amendments to the
- 338 commissioner or the commissioner's designated representative at least 30 days before any
- 339 scheduled public hearings.
- 340 b. All notices of public hearings to consider variances, ordinance amendments, or conditional
- 341 uses under shoreland management controls must be sent to the commissioner or the
- 342 commissioner's designated representative at least ten (10) days before the hearings. Notices
- 343 of hearings to consider proposed subdivisions/plats must include copies of the
- 344 subdivision/plat.
- 345 c. All approved ordinance amendments and subdivisions/plats, and final decisions approving
- 346 variances or conditional uses under local shoreland management controls must be sent to the
- 347 commissioner or the commissioner's designated representative and postmarked within ten
- 348 days of final action. When a variance is approved after the Department of Natural Resources
- 349 has formally recommended denial in the hearing record, the notification of the approved
- 350 variance shall also include the summary of the public record/testimony and the findings of
- 351 facts and conclusions which supported the issuance of the variance.
- 352 d. Any request to change the shoreland management classification of public waters within the
- 353 City of Roseville must be sent to the commissioner or the commissioner's designated
- 354 representative for approval, and must include a resolution and supporting data as required by
- 355 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

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:

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:

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

b. 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>

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 requirements of the underlying zoning district and the stormwater management requirements of Title 8 of this Code.

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:

- a. Specifies which tenants and/or lot owners have authority to use the facilities;
- b. Identifies what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
- c. 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;
- d. Requires centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- e. 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>

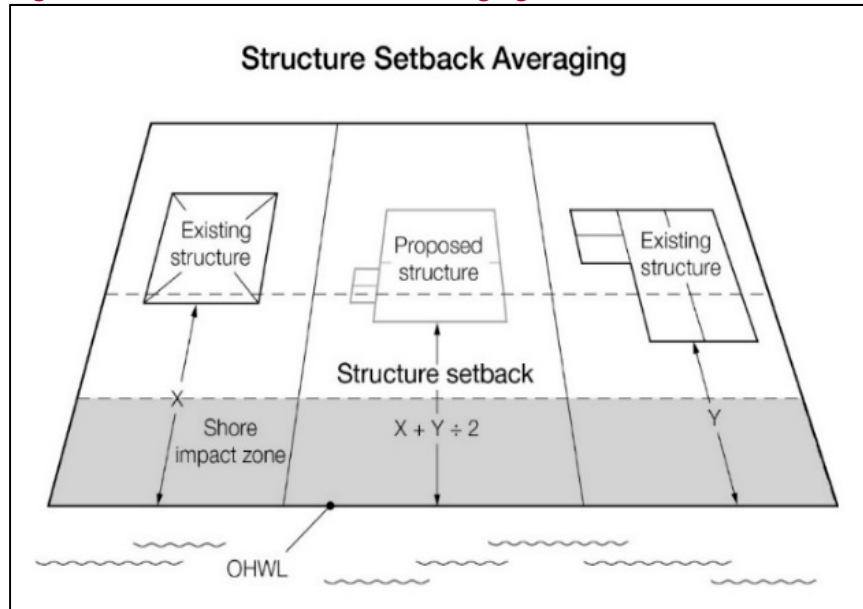
- iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- iv. Covenants or other equally effective legal instruments must be developed that:
- A. Specify 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 1012-6);

Figure 1012-6: 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.

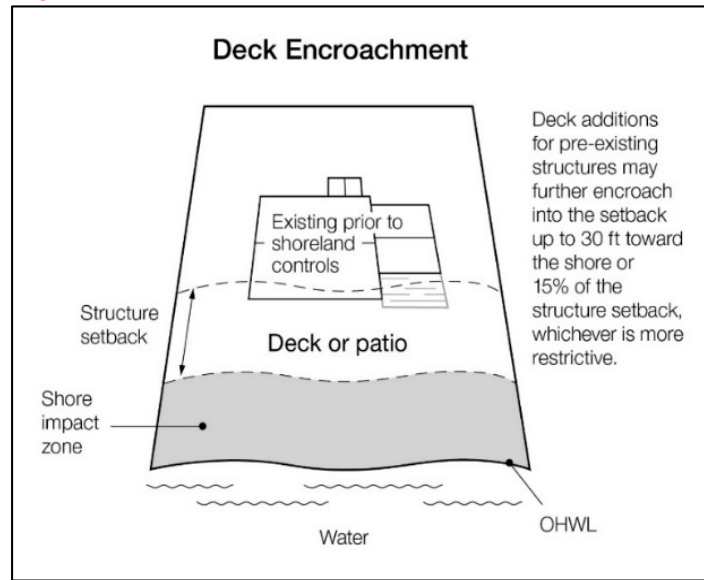
A. The structure existed on the date the structure setbacks were established;

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 1012-7).

525

Figure 1012-7: Deck Encroachment

526

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

527

528

A. 30 feet from the top of the bluff

529

B. 50 feet from an unplatted cemetery

530

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

531

532

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

533

534

c. Lowest Floor Elevation

535

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 1012-8).

536

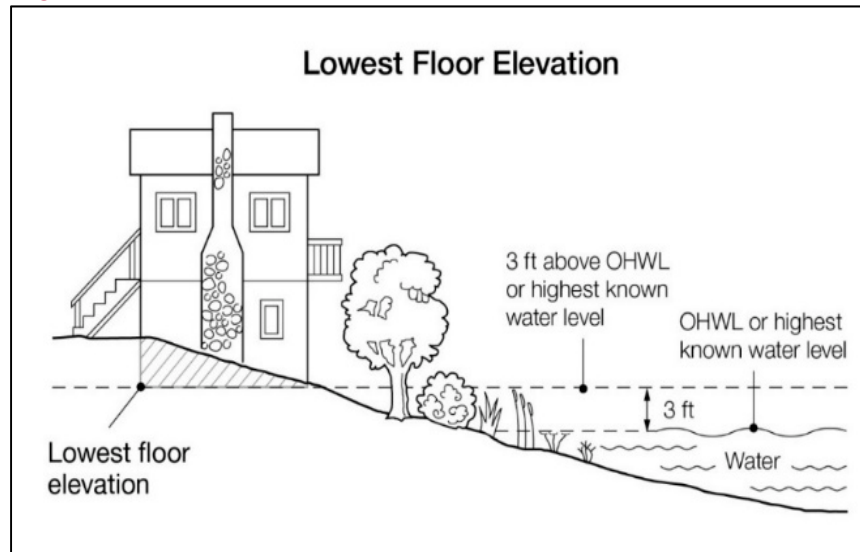
537

538

539

540

Figure 1012.8: 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:

- 566 a. Roads, driveways, and parking areas must meet structure setbacks and must not be placed
 567 within bluff and shore impact zones, when other reasonable and feasible placement
 568 alternatives exist. If the City Engineer determines that no alternatives exist, they may be
 569 placed within these areas, and must be designed to minimize adverse impacts;
- 570 b. Watercraft access ramps, approach roads, and access-related parking areas may be placed
 571 within shore impact zones provided the vegetative screening and erosion control conditions of
 572 this subpart are met;
- 573 c. Private facilities must comply with the grading and filling provisions of Section 1012.03.H.3
 574 of this ordinance; and
- 575 d. For public roads, driveways and parking areas, documentation must be provided by a
 576 qualified individual that they are designed and constructed to minimize and control erosion to
 577 public waters consistent with the field office technical guides of the local soil and water
 578 conservation district, or other applicable technical materials.
- 579 2. Stairways, Lifts, and Landings: Stairways and lifts are the preferred alternative to major
 580 topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
 581 Stairways, lifts, and landings must meet the following design requirements:
- 582 a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways
 583 may be used for commercial properties, public recreational uses, and planned unit
 584 developments;
- 585 b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
 586 Landings larger than 32 square feet may be used for commercial properties, public-space
 587 recreational uses, and planned unit developments;
- 588 c. Canopies or roofs are not allowed on stairways, lifts, or landings;
- 589 d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings,
 590 or placed into the ground, provided they are designed and built in a manner that ensures
 591 control of soil erosion;
- 592 e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of
 593 lots, as viewed from the surface of the public water assuming summer, leaf-on conditions,
 594 whenever practical; and
- 595 f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also
 596 allowed for achieving access to shore areas, if they are consistent with the dimensional and
 597 performance standards of items a-e above and the requirements of Minnesota Rules, Chapter
 598 1341.
- 599 3. Water-oriented Accessory Structures or Facilities: Each residential lot may have one water-
 600 oriented accessory structure or facility if it complies with the following provisions:
- 601 a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and
 602 cannot occupy an area greater than 250 square feet. The structure or facility may include
 603 detached decks not exceeding eight feet above grade at any point or at-grade patios;
- 604 b. The structure or facility is not in the Bluff Impact Zone;

- 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.

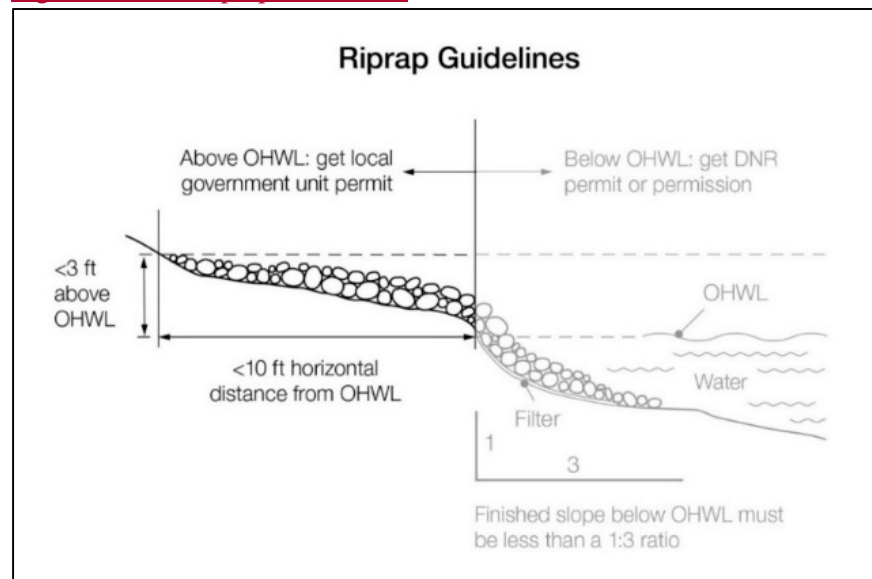
2. Vegetation Management

- 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:

- 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;

- 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:
- the finished slope does not exceed three feet horizontal to one-foot vertical;
 - the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 1012-9).

Figure 1012-9: 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.

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.

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:

<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>

- 757 ii. Structure setbacks from the ordinary high water level:
- 758 A. Are increased to at least 50 percent greater than the minimum setback; or
- 759 B. The impact on the waterbody is reduced an equivalent amount through vegetative
- 760 management, topography, or additional acceptable means and the setback is at least
- 761 25 percent greater than the minimum setback.
- 762 6. Design Criteria: All PUDs must meet the following design criteria.
- 763 a. General Design Standards
- 764 i. All residential planned unit developments must contain at least five dwelling units or
- 765 sites.
- 766 ii. Dwelling units or dwelling sites must be clustered into one or more groups and located on
- 767 suitable areas of the development.
- 768 iii. Dwelling units or dwelling sites must be designed and located to meet the dimensional
- 769 standards in Section 1012.03.F:
- 770 iv. Shore recreation facilities:
- 771 A. Must be centralized and located in areas suitable for them based on a suitability
- 772 analysis.
- 773 B. The number of spaces provided for continuous beaching, mooring, or docking of
- 774 watercraft must not exceed one for each allowable dwelling unit or site in the first
- 775 tier.
- 776 C. Launching ramp facilities, including a small dock for loading and unloading
- 777 equipment, may be provided for use by occupants of dwelling units or sites located in
- 778 other tiers.
- 779 v. Structures, parking areas, and other facilities must be treated to reduce visibility as
- 780 viewed from public waters and adjacent shorelands by vegetation, topography, increased
- 781 setbacks, color, or other means acceptable to the local unit of government, assuming
- 782 summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if
- 783 existing, or may be required to be provided.
- 784 vi. Accessory structures and facilities, except water oriented accessory structures, must meet
- 785 the required structure setback and must be centralized.
- 786 vii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed
- 787 design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.

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

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.

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

Chapter 1017 Shoreland, Wetland and Storm Water Management [REPEALED]

Section 3. Environmental Regulations. After Planning Commission and City Council consideration of Phase 2 of Project File 0044, the Roseville City Code, Title 10 (Zoning) is hereby amended to revise certain regulations pertaining to landscaping requirements and add regulations for electric vehicle charging.

§1011.03.A.3.e.ii

Multi-family residential dwellings shall require 1 canopy ~~or~~ and 1 evergreen tree per ~~dwelling unit two thousand (2,000) square feet of open area.~~

§1011.03.A.4

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.

Chapter 1019 Parking and Loading Areas

Section

1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements

1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements

1019.04

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 charging infrastructure, and establish minimum requirements for electric vehicle parking spaces and charging infrastructure to serve both short and long-term parking needs.

2. Minimum Number of Required Electric Vehicle Charging Stations (EVCS)

a. All new parking areas, existing parking areas expanding by more than 25% additional parking spaces, and existing parking areas improving more than 25% of the parking area are subject to the standards of Table 1019-2.

- b. For all calculations of required parking spaces based on percentages, any fractional result of 0.5 or greater shall be rounded up to the next consecutive whole number.

Table 1019-2: Minimum Number of Required Electric Vehicle Charging Stations (EVCS)

<u>Number of spaces</u>	<u>EVCS by required parking spaces and charging levels (Level 1, Level 2, DC) for new parking areas</u>	<u>EVCS by required parking spaces and charging levels (Level 1, Level 2, DC) for expansion or improvement of existing parking areas</u>
<u>29 or fewer</u>	<u>Optional</u>	<u>Optional</u>
<u>30- 49</u>	<u>Multiple-family residential (5 or more units):</u> <u>5% of required parking spaces, of which at least one shall be accessible, as Level 1 or greater</u> <u>Non-residential land uses</u> <u>Two parking spaces, of which at least one shall be accessible, as Level 2 or greater</u>	<u>In the event that a parking area is expanded or improved (per Section 1019.03), EVCS are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved.</u>
<u>50+</u>	<u>Multiple-family residential (5 or more units):</u> <u>10% of required parking spaces, of which at least one shall be accessible, as Level 1 or greater</u> <u>One guest parking space as Level 2 or greater</u> <u>Non-residential land uses</u> <u>5% of required parking spaces, of which at least one shall be accessible, as Level 2 or greater</u>	<u>In the event that a parking area is expanded or improved (per Section 1019.03), EVCS are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved.</u>

- c. 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 EVCS. A DC EVCS may be installed to meet this requirement.
- d. In addition to the number of required EVCS, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
- i. Multiple-Family Residential Land Uses (5 or more units per building): all new and expanded parking areas shall provide electric vehicle supply equipment (EVSE) with the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCS for a minimum of 10% of required parking spaces.

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

c. Lighting: Site lighting shall be provided where EVCS is installed, unless charging is for daytime purposes only.

d. EVCS 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. EVCS 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. EVCS 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: Service fee may be collected for the use of EVCS.

f. Maintenance: EVCS 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.

Section 4. Effective Date. This ordinance amendment to the City Code shall take effect upon the passage and publication of this ordinance.

Passed this 6th day of March 2023.

ORDINANCE NO. _____

AN ORDINANCE AMDENDING TITLE 8, PUBLIC WORKS, OF THE ROSEVILLE
CITY CODE TO UPDATE AND AMEND STORMWATER AND WETLAND
REGULATIONS

Section 1. Stormwater Amended. After City Council consideration the Roseville City Code, Chapter 803 is hereby amended to add and update language to Stormwater Management Overlay District.

SECTION:

803.01: ~~Storm Water~~Stormwater
Drainage Utility 803.02: Connection to
Storm Sewers
803.03 ~~Storm Water~~Stormwater Illicit Discharge and Connections
803.04 Erosion and Sedimentation Control
803.05 Stormwater Management Overlay District
~~803.04~~803.06 Stormwater Best Management Practice (BMP)
Maintenance

803.01 : ~~STORM WATER~~STORMWATER DRAINAGE UTILITY:

- A. Establishment: The Municipal storm sewer system shall be operated as a public utility pursuant to Minnesota Statute, section 444.075, from which revenues will be derived subject to the provisions of this Section and Minnesota statutes. The ~~storm-water~~stormwater drainage utility will be part of the Public Works Department and under the administration of the Public Works Director.
- B. Definition: "Residential equivalent factor, (REF)" - One REF is defined as the ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one year rainfall event.
- C. Fees: ~~Storm-water~~Stormwater drainage fees for parcels of land shall be determined by multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the REF for a parcel's land use by the parcel's acreage and then multiplying the resulting product by the ~~storm water~~stormwater drainage rate. The REF values for various land uses are as follows¹:
For the purpose of calculating ~~storm-water~~stormwater drainage fees, all developed one- family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre. The ~~storm-water~~stormwater drainage rate used to calculate the actual charge per property shall be established by City Council Resolution.
- D. Credits: The City Council may adopt policies recommended by the Public Works Director, by resolution, for adjustment of the ~~storm-water~~stormwater drainage fee for parcels based upon hydrologic data to be supplied by property owners, which data demonstrates a hydrologic response substantially different from the standards. Such adjustments of ~~storm-water~~stormwater drainage fees shall not be made retroactively.
- E. Exemptions: The following land uses are exempt from ~~storm water~~stormwater drainage fees:

1. Public rights of way.
 2. Vacant, unimproved land with ground cover.
- F. Payment of Fee: Statements for ~~storm-water~~stormwater drainage fee shall be computed every three months and invoiced by the Finance Officer for each account on or about the fifth day of the month following the quarter. Such statement shall be due on or before the last day of the month in which the statement is mailed. Any prepayment or overpayment of charges shall be retained by the City and applied against subsequent quarterly fees.
- G. Recalculation of Fee: If a property owner or person responsible for paying the ~~storm-water~~stormwater drainage fee questions the correctness of an invoice for such charge, such person may have the determination of the charge recomputed by written request to the Public Works Director made within twelve months of mailing of the invoice in question by the City.
- H. Penalty for Late Payment: Each quarterly billing for ~~storm-water~~stormwater drainage fees not paid when due shall incur a penalty charge of ten percent of the amount past due.
- I. Certification of Past Due Fees on Taxes: Any past due ~~storm-water~~stormwater drainage fees, in excess of 90 days past due, may be certified to the County Auditor for collection with real estate taxes, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees. (Ord. 937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)

803.02 : CONNECTION TO STORM SEWERS:

- A. Permit Required: No person shall connect any drain to a storm sewer of the City without first obtaining a permit to do so.
- B. Granting of Permits: The Public Works Director shall grant permits only to applicants who are licensed by the City.
- C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
- D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall be complied with:
1. No permit shall be issued to connect with any storm sewer system to the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
 - a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made, or
 - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course, or
 - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said storm sewer main which would be assessable against said lot or tract has been paid to the City, or
 2. If no such certificate can be issued by the Public Works Director no permit to connect to any storm sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said storm sewer main which would be assessable against said lot or tract to be served by such connection. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main,

including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased, when it is determined by the Public Works Director that the improvement was not subject to utilization until a later date. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar storm sewer improvements, determined on the basis of the total assessable cost of said main or line, allocated on a frontage basis, acreage basis, or both.

3. No building permit shall be issued for any building where the affected lot or parcel of land has been benefited by an assessed storm sewer improvement unless the provisions of this subsection have been complied with. (Ord. 745, 12-30-74; amd. 1995 Code)

803.03 : ~~STORM WATER~~STORMWATER ILLICIT DISCHARGE AND CONNECTIONS:

A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-~~storm water~~stormwater discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City of Roseville through the regulation of non- ~~storm water~~stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by ~~storm water~~stormwater discharges by any person.
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below.

1. BEST MANAGEMENT PRACTICE (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
 - a. Non-structural BMP: Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage ~~storm water~~stormwater at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
 - b. Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff

- 152 velocities.
- 153 2. COMMERCIAL: Activity conducted in connection with a business.
- 154 3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting,
- 155 throwing, or emitting any pollutant, or placing any pollutant in a location
- 156 where it is likely to pollute waters of the state.
- 157 4. EQUIPMENT: Implements used in an operation or activity. Examples
- 158 include, but are not limited to; lawn mowers, weed whips, shovels,
- 159 wheelbarrows and construction equipment.
- 160 5. EROSION: any process that wears away the surface of the land by the action
- 161 of water, wind, ice, or gravity. Erosion can be accelerated by the activities of
- 162 man and nature.
- 163 6. GROUNDWATER: Water contained below the surface of the earth in the
- 164 saturated zone including, without limitation, all waters whether under
- 165 coned, unconfined, or perched conditions, in near surface unconsolidated
- 166 sediment or regolith, or in rock formations deeper underground.
- 167 7. ILLEGAL/ ILLICIT DISCHARGE: Any direct or indirect non-~~storm~~
- 168 ~~water~~stormwater discharge to the storm drainage system, except as
- 169 exempted in this chapter.
- 170 8. ILLICIT CONNECTION: Either of the following:
- 171 a. Any drain or conveyance, whether on the surface or subsurface, which
- 172 allows an illegal discharge to enter the storm drain system (including any
- 173 non-~~storm-water~~stormwater discharge) including wastewater, process
- 174 wastewater, and wash water and any connections to the storm drain
- 175 system from indoor drains and sinks, regardless of whether said drain or
- 176 connection had been previously allowed, permitted, or approved by the
- 177 City; or,
- 178 b. Any drain or conveyance connected from a residential, commercial or
- 179 industrial land use to the storm drain system which has not been
- 180 documented in plans, maps, or equivalent records and approved by the
- 181 City.
- 182 9. IMPERVIOUS SURFACE: A hard surface area which either prevents or
- 183 retards the entry of water into the ground. Common impervious surfaces
- 184 include, but are not limited to, roof tops, walkways, patios, driveways,
- 185 parking lots or storage areas, concrete or asphalt paving, gravel roads, packed
- 186 earthen materials, or other surfaces which similarly impede the natural
- 187 infiltration of surface and ~~storm-water~~stormwater runoff.
- 188 10. MAXIMUM EXTENT PRACTICABLE (MEP): A standard for water
- 189 quality that applies to all MS4 operators regulated under the NPDES
- 190 program. Since no precise definition of MEP exists, it allows for maximum
- 191 flexibility on the part of MS4 operators as they develop and implement their
- 192 programs to reduce the discharge of pollutants to the maximum extent
- 193 practicable, including management practices, control techniques and system,
- 194 design and engineering methods, and such other provisions as the
- 195 Administrator or the State determines appropriate for the control of
- 196 pollutants.
- 197 11. MECHANICAL CLEANING TECHNIQUES: Arranging the collision
- 198 between the substance being removed and some object. Mechanical
- 199 cleaning techniques include: sweeping, shoveling, or blowing. This does
- 200 NOT include using water to clean the surface.
- 201 12. MPCA: The Minnesota Pollution Control Agency.
- 202 13. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system
- 203 of conveyances (including sidewalks, roads with drainage systems,
- 204 municipal streets, catch basins, curbs, gutters, ditches, channels, or storm

- drains) owned and operated by the City and designed or used for collecting or conveying ~~storm water~~stormwater, and which is not used for collecting or conveying sewage.
14. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.
 15. PERSON: Any individual, firm, corporation, partnership, franchise, association or governmental entity.
 16. PERVIOUS SURFACE: Pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas have vegetation growing on them.
 17. POLLUTANT: Any substance which, when discharged has potential to or does any of the following:
 - a. Interferes with state designated water uses;
 - b. Obstructs or causes damage to waters of the state;
 - c. Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
 - d. Adds an unnatural surface film on the water;
 - e. Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
 - f. Degrades the quality of groundwater; or
 - g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
 18. POLLUTE: To discharge pollutants into waters of the state.
 19. POLLUTION: The direct or indirect distribution of pollutants into waters of the state.
 20. PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips
 21. SANITARY SEWER: a pipe, conduit, or sewer owned, operated, and maintained by the City and which is designated by the Public Works Director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
 22. STATE DESIGNATED WATER USES: Uses specified in state water quality standards.
 23. STORM DRAINAGE SYSTEM: Publicly-owned facilities by which ~~storm water~~stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
 24. ~~STORM WATER~~STORMWATER: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
 25. SURFACE WATERS means all waters of the state other than ground waters,

which include ponds, lakes, rivers, streams, wetlands, ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

26. ~~STORM WATER~~ ~~STORM WATER~~ POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to ~~Storm water~~ ~~Stormwater~~, ~~Storm~~ ~~water~~ ~~Stormwater~~ Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also includes watercraft, trailers and bicycles.

28. WATERCOURSE: A natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A water course may be dry sometimes.

29. WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

30. WASTEWATER: Any water or other liquid, other than uncontaminated ~~storm water~~ ~~stormwater~~, discharged from a facility or the by-product of washing equipment or vehicles

C. Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Council.

D. Administration: The Public Works Director is the principal City official responsible for the administration, implementation, and enforcement of the provisions of this ordinance. The Director may delegate any or all of the duties hereunder

E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:

1. Consists of non-~~storm water~~ ~~stormwater~~ that is authorized by an NPDES point source permit obtained from the MPCA;
2. Is associated with fire fighting activities or other activities necessary to protect public health and safety;
3. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
4. Consists of dye testing discharge, as long as the Public Works Director is provided a verbal notification prior to the time of the test.

F. Illegal Disposal and Dumping

1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in

containers, recycling bags, or any other lawfully established waste disposal device.

2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

G. Illicit Discharges and Connections

1. No person shall use any illicit connection to intentionally convey non-~~storm~~ ~~water~~stormwater to the City's storm sewer system.
2. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.

H. General Provisions: All owners or occupants of property shall comply with the following general requirements:

1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
 - a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
 - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
 - c. For pools, the pool's water should be tested before draining to ensure that PH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
2. The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
5. Storage of materials, machinery and equipment shall comply with the following requirements:
 - a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
 - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
6. Debris and residue shall be removed as follows:
 - a. All vehicle parking lots and private streets shall be swept at least once a

- year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.
- b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.
- I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES ~~storm-water~~stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a manner acceptable to the Public Works Director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a ~~storm-water~~stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.
 - J. Access to Facilities
 1. When the City has determined that there is a danger to the health, safety or welfare of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.
 2. In lieu of an inspection by a City representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property has not discharged prohibited material into the municipal storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in section M of this section until the property is inspected and/or compliance is met, including any penalties and remedies as set forth in section N below.
 3. Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a ~~storm-water~~stormwater discharge permit and of this ordinance.
 4. The City may seek issuance of a search warrant for the following reasons:
 - a. If city representatives are refused access to any part of the premises from which ~~storm-water~~stormwater is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
 - b. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
 - c. to protect the overall public health, safety, and welfare of the community.
 - K. Watercourse Protection. Every person owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
 - L. Notification of Spills. Notwithstanding other requirements of law, as soon as

any person has information of release of materials which result or may result in illegal discharges of pollutants into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.

M. Suspension of Storm Sewer System Access

1. Suspension due to illicit discharges in emergency situation: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the storm sewer or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or the waters of the state, or to minimize danger to persons.
2. Suspension due to the detection of illicit discharge: All persons discharging to the MS4 in violation of this ordinance may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this ordinance to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the City.

N. Enforcement

1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been determined that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Public Works Director may order compliance by written notice of violation to the person(s) responsible for the violation. Such notice may require without limitation:
 - a. The performance of monitoring, analysis, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of ~~storm-water~~stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs;
 - f. The implementation of source control or treatment BMPs;
 - g. The development of a corrective action plan to prevent repeat discharges; and/ or
 - h. Any other requirement deemed necessary.

If abatement of a violation and/ or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

2. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
3. Enforcement Measures after Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Manager upholding the decision of the Public Works Director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent

- or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
4. Cost of Abatement of the Violation: Within 15 days after abatement of the violation, the person(s) responsible for the violation will be notified of the cost of abatement, including administrative costs. The person(s) given such notice may file a written protest objecting to the amount of the costs within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.
 5. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
 6. Compensatory Action: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
 7. Violations Deemed a Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
 8. Criminal Prosecution: A violation of this ordinance is a misdemeanor.
 9. Costs and Expenses: The City may recover all attorney's fees, court costs, staff expenses, clean-up costs, and any other expenses associated with enforcement of this ordinance including, but not limited to, sampling and monitoring expenses.
 10. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.
- (Ord. 1388, 2-22-2010)

803.04 : GRADING, EROSION AND SEDIMENTATION CONTROL:

- A. Purpose: The purpose of this article is to regulate grading and to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This Section establishes standards and specifications for grading practices which protects drainage, conservation practices and planning activities which minimize soil erosion and sedimentation. (Ord. 1550, 6-4-2018)
- B. Scope: Except as exempted by the definition of the term "land disturbance activity" in Section 803.04.C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the grading, erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article. (Ord. 1550, 6-4-2018)

- C. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. Best Management Practice (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
 2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.
 3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
 - a. Minnesota Stormwater Manual
 - b. Minnesota DOT Erosion Control Manual
 - c. Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook (Ord. 1550, 6-4-2018)
 4. Erosion: any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
 5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
 6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.
 7. Land disturbance activity: Any activity, including clearing, grading, excavating, transporting and filling of land, greater than 5,000 square feet, and/or placement or grading of 50 cubic yards of earthen materials on a parcel of land located ~~directly adjacent~~ within 300 feet of ~~to~~ a water resource ~~or located within the shoreland overlay district~~ JF1 | R2 | R3. Land disturbance activity does not mean the following:
 - a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than 500 square feet.
 - b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops disturbing less than 500 square feet.
 - c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable. (Ord. 1550, 6-4-2018)
 8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
 9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
 10. Sedimentation: the process or action of depositing sediment that is

- determined to have been caused by erosion.
11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City. (Ord. 1550, 6-4-2018)
- D. Grading, Erosion and Sediment Control Plan:
1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit a grading, erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the grading, erosion and sediment control plan by the City.
Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the grading, erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if the grading plan is not being followed, if erosion control measures should fail, or if erosion control measures require maintenance with the expectation that the deficiencies will be corrected. If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed grading, erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.
Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies. (Ord. 1550, 6-4-2018)
 2. Criteria addressed: The grading, erosion and sediment control plan shall address the following criteria:
 - a. Account for existing drainage patterns
 - b. Control the ~~storm-water~~stormwater leaving the site
 - c. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
 - d. Stabilize all exposed soils and soil stockpiles
 - e. Establish permanent vegetation
 - f. Prevent sediment damage to adjacent properties and other designated areas
 - g. Schedule of erosion and sediment control practices
 - h. Criteria for the use of temporary sedimentation basins
 - i. Stabilization of steep slopes
 - j. Stabilize all waterways and outlets
 - k. Protect storm sewers from the entrance of sediment, debris and trash
 - l. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, etc. that may adversely impact water quality
 - m. When working in or crossing water resources, take precautions to contain sediment.
 - n. Restabilize utility construction areas as soon as possible
 - o. Protect paved roads from sediment and mud brought in from access routes
 - p. Dispose of temporary erosion and sediment control measures
 - q. Maintain all temporary and permanent erosion and sediment control practices
 - r. Removal of sediment from streets at the end of each day
 - s. Dewatering methods and outletting of stormwater
 - t. Site inspection plan & record of rainfall amounts

- u. Final stabilization (Ord. 1550, 6-4-2018)
- 3. Contents of Plan: The grading, erosion and sediment control plan shall include the following:
 - a. Contact information for the Permittee
 - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved, including the amount of material removed and imported to the site
 - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
 - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
 - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
 - f. Soils: soil names, mapping units, erodibility
 - g. Critical erosion and Environmentally Sensitive areas: areas on the site that have potential for serious erosion problems and local water resources.
 - h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
 - i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
 - j. ~~Storm water~~[Stormwater](#) management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
 - k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
 - l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices (Ord. 1510 09-26-16) (Ord. 1550, 6-4-2018)

E. Plan Review:

- 1. General: The City appoints the City Engineer to review the grading, erosion and sediment control plan to ensure compliance with the City of Roseville Design Standards and Grading, Erosion and Sediment Control Standards.
- 2. Permit required: If the City determines that the grading, erosion and sediment control plan meets the requirements of this article, the City shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the grading, erosion and sediment control plan.
- 3. Denial: If the City determines that the grading, erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The grading, erosion and sediment control plan must be resubmitted for approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved grading, erosion and sediment control plan.
- 4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be

suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan. (Ord. 1550, 6-4-2018)

F. Plan Implementation ~~And~~ and Maintenance:

1. All grading should follow the approved grading, erosion and sediment control plan. If temporary grading is needed, it should be reflected in the grading, erosion and sediment control plan. (Ord. 1550, 6-4-2018)
2. All ~~storm-water~~ stormwater pollution controls noted on the approved grading, erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion. (Ord. 1550, 6-4-2018)
3. The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place grading, erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity and the obligations of the grading, erosion and sediment control permit have been satisfied. (Ord. 1550, 6-4-2018)

G. Modification of Plan:

An approved grading, erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data and possible modification of escrow. (Ord. 1550, 6-4-2018)

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the grading is completed per the approved grading plan. The escrow shall also be sufficient to ensure the inspection, installation, maintenance, and completion of the grading, erosion and sediment control plan and practices. Escrow amounts shall be set as detailed in the adopted City fee schedule. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee. (Ord. 1550, 6-4-2018)

I. Enforcement:

1. If the City determines the grading, erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:
 - a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
 - b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.
2. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:

RCA Attachment B

- a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
- b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of completing the corrective work.
- c. Impose a monetary fine in an amount equal to twice the required permit fee.
- d. Charge the Permittee for all staff time expended and costs incurred by the City to:
 - i. perform any corrective work required by the City,
 - ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or
 - iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and
 - iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permittee within 30 days of the delivery by the City of a written invoice which describes such charges.
- e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.
- f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.
- g. Pursue any other legal equitable remedy which is available to the City.
3. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
4. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the

discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011)
(Ord. 1550, 6-4-2018)

803.05 : Stormwater Management Overlay District

A. Establishment. The Stormwater Management Overlay District shall include all land either within one hundred (100) feet of the normal water level of constructed stormwater ponds or wetlands managed for stormwater quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.

B. Definition: “Stormwater pond” – A manmade pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.

C. Lot Standards. All lots within the Stormwater Management Overlay District shall met the following setbacks:

STRUCTURE SETBACKS FROM STORM POND		
Type of Water Body	Structure Setback from Water Body	Roads, Driveway, Parking and Other Impervious Surface or Setback
Storm Pond	10 Ft. ¹	10 Ft. ²
<u>1. Setback is measured from the pond boundary [JF4], [RJ5] as defined by the 1% probability storm, or as approved by the City Engineer.</u>		
<u>2. A 10 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.</u>		

D. General Standards:

1. Existing Natural Drainageways: When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Minimum Disturbance: Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. Constructed Facilities: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

E. Specific Standards:

1. Impervious Surface Coverage: Impervious surface coverage of a site shall not exceed 25% of the site area in a shoreland or wetland overlay [JF6] district unless stormwater is conveyed to an approved, on-

site or regional stormwater ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.

2. Review by City Engineer: All proposed stormwater facilities shall be reviewed by the City Engineer and certified for compliance with the city's comprehensive surface water management plan, National Urban Runoff Program (NURP) standards, the Minnesota Pollution Control Agency's (MPCA) Urban Best Management Practices, and any established standards of the water management organization having jurisdiction in the project area.

3. ~~Commercial, Industrial, and Residential Development Affection: All commercial and industrial developments and redevelopments affecting more than five acres of land and all residential developments affecting more than five 5 acres of land shall:~~

i. ~~Be served by stormwater ponding facilities, on- or off-site, designed to remove a minimum of 90% of total suspended solids resulting from the runoff from a one-inch rainfall event, and~~

ii. ~~Within the development, provide for settling chambers, sumps, dry ponds or other devices to provide for the filtering or settling of fine sands prior to discharge into the city's stormwater system. [RJ7] [RJ8]~~

F. Private Stormwater Facilities: All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of on a five year interval. One to five year waivers from this requirement may be granted by the City Engineer when the owner presents evidence that the facility has additional capacity to remove settled solids in accordance with the original design capacity.

G. Inventory of Private Stormwater Facilities: Upon adoption of this chapter, the City Engineer shall inventory and maintain a database for all private stormwater facilities requiring maintenance to assure compliance with this section.

803.05 803.06: STORMWATER BEST MANAGEMENT PRACTICE (BMP) MAINTENANCE:

A. Maintenance of Stormwater BMPs. The City requires that stormwater BMPs be maintained.

1. Private Stormwater BMPs - All private stormwater BMPs shall be maintained by the property owner so that the BMPs are in proper condition consistent with the performance standards for which they were originally designed.

a. Ponds, Stormwater Wetlands, Underground Storage, and other BMPs that settle pollutants

i. Removal of settled materials - All settled materials from ponds, and other BMPs, including settled solids, shall be removed and properly

disposed of on a five (5) year interval. One (1) to five (5) year waivers from this requirement may be granted by the City when the owner presents evidence that the BMP has additional capacity to remove settled solids in accordance with the original design capacity. (Ord 1590, 10-12-2020)

- b. Infiltration, Filtration, pretreatment devices and other BMPs that filter stormwater (Ord 1590, 10-12-2020)
 - i. Quarterly inspections, unless otherwise specified in a maintenance agreement, of the Private Stormwater BMPs and, if necessary, removal of all litter, debris, sediment, and replacement of mulch, vegetation, and eroded areas to ensure establishment of healthy functioning plant life therein; and
 - ii. A five (5) year certification, by a stormwater professional acceptable to the City, is required that demonstrates the Stormwater BMPs are functioning in accordance with the approved plans and have maintained the proper operation of the stormwater treatment as a Stormwater Management BMP according to the City Standards. The quarterly inspection(s) and certification(s) shall be made available to the City upon request without prior notice

- 2. Maintenance plan required - No private stormwater BMPs may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance, and the maintenance intervals.
- 3. Inspection - The City shall inspect or require the inspection of, all stormwater BMPs during construction, during the first year of operation, and at least once every five years thereafter, or as budget allows.
- 4. Maintenance of Publicly Owned Stormwater BMPs - The City shall annually perform the maintenance of the in place stormwater BMPs within the City as provided for in the local water management plan or watershed management plan. Further, the City shall notify the owners of other publicly owned stormwater BMPs if scheduled maintenance is needed according to periodic site inspections or maintenance plans on file.

B. Inventory of Stormwater BMPs. Upon adoption of this Chapter, the City shall inventory and maintain a database for all private and public stormwater BMPs within the City requiring maintenance to assure compliance with this ordinance. The City shall notify owners of public and private stormwater BMPs of the need for conducting maintenance at least every five years.

B.C. Severability. The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance shall remain in full force and effect.

C.D. Failure to maintain Private Stormwater BMPs: It is the responsibility of the property owner to maintain all private stormwater BMPs in accordance with the original standards. If during a City inspection the BMP does not meet City standards, the City will notify the owner in writing of the deficiencies.

Failure to properly maintain the BMP after notification could result in administrative penalties and abatement processes under Chapter 407 and/or 906 of the City Code. (Ord. 1550, 6-4-2018)

Section 2. Wetland Amended. After City Council consideration the Roseville City Code, Chapter 804 is hereby created to add and update Wetland Protection Overlay District rules.

CHAPTER 804 WETLANDS

SECTION:

804.01 Wetland Protection Overlay District

804.01: WETLAND PROTECTION OVERLAY DISTRICT

A. Purpose. These regulations are intended to protect the City's wetlands, which are defined as land transitional between terrestrial and aquatic systems as defined in Minnesota Statutes Section 103G.005, Subdivision 19.

B. Applicability. All upland within one hundred (100) feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland shall be considered within the Wetland Protection Overlay District[RJ9] and those identified within the city's Comprehensive Surface Water Management Plan.

C. Lot Standards. The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any wetland area to meet the minimum lot area dimension.

<u>STRUCTURE SETBACKS FROM WETLAND</u>		
<u>Type of Water Body</u>	<u>Structure Setback from Water Body</u>	<u>Roads, Driveway, Parking and Other Impervious Surface or Setback</u>
<u>Wetland</u>	<u>50 Ft. ^{1, 2}</u>	<u>30 Ft. ²</u>
<u>1. Setback is measured from the approved delineated wetland boundary.</u> <u>2. A 30 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.</u>		

D. Stormwater treatment. All stormwater must be treated to the water quality standard outlined in the City's Comprehensive Surface Water Management Plan and Stormwater Management Standards before discharged to a wetland.

E. Wetland Buffers. Wetland buffers shall be required for all developments adjacent to a wetland whether or not the wetland is located on the same parcel as the proposed development.

(1) Table X [RJ10] outlines the no-disturb buffer widths and minimums that must be met:

Wetland Buffer Widths	
Average Buffer Width	25 feet
Minimum Buffer Width	12.5 feet

- (2) New and existing ponds constructed for water quantity and quality adjacent to new development shall maintain a 10-foot vegetative buffer from the normal water level.
- (3) Stormwater management BMPs shall not be allowed to be constructed in the buffer area, unless approved by the City Engineer. [RJ11][JF12]
- (4) A permanent wetland buffer monument shall be installed at each lot line where it crosses a wetland buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of two hundred (200) feet of wetland edge.
- (5) Where acceptable vegetation exists in buffer areas, the retention of such vegetation in an undisturbed state is required unless an applicant receives approval by the City District to replace such vegetation. A buffer strip has acceptable vegetation if it:
- a. Has a continuous, dense layer of vegetation or overstory of trees and/or shrubs that have been uncultivated or unbroken for at least five consecutive years, or
 - b. Is not composed of undesirable plant species (including, but not limited to: reed canary grass, common buckthorn, purple loosestrife, leafy spurge, and noxious weeds), or
 - c. Does not have topography that tends to channelize the flow of surface runoff.
- (6) If the City determines the existing buffer to be unacceptable, the applicant shall maintain the minimum buffer in its undisturbed state but may disturb the remainder of the buffer area as long as the buffer area is re-planted with native species and maintained as a native habitat. The buffer planting must be identified on the permit application and the buffer landscaping shall comply with the following standards:
- a. Buffer areas shall be planted with a native seed mix, native plants, shrubs, trees, or other [RJ13] vegetation approved by the City, with the exception of a one-time planting with an annual nurse or cover crop such as oats or rye.
 - b. The revegetation project shall be performed by a qualified contractor. All methods shall be approved by the City prior to planting or seeding.
 - c. ~~The seed mix shall be broadcast according to the specifications of the selected mix including date of application. The annual nurse or cover crop shall be applied at a minimum rate of 30 pounds per acre. The seed mix selected for permanent cover shall be appropriate for soil site conditions and yellow tag certified free of invasive species.~~ [RJ14][JF15]
 - d. ~~Native shrubs may be allowed to be substituted for native forbs. All substitutions shall be approved by the City. Such shrubs may be bare root seedlings and shall be planted at eight foot spacing. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.~~ [RJ16][JF17]
 - e. Any groundcover or shrub plantings installed within the buffer area are independent of any landscaping requirements required elsewhere by the City.
 - f. ~~Compacted soils in the buffer area shall be loosened to a depth of at least 5" prior to seeding.~~

- g. No fertilizer shall be used in establishing new buffer areas, except on highly disturbed sites when necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
- ~~h. All seeded areas shall be mulched or blanketed immediately in a method approved by the City.~~
- i. Buffer areas (both natural and created) shall be protected by erosion and sediment control measures during construction in accordance with Section 803.04 Erosion and Sediment Control. The erosion and sediment control measures shall remain in place until the vegetation is established.
- j. Buffer vegetation shall be actively managed throughout the three-year establishment period. This includes but is not limited to: mowing, overseeding, spot weed control, prescribed burning, and watering.
- k. Buffer vegetation shall be established and maintained in accordance with the requirements above. During the first three full growing seasons, the applicant or developer must replant any buffer vegetation that does not survive. The applicant or developer shall specify a method acceptable to the City for monitoring compliance and verifying establishment of the buffer at the end of the third full growing season.

Section 3. Effective Date. This ordinance amendment to the City Code shall take effect upon passage and publication of this ordinance.

Passed this 6th day of March 2023

ORDINANCE SUMMARY NO. ____

**ORDINANCES AMENDING TITLE 8, PUBLIC WORKS, AND TITLE 10, ZONING,
OF THE ROSEVILLE CITY CODE**

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on March 6, 2023:

The Roseville City Code, Title 8, Public Works, Chapter 803 has been amended to add language to modify and clarify specific requirements pertaining to storm water drainage. Section 803.05 Stormwater Best Management Practice (BMP) Maintenance was moved to 803.06, and 803.05 was changed to Stormwater Management Overlay District, which was moved from Chapter 1017. Chapter 804 has been created within Roseville City Code to clarify specific requirements pertaining to wetlands; some information was moved from Chapter 1017, and buffer information was added to be more in line with local watershed district rules.

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on March 6, 2023:

The Roseville City Code, Title 10, Zoning Ordinance, has been amended to add and update various definitions; to reflect updates to the shoreland management regulations made to ensure that the provisions of the zoning code are in alignment with the model ordinance prepared by Minnesota Department of Natural Resources, including repealing the existing Chapter 1017 (Shoreland, Wetland and Storm Water Management) and replacing it with a new Shoreland Overlay District in Chapter 1012 (Overlay Districts); to revise certain regulations pertaining to landscaping requirements; and to add regulations for electric vehicle charging.

A printed copy of the ordinances are available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, City Manager

a. Discuss Potential Phase II Zoning Code Amendments Regarding Shoreland and Sustainability Regulations

Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request for Council Action and related attachments dated January 30, 2023.

Ms. Rita Trapp, HKGi, made a presentation on Roseville's Shoreland Ordinance.

Councilmember Etten indicated on the stormwater management overlay, he wondered if the rules for those properties, one hundred feet from the stormwater ponds be essentially the same as what is being seen in the overlay district.

Ms. Trapp explained those are rules regarding buffers of wetlands and what can be done within those areas. She indicated impervious surface is managed through the shoreland as well as through the stormwater but she noted she would have to check on that.

Councilmember Etten explained if someone is seeking a variance to a shoreland setback then the person would need to do the twenty percent but he wondered if that would depend on the size of the variance because a different variance might have a larger impact. He asked if a minimum standard is going to be set or would the only standard shift.

Ms. Trapp explained she would interpret this as the minimum standard that is the threshold that needs to be applied if someone is going to ask for a setback or impervious surface. There is always an opportunity with conditions for variances to adjust those conditions based on the magnitude. This is not setting a threshold from her perspective. It would be something the Planning Commission would look at and the Planning Commission and the City Council would be able to add additional conditions if needed. These are the ones to start with.

Ms. Gundlach noted the DNR would be a review party associated with that variance application. Depending on what is negotiated between the property owner, the Planning Commission, the Variance Board and the City Council, the DNR gets to weigh in on that as well.

Councilmember Etten indicated on the map of water bodies, there are some water bodies that are clearly not lakes and are more in the ditch category. But there are few that are not buffered on the map so he wondered if there was a reason, a certain acreage or size of water body before it counts for this regulation.

Mayor Roe thought the simple answer to this was that the main bodies of water are designated by the DNR and the other ones are designated by the City. He imagined the only ones shown are those that are actually designated by the City.

Ms. Trapp explained these are historically designated and a change was not made and no new bodies of water were added but there were bodies of water that were

Regular City Council Meeting

Monday, January 30, 2023

Page 2

converted. She stated these used to be City designated and since the time this was originally done, the bodies of water have become DNR named but no City ones were added that she was aware of.

Mr. Freihammer explained all the other bodies of water mentioned fall under the wetland part of the ordinance.

Ms. Gundlach indicated regarding the impervious surface under the stormwater changes being moved to Title 8, she pulled up the document prepared a while ago in connection with engineering about what is being moved out into Title 8. She believed that the impervious surface limitations are included in those regulations as well at twenty-five percent and are consistent. The difference is the things being moved to Title 8, someone would have the ability to go up to thirty percent if the additional hard surface is directed to an onsite or regional storm water ponding retention facility designed to accommodate the increased runoff prior to discharge from the site.

Ms. Gundlach thought part of the problem now with it being in the Shoreland Overlay District is the DNR is not ok with going up to the thirty percent so by moving it out into Title 8 that option still exists for the situations where it is the wetland situation but not the shoreland situation.

Councilmember Schroeder asked if the natural cover of the shoreline will remain or will there be an upgraded natural plant because the natural cover on some of the shoreline is not really nice cover.

Ms. Trapp explained the intention is looking for plants and vegetation that is not manicured lawn all the way up to the shore and not beach as well. It would be some type of plant material that will be protective of the shoreline and not be erodible. She indicated this can be reviewed again for wording and suggestions.

Councilmember Strahan asked if Ms. Trapp knew how many people the changes in the Shoreland Overlay District would impact and be out of compliance if a new code is put in place.

Ms. Gundlach explained there are many different factors that staff could look at to determine who would be out of compliance. She indicated the City does not have a lot of ADU's (Accessory Dwelling Units) so she is not really concerned about that. The City does not have a ton of situations where people exceed hard surface requirements and those would be grandfathered in once the City goes to the new model ordinance. She did not know if there were others.

Ms. Trapp noted lot sizes were indicated while looking at the analysis but those are existing conditions as well. One advantage they were able to do that was not called out but is good to know, is that this code establishes that all of the underlying zoning

Regular City Council Meeting

Monday, January 30, 2023

Page 3

lot sizes and widths for non-riparian lots go to the Code. One benefit of this approach is that they were able to only focus on the riparian and not have to deal with all of the non-riparian elements, which would have normally been different lot size requirements. They were able to use the underlying, which is a positive because it makes things easier, even over time as adjustments are made.

Mayor Roe asked whether, in moving some of this to Title 8, the City is potentially putting some zoning requirements outside of the Zoning Code.

Ms. Trapp believed everything that is moving is stuff that staff was already administering. It is not creating new stuff other than what was desired to be created new.

Mayor Roe thought a reference might need to be included in the Zoning Code to potential buffer areas that are in Chapter 8.

Mr. Jeff Miller, HKGi, presented Phase Two of the Zoning Code update including sustainability. He asked if there were any questions on the EV portion of his presentation.

Councilmember Etten thought this was an important move forward for the City. He had talked with Ms. Gundlach about the definition of improved and that this talks about more than twenty percent of the parking area. He believed that was referenced now to another part of the City Code. He appreciated that because he knew it was a question brought up by the Planning Commission.

Councilmember Etten asked if nonresidential will apply to all other uses, institutional, such as Roseville High School if the parking lot is redone by more than twenty percent.

Mr. Miller stated with the way this is written, he believed it is so.

Ms. Gundlach noted all residential and non-residential would include everything.

Councilmember Etten explained when looking at the handicap portion, it states access to one and sometimes these come with potentially two sides to them. He wondered if that is what is being talked about and not necessarily dedicated right in front of a single handicap stall but could be split into different areas. He also wondered if it is a requirement to have one EV charger and it would be placed right in front of a handicap spot the majority of users would not be able to get to it. He stated there needed to be some thought about what that access means, how they operate, and how access works.

Ms. Gundlach indicated that was not their intent as discussing this. It was originally discussed as the five- or ten-percent requirement. Then the handicap discussion started and they wanted to make sure there was access for handicap persons.

Councilmember Schroeder thought the EV station would be handicap accessible but not marked as handicapped.

Councilmember Etten asked staff if there was any idea what the cost difference is between a level one and level two EV charging station.

Ms. Gundlach explained when staff had the discussion about EV stations there was only discussion about the overall cost, and she did not remember the specifics on the numbers used.

Mr. Miller explained when there was discussion about the level one and level two charging stations the level one is 110 volt and level two is 120 volt and he did not think there was a big difference in cost. The level three and the DC charging stations are substantially higher costs which is why in the recommendations it is level three or DC can be substituted but the cost is much different than level two.

Councilmember Strahan wondered if this was enough because in the State of California they are banning gas powered cars after 2035 and she did not see Minnesota heading in that direction right now. But even a small incremental step where one in a lot of fifty, is not going to be nearly enough. She was thinking ahead but thought they needed to round up. She also wondered what the City could require while potentially meeting the need.

Mr. Miller explained they did look at precedents and at eight cities in Minnesota. They did not see any that were higher even though Roseville could go higher. He did understand what Councilmember Strahan was saying and that this could go higher. He asked if there were any suggestions to be made.

Councilmember Groff thought this was a good start and that in the future, more may be needed. He liked the idea of having this available to rentals because right now, some people in rentals are not able to have an EV because there is no place to charge it.

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

Councilmember Etten asked if the two trees per two thousand square feet actually a reduction in the number of trees expected on a high-density property.

Ms. Gundlach thought it would be, but the individual characteristics of every site would need to be evaluated.

Mr. Miller continued with the presentation on Sustainable Building Zoning Incentives.

Regular City Council Meeting

Monday, January 30, 2023

Page 5

Councilmember Etten appreciated the approach to this and that it was going in the right direction. He thought there was a lot of good in what can come here. One of the things he was worrying about is that some of the pieces are more valuable to developers, noting the Council had specific detailed discussion on things such as building height, for example. Tonight there was discussion about impervious surface and these are all pushing out and impact a development that will impact people around them and green space so it is almost in direct contrast to environmental goals or some of the things the City has tried to do to preserve neighborhood situations. He wondered about how the pieces are looked at, how staff will weigh these things, and also how it will work with other parts of the development code.

Ms. Gundlach explained the simple answer is what does the City value as a community and how much incentive does the City want to offer in order to get sustainable development. She noted that right now, staff cannot require these things and there has been a lot of pressure and demand by certain groups within the community that the City should be doing more sustainable developments, and if the City cannot legally do it then it needs to be incentivized.

Mayor Roe wondered if this should be rolled out as a pilot program or available to everyone. He felt it was safer to do a pilot program rather than open it up to everyone because he has some concern about how this will work.

Councilmember Schroeder thought a pilot program would be best because she was also concerned there is so much to this. A pilot program would be easier to roll out because the City would want to monitor and measure each project to see if it is working or not.

Ms. Gundlach reviewed staff recommendations and indicated the recommendations will be implemented and brought back to the City Council in March for further discussion. She noted the incentives will be reviewed further and taken out of the Zoning Code update at this point to work on the possibility of a pilot program.

Mayor Roe thanked HKGi for the presentations.