

Date: March 20, 2023 Item No.: 7.d

Department Approval

City Manager Approval

Janue Gundraen Jun Frances

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 achive 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.
- March 6, 2023: The City Council discussed the proposed amendments, offering additional comments and revisions to City staff. Council requested consideration of the updated ordinances at the next available meeting. Staff was unable to include the minutes from this Council discussion as the minutes were not yet available at the time of drafting this report.

At the March 6, 2023 City Council meeting, Council asked questions and requested additional revisions. The issues discussed and a summary of how staff has addressed those issues is outlined below:

• 25% vs. 30% Impervious Surface

Council expressed concern about the impervious surface requirements decreasing to 25% from 30% and that this standard will apply past the current Shoreland Overlay of 300'. It's important to clarify two items: 1) the impervious surface requirement in the current Shoreland Overlay of 300' is 25%, with an ability to go up to 35% only with an approved Stormwater Permit, and 2) the 30% impervious surface limitation applies to the rest (those outside the Shoreland overlay) of the residential properties in Roseville. Because the DNR has statutory authority

over Shoreland ordinances, they must approve any deviations from their model ordinance, which contains the 25% limit and 1,000 overlay. City staff, through our consultant, requested a 30% limit within the 1,000' overlay given that is the City-wide standard for residential properties. This request would not be approved. In order to move to the current model ordinance, staff cannot pick and choose what model standards to adopt or not. Thus, if the Council wishes to move forward, the 25% limitation must be accepted. This change was directly communicated to the public, via a letter mailed to each resident, through Open House materials, and through the City's website content. Only one resident expressed concern in regards to this specific issue.

Using GIS data, staff examined impervious surface across parcels within both the 300' and 1,000' shoreland overlay. This data illustrates the following:

- o Within the current 300' overlay, 208 parcels already exceed 25% impervious surface.
- By going to the 1,000' overlay, an additional 417 parcels would exceed 25% impervious surface.
- Whether in the 300' or 1,000' overlay, approximately 2/3rd's of the parcels will remain in compliance and 1/3rd would become legal nonconforming.
- Of the 1/3rd that is legal nonconforming, 5% of those exceed 35%, meaning they are already over what the Stormwater Permit would allow.
- o Many of these 417 parcels are located along the periphery of the Shoreland Overlay or where only a portion of the parcel lies within the 1,000' overlay. Under these scenarios, only the portion of the property within the Shoreland Overlay would be subject to the 25% limitation. The portion outside would be allowed 30% impervious.

While 1/3rd of the parcels within the overlay would become legal nonconforming through adoption of the updated ordinance, in terms of impervious surface, they would be grandfathered-in. Grandfathering means the property owner would be able to maintain impervious surface at the current amount but not increase it. Depending on the specific characteristics of a project, the variance process can be used to exceed 25% (or whatever the grandfathered percentage is). If it can be demonstrated the additional impervious surface will not negatively impact the lake, it's likely the "practical difficulty" test can be met and a variance could be approved. Staff is confident the need for a variance under these scenarios would not be a regular occurance. Staff is also fairly confident the DNR would not object to these variance requests.

There was also some discussion about impervous surface vs. improvement area. Impervious surface only is referred to in the LDR and LMDR zoning districts, whereas improvement areas are referred to in all districts. All impervous surfaces are included in improvement areas. The existing improvement area standards outside LDR and LMDR zoning districts will remain unchanged even if those parcels are within the Shoreland Overlay.

- Defining what "open area" means as it relates to multi-family landscaping (specifically tree) requirements (lines 837-838)
 - Instead of defining "open area" staff redrafted the standard to say "Multi-family residential dwellings shall require 1 canopy and 1 evergreen tree per two thousand (2,000) square feet of site area not occupied by structures" given the definition of structure includes any buildings or

paved areas.

• Clarifying when EV charging requirements apply, and how, to improved and/or expanded parking areas (Table 1019-2 and lines 864-874)

Language was added to Table 1019-2 to clarify when and how the EVCS requirements apply to "expanded or improved" parking areas. It applies when existing parking areas are expanded or improved by 25%. Then, the amount of EVCS required is based on the same requirement for new parking areas, but calculated based only on the amount of improved or expanded spaces.

Scenario 1: a multi-family apartment building with 100 parking stalls is adding 25 parking stalls, triggering the following EVCS = 25 new stalls x 5% = 1.25 = 1 EVCS of Level 1 or greater

Scenario 2: a multi-family apartment building with 200 parking stalls is adding 75 parking stalls, triggering the following EVCS = 75 new stalls x 10% = 7.5 = 8 EVCS of Level 1 or greater

Scenario 3: a retail store with 200 parking stalls is adding 10 parking stalls, triggering zero EVCS because less than 25% of a parking stall expansion is proposed

Scenario 4: a retail store with 200 parking stalls is rebuilding 100 parking stalls, triggering $100 \times 5\% = 5$ EVCS of Level 2 or greater

Under all scenarios, except Scenario 3 where no EVCS is required, EVCS shall be made available to at least one accessible stall.

• Reword the language related to reducing EVCS charging requirements (lines 878-883)

The language provided matches what was discussed during the Council meeting.

• Rounding up (lines 858-860)

While not discussed during the meeting on March 6th, while running EVCS scenarios staff discovered a need to clarify how and when to round numbers to determine EVCS requirements. As such, if the EVCS regulations produce a number less than one, the calculation shall always round up to one. When the calculation produces a number greater than one, fractional result of at least one-half will be round up to the nearest number.

No revisions have been made to the ordinance amending Title 8 (Attachment B).

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

173 **POLICY OBJECTIVE**

- Ensure compliance and consistency between the City's 2040 Comprehensive Plan and the City's
- 175 Zoning Code.

176 **BUDGET IMPLICATIONS**

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

182 RACIAL EQUITY IMPACT SUMMARY

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

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186 STAFF RECOMMENDATION

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

189 REQUESTED COUNCIL ACTION

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

193 Prepared by: Janice Gundlach, Community Development Director

194 Jesse Freihammer, Public Works Director

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

B: Ordinance (amendments to Title 8)

198 C: Ordinance (summary publication)

D: Shoreland Overlay Map

ORDINANCE NO.

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

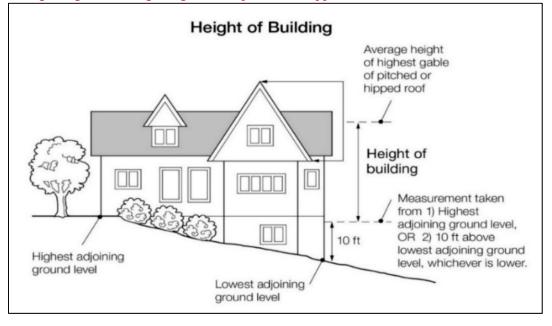
The City Council of the City of Roseville does ordain:

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.

9 ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION: electric vehicle charging station where
10 the battery charging station is located within accessible reach of a barrier-free access aisle and the electric
11 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.

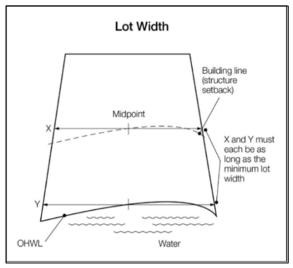
BUILDING HEIGHT: The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant cave. 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.



- 24 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.
- 28 2. Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
- 30 3. DC is considered fast or rapid charging. Voltage is greater than 240.
- 31 ELECTRIC <u>VEHICLE</u>: a vehicle that operates, either partially or exclusively, on electrical energy from
- 32 the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle"
- 33 includes:
- 34 <u>1. Battery electric vehicle</u>
- 35 <u>2. Plug-in hybrid electric vehicle</u>
- 36 ELECTRIC VEHICLE CHARGING STATION (EVCS): a public or private parking space that is served
- 37 by battery charging station equipment that has as its primary purpose the transfer of electric energy (by
- 38 conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- 39 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE: conduit/wiring, structures, machinery, and
- 40 equipment necessary and integral to support an electric vehicle, including battery charging stations and
- 41 <u>rapid charging stations.</u>
- 42 ELECTRIC VEHICLE PARKING SPACE: any marked parking space that identifies the use to be
- 43 <u>exclusively for the parking of an electric vehicle.</u>
- 44 <u>ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)</u>: any equipment or electrical component used in
- 45 <u>charging electric vehicles at a specific location. EVSE does not include equipment located on the electric</u>
- 46 <u>vehicles themselves.</u>
- 47 <u>ELECTRICAL CAPACITY shall mean, at minimum:</u>
- 48 <u>1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a</u>
 49 <u>208/240V outlet per charger;</u>
- 50 2. Conduit from an electric panel to future EVCS location(s).
- 51 LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth-
- 52 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

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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
- 92 City Code Title 8 under a companion ordinance.
- 93 §1004.09.C.2
- Within this improvement area limit, impervious surfaces shall be limited to 25% of the parcel area for
- 95 parcels within a Shoreland or Wetland Management Overlay District, or within the Stormwater
- 96 <u>Management or Wetland Protection Overlay Districts regulated in Title 8 of this Code</u>, to mitigate surface
- 97 water impacts caused by excess storm water runoff. This impervious surface limit may be exceeded,
- 98 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-
- 101 conditions.
- 102 §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
- 107 surfaces and building footprints shall be further limited to 25% of the parcel area.
- 108 §1004.10.C.2
- Within this improvement area limit, impervious surfaces shall be limited to 25% of the parcel area for
- 110 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.
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- 114 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-
- 116 conditions.
- 117 Chapter 1012 Overlay Districts
- 118 Section:
- 119 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

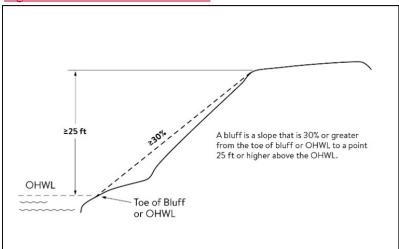
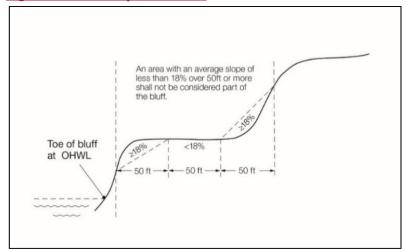


Figure 1012-2: Exception to Bluff



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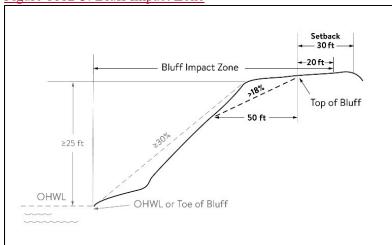
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BLUFF IMPACT ZONE: A bluff and land located within 30 feet of the top of a bluff. See Figure 1012-3.

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.

<u>COMMERCIAL USE</u>: 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.

<u>DWELLING SITE:</u> 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	<u>15a.</u>
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.

227 <u>SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water</u> 228 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

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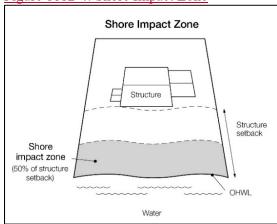
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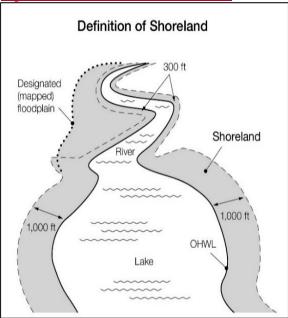
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SHORELAND: "Shoreland" means land located within the following distances from public waters:

- 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.

240	SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other property
241	that meets the criteria for eligibility to the National Register of Historic Places or is listed in the
242	State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the
243	provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is
244	presently listed on either register or if it is determined to meet the qualifications for listing after
245	review by the Minnesota state archaeologist or the director of the Minnesota Historical Society.
246	All unplatted cemeteries are automatically considered to be significant historic sites.
247	STEEP SLOPE: Lands having average slopes over 12 percent, as measured over horizontal
248	distances of 50 feet or more, which are not bluffs.
249	SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease, including planned unit
250	developments.
251	SUITABILITY ANALYSIS: An evaluation of land to determine if it is appropriate for the
252	proposed use. The analysis considers factors relevant to the proposed use and may include the
253	following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope
254	steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and
255	bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and
256	wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural
257	land.
258	VARIANCE: "Variance" means the same as that defined in Minnesota Statutes, Section 462.357
259	Subd. 6 (2).
260	WATER-DEPENDENT USE: The use of land for commercial, industrial, public or semi-public
261	purposes, where access to and use of a public water is an integral part of the normal conduct of
262	operation. Marinas, resorts, and restaurants with transient docking facilities are examples of
263	commercial uses typically found in shoreland areas.
264	WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, above ground
265	building or other improvement, except stairways, fences, docks, and retaining walls, which,
266	because of the relationship of its use to surface water, reasonably needs to be located closer to
267	public waters than the normal structure setback. Examples of such structures and facilities
268	include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish
269	houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures
270	given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented
271	accessory structures
272	WETLAND: "Wetland" has the meaning given under Minnesota Rule, part 8420.0111.
273 <u>C.</u>	Administration
274	1. Purpose: The purpose of this Section is to identify administrative provisions to ensure the
275	ordinance is administered consistent with its purpose.
276	2. Permits
277	a. A permit is required for the construction of buildings or building additions (including
278	construction of decks and signs) and those grading and filling activities not exempted by
279	Section 1012.03.H.3 of this ordinance.

280 281 282		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.
283 284 285 286	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.
287 288	<u>4.</u>	Variances: Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:
289		a. A variance may not circumvent the general purposes and intent of this ordinance; and
290 291 292		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:
293 294 295		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.
296 297		ii. A planting plan which is acceptable to City Staff shall be submitted that demonstrates how the restoration will occur.
298 299 300		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.
301 302	<u>5.</u>	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:
303 304		a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
305		b. The visibility of structures and other facilities as viewed from public waters is limited;
306		c. There is adequate water supply and on-site sewage treatment; and
307 308		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.
309	<u>6.</u>	Mitigation
310 311 312 313		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:
314		i. Advanced storm water runoff management treatment;
315		ii. Reducing impervious surfaces;
316		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.
322 323 324 325	b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.
326 <u>7.</u>	Nonconformities
327 328 329 330	a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statues, 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
331 332 333	b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1012.03.E to 1012.03.H of this ordinance. Any deviation from these requirements must be authorized by a variance.
334 <u>8.</u>	Notifications to the Department of Natural Resources
335 336 337 338 339	a. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Roseville will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
340 341 342 343 344	b. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
345 346 347 348 349 350 351	c. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
352 353 354 355	d. Any request to change the shoreland management classification of public waters within the City of Roseville must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.

356	e. Any request to reduce the boundaries of shorelands of public waters within City of Roseville			
357	must be sent to the commissioner or the commissioner's designated representative for			
358	approval and must include a resolution and supporting data The boundaries of shorelands may			
359	be reduced when the shoreland of water bodies with different classifications overlap. In these			
360	cases, the topographic divide between the water bodies shall be used for adjusting the			
361	boundaries.			
362	9. Mandatory EAW: An Environmental Assessment Worksheet consistent with Minnesota Rules,			
363	Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part			
364	4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.			
365	10. Planned Unit Development: A planned unit development (PUD) may be permitted within the			
366	Shoreland Overlay District as long as it follows the requirements of Chapter 1024 Planned Unit			
367	Developments and Section 1012.03.J below.			
368	D. Shoreland Classification System and Land Uses			
369	1. Shoreland Classification System			
370	a. Purpose. To ensure that shoreland development on the public waters of the City of Roseville			
371	is regulated consistent with the classifications assigned by the commissioner under Minnesota			
372	Rules, part 6120.3300.			
373	b. Lakes are classified as follows:			
374	i. State designated general development (GD) lakes:			
374	i. State designated general development (GD) taxes.			
	<u>Lake Name</u> <u>DNR Public Waters I.D. #</u>			
	<u>Little Johanna</u> 62005800 or 62-58P			
	<u>Lake Josephine</u> 62005700 or 62-57P			
	<u>Lake Owasso</u> <u>62005600 or 62-56P</u>			
	<u>McCarron Lake</u> 62005400 or 62-54P			
375	ii. State designated natural environment (NE) lakes:			
	Lake Name DNR Public Waters I.D. #			
	Bennett Lake 62004800 or 62-48W			
	<u>Langton Lake</u> 62004900 or 62-49W			
376	iii. City designated general development (GD) lakes:			
	Lake Name			

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

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.

379	E. Sp	ecial Land Use Provisions
380	<u>1.</u>	Commercial, Industrial, Public, and Semipublic Use Standards
381		a. Water-dependent uses may be located on parcels or lots with frontage on public waters
382		provided that:
383		i. The use complies with provisions of Section 1012.03.G;
384		ii. The use is designed to incorporate topographic and vegetative screening of parking areas
385		and structures;
386		iii. Uses that require short-term watercraft mooring for patrons must centralize these
387		facilities and design them to avoid obstructions of navigation and to be the minimum size
388		necessary to meet the need; and
389		iv. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided
390		that:
391		A. Signs placed in or on public waters must only convey directional information or
392		safety messages and may only be placed by a public authority or under a permit
393		issued by the county sheriff; and
394		B. Signs placed within the shore impact zone are:
395		a. No higher than ten feet above the ground, and no greater than 32 square feet in
396		size; and
397		b. If illuminated by artificial lights, the lights must be shielded or directed to
398		prevent illumination across public waters; and
399		C. Other lighting may be located within the shore impact zone or over public waters if it
400		is used to illuminate potential safety hazards and is shielded or otherwise directed to
401		prevent direct illumination across public waters. This does not preclude use of
402		navigational lights.
403	<u>2.</u>	Commercial, industrial, public, and semi-public uses that are not water-dependent must be located
404		on lots or parcels without public waters frontage, or, if located on lots or parcels with public
405		waters frontage, must either be set back double the ordinary high water level setback or be
406		substantially screened from view from the water by vegetation or topography, assuming summer,
407		<u>leaf-on conditions.</u>
408	F. Di	mensional and General Performance Standards
409	<u>1.</u>	Purpose: To establish dimensional and performance standards that protect shoreland resources
410		from impacts of development.
411	<u>2.</u>	Lot Area and Width Standards: After the effective date of this ordinance, all new lots must meet
412		the minimum lot area and lot width requirements in subsection d below, subject to the following
413		standards:
414		a. Only lands above the ordinary high water level can be used to meet lot area and width
415		standards;

416	b. Lot width standards mus	st be met at both	the ordinary high v	water level and at	the building line
417	c. Residential subdivisions of one-family housing (lot) types that have dwelling unit densities				
418	exceeding those in subsection d below are allowed only if designed and approved as				
419	residential PUDs under Section 1012.03.J of this ordinance; and				
420	d. Minimum Lot Area and	Width Standards	s for One-Family to	o Four-Family Ho	ousing (Lot
421	Type).				
422	i. Riparian Lot				
	Housing (Lot) Type	General Devel		Natural Enviro	
		Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
	One-Family (Single)	<u>15,000</u>	<u>85</u>	40,000	<u>125</u>
	Two-Family (Duplex)	<u>26,000</u>	<u>135</u>	<u>70,000</u>	<u>225</u>
	Three-Family (Triplex)	<u>38,000</u>	<u>195</u>	<u>100,000</u>	<u>325</u>
	Four-Family (Quad)	49,000	<u>255</u>	130,000	<u>425</u>
423	ii. Non-Riparian Lot. I	<u>Γhe lot area and l</u>	ot width shall mee	t the standards se	t forth in the
424	underlying zoning d				
425	3. Impervious Surface Coverage	ge: Lot developm	ent shall meet the	impervious surfa	ce requirements
426	of the underlying zoning dis	trict and the store	mwater manageme	nt requirements of	of Title 8 of this
427	Code.				
428	4. Special Residential Lot Prov	visions:			
429	a. Development of attached	d, courtyard cotta	age, and multifami	ly housing shall r	meet the
430	following standards:	·			
431	i. The lot area and lot	width shall meet	the standards of the	ne underlying zon	ning district.
432	ii. 70% of the shore im	npact zone must b	e permanently pro	tected. If that zon	ne does not meet
433	a riparian buffer star	ndards then resto	ration is required.		
434	iii. Shore recreation fac	<u>eilities:</u>			
435	A. Must be central	ized and located	in areas suitable fo	r them based on	a suitability
436	analysis.				
437	B. Docking, moori	-		* *	
438	centralized facil	lity for the develo	opment will only b	e allowed if the v	vidth of the
439	development is	greater than the	ninimum lot width	for a riparian sir	ngle-family
440	residential lot on the respective lake type. For each watercraft greater than six, the				
441	· · · · · · · · · · · · · · · · · · ·		e increased consis		
	Ratio of lake	size to	Required percent	<u>:</u>	
	shore length	(acres/mile)	increase in fronta	<u>ige</u>	
	Less than 100		<u>25%</u>		
	${100-200}$	•	20%		
	$\frac{200-200}{201-300}$		15%		
	$\frac{201-300}{301-400}$		10%		
	Greater than 4		5%		
1	Steater than	<u> </u>	= : - :		

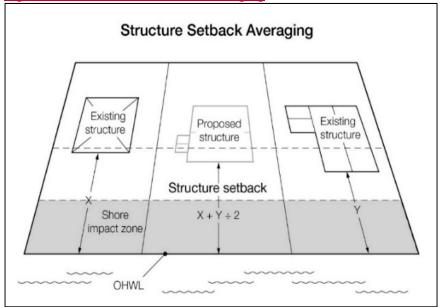
442	C. Launching ramp facilities, including a small dock for loading and unloading
443	equipment, may be provided for use by occupants of dwelling units.
444	D. A legal instrument must be developed that:
445	a. Specifies which tenants and/or lot owners have authority to use the facilities;
446	b. Identifies what activities are allowed. The activities may include watercraft
447	launching, loading, storage, beaching, mooring, docking, swimming, sunbathing,
448	or picnicking;
449	c. Limits the total number of vehicles allowed to be parked in any parking area
450	specifically dedicated to the centralized facilities and the total number of
451	watercraft allowed to be continuously moored, docked, or stored over water;
452	d. Requires centralization of all common facilities and activities in the most suitable
453	locations on the lot to minimize topographic and vegetation alterations; and
454	e. Requires all parking areas, storage buildings, and other facilities to be screened
455	by vegetation or topography as much as practical from view from the public
456	water, assuming summer, leaf-on conditions.
457	E. Accessory structures and facilities, except water oriented accessory structures, must
458	meet the required structure setback and must be centralized.
459	F. Water-oriented accessory structures and facilities may be allowed if they meet or
460	exceed design standards contained in Section 1012.03.G.3 of this ordinance and are
461	<u>centralized.</u>
462	b. Subdivisions of two-family (duplexes), three-family (triplexes), and four-family (quads) are
463	conditional uses on Natural Environment Lakes and must also meet the following standards:
464	i. Each building must be set back at least 200 feet from the ordinary high water level;
465	ii. Watercraft docking facilities for each lot must be centralized in one location and serve all
466	dwelling units in the building; and
467	iii. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad
468	developments.
469	c. An accessory dwelling unit may be allowed as long as the standards of Section 1011.12.B.1
470	and i and ii below are met:
471	i. The minimum lot size for a detached ADU must meet the two-family (duplex) standard
472	for the lake type.
473	ii. A detached ADU must be located or designed to reduce its visibility as viewed from
474	public waters and adjacent shorelands by vegetation, topography, increased setbacks or
475	color, assuming summer leaf- on conditions.
476	d. Controlled access lots are permissible if created as part of a subdivision and in compliance
477	with the following standards:

478		The lot must meet the area and width requirements for residential lots, and be suitable for			
479		the intended uses of controlled access lots as provided in subsection iv below;			
480		ii. If docking, mooring, or over-water storage of more than six (6) watercraft is to be			
481		allowed at a controlled access lot, then the width of the lot (keeping the same lot depth)			
482		must be increased by a percentage of the requirements for riparian residential lots for			
483		each watercraft beyond six, consistent with the following table:			
		Ratio of lake size to Required percent			
		shore length (acres/mile) increase in frontage			
		<u>Less than 100</u> <u>25%</u>			
		100 - 200 $20%$			
		201 - 300 $15%$			
		301 – 400 10%			
		Greater than 400 5%			
484		iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all			
485		purchasers of non-riparian lots in the subdivision who are provided riparian access rights			
486		on the access lot; and			
487		iv. Covenants or other equally effective legal instruments must be developed that:			
488		A. Specify which lot owners have authority to use the access lot;			
489		B. Identify what activities are allowed. The activities may include watercraft launching,			
490	loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;				
491		C. Limit the total number of vehicles allowed to be parked and the total number of			
492	watercraft allowed to be continuously moored, docked, or stored over water;				
493		D. Require centralization of all common facilities and activities in the most suitable			
494		locations on the lot to minimize topographic and vegetation alterations; and			
495		E. Require all parking areas, storage buildings, and other facilities to be screened by			
496		vegetation or topography as much as practical from view from the public water,			
497		assuming summer, leaf-on conditions.			
498	<u>5.</u>]	Placement, Height, and Design of Structures			
499	<u>;</u>	a. OHWL Setback for Structures. When more than one setback applies to a site, structures and			
500	facilities must be located to meet all setbacks, and comply with the following OHWL setback				
501		provisions.			
502		i. General Development Lake – 50 feet			
503		ii. Natural Environment Lake – 150 feet			
504		iii. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the			
505		Ordinary High Water Level (OHWL), except that one water-oriented accessory structure			
506		or facility, designed in accordance with Section 1012.03.G.3 of this ordinance, may be set			
507		back a minimum distance of ten (10) feet from the OHWL.			
508		iv. Setback averaging. Where structures exist on the adjoining lots on both sides of a			
500		proposed building site, structure setbacks may be altered without a variance to conform to			

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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



- 513 514
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- 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).

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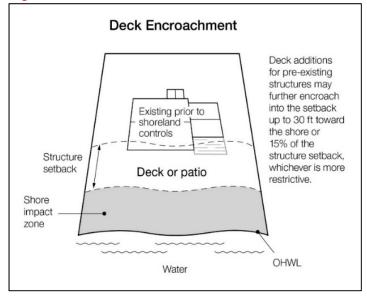
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Figure 1012-7: Deck Encroachment

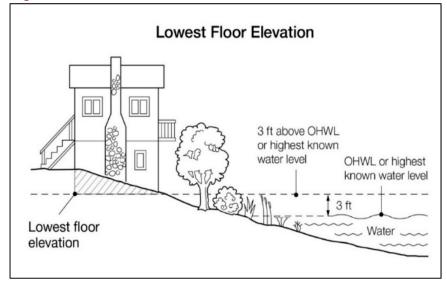


- vi. Additional structure setbacks: Structures must also meet the following setbacks, regardless of the waterbody classification.
 - A. 30 feet from the top of the bluff
 - B. 50 feet from an unplatted cemetery
- <u>vii.</u> Bluff Impact Zones: Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- b. Height of Structures: All structures must meet the height limitations of the underlying zoning district.

c. Lowest Floor Elevation

i. Determining elevations: Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined for lakes by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 1012-8).

Figure 1012.8: Lowest Floor Elevation



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ii. Methods for Placement

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ii. Methods for Placemen

- 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.
- Sewage treatment. Any premises used for human occupancy must be connected to a publiclyowned 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 <u>2.</u>	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	<u>1341.</u>
599 <u>3.</u>	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;

605 606		ne setback of the structure or facility from the ordinary high water level must be at least ten et;
607 608		ne structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, ection 103G.245;
609 610 611	ad	ne structure or facility must be treated to reduce visibility as viewed from public waters and ljacent shorelands by vegetation, topography, increased setbacks or color, assuming immer, leaf-on conditions;
612 613		ne roof may be used as an open-air deck with safety rails, but must not be enclosed with a of or sidewalls or used as a storage area;
614 615		ne structure or facility must not be designed or used for human habitation and must not ontain water supply or sewage treatment facilities;
616 617 618 619	or eq	s an alternative for general development and recreational development waterbodies, water- iented accessory structures used solely for storage of watercraft and boating-related juipment may occupy an area up to 400 square feet provided the maximum width of the ructure is 20 feet as measured parallel to the shoreline; and
620 621 622 623 624	ele int me	rater-oriented accessory structures may have the lowest floor placed lower than the evation specified in Section 1012.03.F.5.c.i if the structure is designed to accommodate ternal flooding, constructed of flood- resistant materials to the elevation, electrical and echanical equipment is placed above the elevation and, if long duration flooding is atticipated, the structure is built to withstand ice action and wind-driven waves and debris.
625 <u>H. Ve</u>	egetation	n and Land Alterations
626 <u>1.</u> 627 628	waters	se: Alterations of vegetation and topography are regulated to prevent erosion into public s, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank ing, sustain water quality, and protect fish and wildlife habitat.
629 <u>2.</u>	Vegeta	ation Management
630 631	a. Re	emoval or alteration of vegetation must comply with the provisions of this subsection except <u>r:</u>
632 633	<u>i.</u>	Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities; and
634 635	<u>ii.</u>	The construction of public roads and parking areas if consistent with Section 1012.03.G.1 of this ordinance.
636 637		tensive vegetation clearing in the shore and bluff impact zones and on steep slopes is ohibited.
638 639 640 641 642	ste ac wa	mited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on eep slopes is allowed to provide a view to the water from the principal dwelling and to commodate the placement of stairways and landings, picnic areas, access paths, beach and attercraft access areas, and permitted water-oriented accessory structures or facilities, ovided that:

643 644	<u>i.</u>	The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
645	<u>ii.</u>	Existing shading of water surfaces along rivers is preserved;
646	<u>iii</u>	. Cutting debris or slash shall be scattered and not mounded on the ground; and
647	iv	. Perennial ground cover is retained.
648	V.	Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas
649		are prohibited in bluff impact zones.
650 651		emoval of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is lowed without a permit.
652 653		ertilizer and pesticide runoff into surface waters must be minimized through use of egetation, topography or both.
654 <u>3</u>	. Gradi	ng and Filling
655 656 657	<u>th</u>	rading and filling activities must comply with the provisions of this subsection except for e construction of public roads and parking areas if consistent with Section 1012.03.G.1 of is ordinance.
658	<u>b.</u> Po	ermit Requirements
659 660 661 662	<u>i.</u>	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.
663 664	<u>ii.</u>	For all other work, including driveways not part of another permit, a grading and filling permit is required for:
665 666		A. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
667 668		B. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
669	c. G	rading, filling and excavation activities must meet the following standards:
670	<u>i.</u>	Grading or filling of any wetland must meet or exceed the wetland protection standards
671		under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by
672 673		other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
	::	
674 675	<u>11.</u>	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:
676		A. Limiting the amount and time of bare ground exposure;
677		B. Using temporary ground covers such as mulches or similar materials;
678		C. Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;

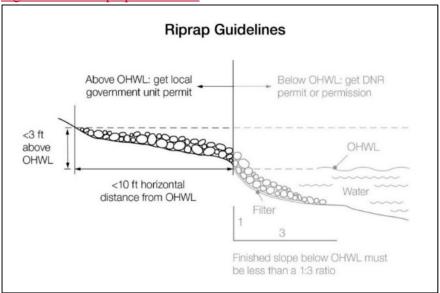
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- D. Using sediment traps, vegetated buffer strips or other appropriate techniques;
- E. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
- F. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- G. Fill or excavated material must not be placed in bluff impact zones;
- H. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
- I. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- J. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - a. the finished slope does not exceed three feet horizontal to one-foot vertical;
 - b. the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - c. 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.
- 712 3. Consistency with other controls: Subdivisions and each lot in a subdivision shall meet all official
 713 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.
- 724 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 longterm 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 oe or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

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

- 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.

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

- d. Step 4: Determine if the Site can Accommodate Increased Density:
 - i. The following increases to the dwelling unit or dwelling site base densities determined in Step 3 above are allowed if the design criteria in Section 1012.03.J.6 of this ordinance are satisfied as well as the standards in subsection ii below:

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	Shoreland Tier	Maximum density increase within each tier (percent)	
	1 st	50	
	2 nd	100	
	<u>3rd</u>	<u>200</u>	
	4 th	200	
	<u>5th</u>	<u>200</u>	
<u>ii.</u>	Structure setbacks	from the ordinary high water lev	<u>vel:</u>
	A. Are increased t	o at least 50 percent greater than	n the minimum setback; or
	B. The impact on	the waterbody is reduced an equ	uivalent amount through vegetative
	management, to	opography, or additional accepta	able means and the setback is at least
	25 percent grea	ter than the minimum setback.	
6. Design	Criteria: All PUDs	must meet the following design	criteria.
a. Gei	neral Design Standa	<u>rds</u>	
<u>i.</u>	All residential plan sites.	ned unit developments must cor	ntain at least five dwelling units or
<u>ii.</u>	ii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.		
<u>iii.</u>	Dwelling units or d		and located to meet the dimensional
iv.	Shore recreation fa	cilities:	
	A. Must be centra	lized and located in areas suitab	le for them based on a suitability

- sed on a suitability analysis.
- B. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier.
- C. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- v. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- vi. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- vii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.

788	b. Open Space Requirements: Open space must constitute at least 50 percent of the total project
789	area and must include:
790	i. Areas with physical characteristics unsuitable for development in their natural state;
791	ii. Areas containing significant historic sites or unplatted cemeteries;
792	iii. Portions of the shore impact zone preserved in its natural or existing state as follows:
793	A. For existing residential PUDs, at least 50 percent of the shore impact zone
794	B. For new residential PUDs, at least 70 percent of the shore impact zone.
795	iv. Open space may include:
796 797	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;
798	B. Non-public water wetlands.
799	v. Open space shall not include:
800	A. Dwelling sites;
801	B. Dwelling units or structures, except water oriented accessory structures or facilities;
802	C. Road rights-of-way or land covered by road surfaces and parking areas;
803	D. Land below the OHWL of public waters; and
804	E. Commercial facilities or uses.
805	c. Open Space Maintenance and Administration Requirements
806	i. Open space preservation: The appearance of open space areas, including topography,
807	vegetation, and allowable uses, must be preserved and maintained by use of deed
808 809	restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
810	A. Commercial uses (for residential PUDs);
811	B. Vegetation and topographic alterations other than routine maintenance;
812	C. Construction of additional buildings or storage of vehicles and other materials; and
813	D. Uncontrolled beaching of watercraft.
814	ii. Development organization and functioning: Unless an equally effective alternative
815	community framework is established, all residential planned unit developments must use
816	an owners association with the following features:
817	A. Membership must be mandatory for each dwelling unit or dwelling site owner and
818	any successive owner;
819	B. Each member must pay a pro rata share of the association's expenses, and unpaid
820	assessments can become liens on units or dwelling sites;
821	C. Assessments must be adjustable to accommodate changing conditions; and

822 823	D. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
824	d. Erosion Control and Stormwater Management
825 826 827 828	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.
829 830	ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.
831	Chapter 1017 Shoreland, Wetland and Storm Water Management [REPEALED]
832 833 834 835	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.
836 837 838	§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 site area not occupied by structures. §1011.03.A.4
840	c. All plant materials shall be selected based on zone tolerance in accordance with the USDA Plant
841	Hardiness Zone Map.
842 843	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.
844	Chapter 1019 Parking and Loading Areas
845 846	Section 1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements
847	1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements
848 849	1019.04 D. Electric Vehicle Charging Standards
850 851 852 853	 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.
854	2. Minimum Number of Required Electric Vehicle Charging Stations (EVCS)
855 856 857	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 result less than one shall be rounded up to one and, above that, fractional results of at least one half shall be rounded up to the nearest whole number.

Table 1019-2: Minimum Number of Required Electric Vehicle Charging Stations (EVCS)			
Number of spaces	EVCS by required parking spaces and charging levels (Level 1, Level 2, DC) for new parking areas	EVCS by required parking spaces and charging levels (Level 1, Level 2, DC) for expansion or improvement of existing parking areas	
29 or fewer	<u>Optional</u>	<u>Optional</u>	
30-49	Multiple-family residential (5 or more units): 5% of required parking spaces, of which at least one shall be accessible, as Level 1 or greater Non-residential land uses Two parking spaces, of which at least one shall be accessible, as Level 2 or greater	For parking areas that are expanded or improved (per Section 1019.03) by more than 25%, EVCS shall be provided at the minimum quantities required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.	
<u>50+</u>	Multiple-family residential (5 or more units): 10% of required parking spaces, of which at least one shall be accessible, as Level 1 or greater One guest parking space as Level 2 or greater Non-residential land uses 5% of required parking spaces, of which at least one shall be accessible, as Level 2 or greater	For parking areas that are expanded or improved (per Section 1019.03) by more than 25%, EVCS shall be provided at the minimum quantities required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.	

- a. Notwithstanding the requirements of subsections above, all new motor fuel sales (gas station)
 as defined in Section 1001.10 shall be required to install at least one EVCS as Level 2 or
 greater.
- b. 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. New Non-Residential and Multiple-Family Residential Land Uses (5 or more units per building): all new parking areas shall provide electric vehicle supply equipment (EVSE) with the electrical capacity necessary to accommodate the future hardwire installation of EVCS as Level 2 or greater for a minimum of 10% of required parking spaces.

870 871 872 873 874		ii. Existing Non-Residential and Multiple-Family Residential Land Uses (5 or more units per building): all existing parking areas that are expanded or improved (per Section 1019.03) by more than 25%, EVSE shall be provided according to the preceding standards required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.
875 876 877		c. These requirements may be revised upward or downward by the City Council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
878 879 880 881 882 883	3.	Reductions to EVSE and EVCS requirements. When the cost of meeting the requirements of this section would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Community Development Department may administratively approve a reduction to the requirements in order to limit the installation costs to not more than five percent of the total project cost.
884 885 886 887	4.	a. Level 1, Level 2, and DC EVCS are permitted in every zoning district, when accessory to the primary permitted use. Such EVCS located at residential uses shall be designated as private restricted use only.
888 889 890		b. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel sales use for zoning purposes. Installation shall be located in zoning districts which permit a motor fuel sales use.
891 892 893	<u>5.</u>	 General Requirements for One- to Four-Family Dwellings a. EVCS shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space. b. EVCS shall a garage with all relevant design exitations a certain of the home or garage adjacent to a parking space.
894 895 896	<u>6.</u>	 EVCS shall comply with all relevant design criteria as outlined in subsection 6.d below, unless specifically exempted. General Requirements for Multi-Family Dwellings (5 or more units per building) and Non-
897 898 899 900 901		a. Accessible Parking Spaces: An EVCS will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible parking space.
902 903 904 905 906		 b. EVCS – public use shall be subject to the following requirements: i. EVCS shall be located in a manner that will be easily seen by the public for informational and security purposes. ii. EVCS shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.

907		111. EVCS must be operational during the normal business hours of the use(s) that it serves.
908		EVCS may be de-energized or otherwise restricted after normal business hours of the
909		use(s) it serves.
910	<u>c.</u>	Lighting: Site lighting shall be provided where EVCS is installed, unless charging is for
911		daytime purposes only.
912	<u>d.</u>	EVCS Equipment Design Standards
913		i. Battery charging station outlets and connector devices shall be mounted to comply with
914		state code and must comply with all relevant Americans with Disabilities Act (ADA)
915		requirements. EVCS mounted on pedestals, lighting posts, bollards, or other devices shall
916		be designed and located as to not impede pedestrian travel or create trip hazards on
917		sidewalks.
918		ii. EVCS may be located adjacent to designated parking spaces in a garage or parking lot as
919		long as the devices do not encroach into the required dimensions of the parking space
920		(length, width, and height clearances).
921		iii. The design should be appropriate to the location and use. Facilities should be able to be
922		readily identified by electric vehicle users and blend into the surrounding
923		landscape/architecture for compatibility with the character and use of the site.
924		iv. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism
925		and to be safe for use in inclement weather.
926	<u>e.</u>	Usage Fees: Service fee may be collected for the use of EVCS.
927	<u>f.</u>	Maintenance: EVCS shall be maintained in all respects, including the functioning of the
928		equipment. A phone number or other contact information shall be provided on the equipment
929		for reporting problems with the equipment or access to it.
930	Se	ction 4. Effective Date. This ordinance amendment to the City Code shall take effect upon the
931		d publication of this ordinance.
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Passed this 20th day of March 2023.

1 ORDINANCE NO. ____ 2 AN ORDINANCE AMDENDING TITLE 8, PUBLIC WORKS, OF THE ROSEVILLE 3 CITY CODE TO UPDATE AND AMEND STORMWATER AND WETLAND 4 5 REGULATIONS 6 7 **Section 1. Stormwater Amended.** After City Council consideration the Roseville City Code, 8 9 Chapter 803 is hereby amended to add and update language to Stormwater Management Overlay 10 District. 11 **SECTION:** 12 13 803.01: Storm Water Stormwater 14 Drainage Utility 803.02: Connection to 15 Storm Sewers 16 803.03 Storm Water Stormwater Illicit Discharge and Connections 17 803.04 **Erosion and Sedimentation Control** 18 803.05 Stormwater Management Overlay District 19 803.04803.06 Stormwater Best Management Practice (BMP) 20 Maintenance 21 803.01 : STORM WATERSTORMWATER DRAINAGE UTILITY: 22 A. Establishment: The Municipal storm sewer system shall be operated as a public 23 utility pursuant to Minnesota Statute, section 444.075, from which revenues will 24 be derived subject to the provisions of this Section and Minnesota statutes. The 25 storm water stormwater drainage utility will be part of the Public Works 26 Department and under the administration of the Public Works Director. 27 B. Definition: "Residential equivalent factor, (REF)" - One REF is defined as the 28 ratio of the average volume of runoff generated by one acre of a given land use 29 to the average volume of runoff generated by one acre of typical single-family 30 31 residential land during a standard one year rainfall event. C. Fees: Storm water Stormwater drainage fees for parcels of land shall be 32 determined by multiplying the REF for a parcel's land use by the parcel's 33 acreage and then multiplying the REF for a parcel's land use by the parcel's 34 acreage and then multiplying the resulting product by the storm 35 waterstormwater drainage rate. The REF values for various land uses are as 36 follows¹: 37 For the purpose of calculating storm water drainage fees, all developed 38 one-family and duplex parcels shall be considered to have an acreage of one-third 39 (1/3) acre. The storm water stormwater drainage rate used to calculate the actual 40 charge per property shall be established by City Council Resolution. 41 D. Credits: The City Council may adopt policies recommended by the Public 42 Works Director, by resolution, for adjustment of the storm waterstormwater 43 drainage fee for parcels based upon hydrologic data to be supplied by property 44 owners, which data demonstrates a hydrologic response substantially different 45 from the standards. Such adjustments of storm waterstormwater drainage fees 46 shall not be made retroactively. 47 E. Exemptions: The following land uses are exempt from storm 48

waterstormwater drainage fees:

	NOA Attachment B
50	1. Public rights of way.
51	2. Vacant, unimproved land with ground cover.
52	F. Payment of Fee: Statements for storm water stormwater drainage fee shall be
53	computed every three months and invoiced by the Finance Officer for each
54	account on or about the fifth day of the month following the quarter. Such
55	statement shall be due on or before the last day of the month in which the
56	statement is mailed. Any prepayment or overpayment of charges shall be
57	retained by the City and applied against subsequent quarterly fees.
58	G. Recalculation of Fee: If a property owner or person responsible for paying the
59	storm water stormwater drainage fee questions the correctness of an invoice for
60	such charge, such person may have the determination of the charge recomputed
61	by written request to the Public Works Director made within twelve months of
62	mailing of the invoice in question by the City.
63	H. Penalty for Late Payment: Each quarterly billing for storm waterstormwater
64	drainage fees not paid when due shall incur a penalty charge of ten percent of
65	the amount past due.
66	I. Certification of Past Due Fees on Taxes: Any past due storm waterstormwater
67	drainage fees, in excess of 90 days past due, may be certified to the County
68	Auditor for collection with real estate taxes, pursuant to Minnesota Statute,
69	section 444.075, subdivision 3. In addition, the City shall also have the right to
70	bring a civil action or to take other legal remedies to collect unpaid fees. (Ord.
71	937, 1-9-84; amd. 1995 Code) (Ord. 1383, 6-08-2009)
72	803.02 : CONNECTION TO STORM SEWERS:
12	603.02. CONNECTION TO STORM SEWERS.
73	A. Permit Required: No person shall connect any drain to a storm sewer of the City
74	without first obtaining a permit to do so.
75	B. Granting of Permits: The Public Works Director shall grant permits only to
76	applicants who are licensed by the City.
77	C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall
78	be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
79	D. Additional Fees: Before any hook up permit shall be issued, the following
80	conditions shall be complied with:
81	1. No permit shall be issued to connect with any storm sewer system to the City
82	directly or indirectly from any lot or tract of land unless the Public Works
83	Director shall have certified:
84	a. That such lot or tract of land has been assessed for the cost of
85	construction or the storm sewer main or line with which the connection is
86	made, or
87	b. If no assessment has been levied for such construction cost, the
88	proceedings for levying such assessment have been or will be completed
89	in due course, or
90	c. If no assessment has been levied and no assessment proceedings will be
91	completed in due course, that a sum equal to the portion of cost of
92	constructing said storm sewer main which would be assessable against
93	said lot or tract has been paid to the City, or
94	2. If no such certificate can be issued by the Public Works Director no permit to
95	connect to any storm sewer main shall be issued unless the applicant shall
96	pay an additional connection fee which shall be equal to the portion of the
97	cost of construction of the said storm sewer main which would be assessable
98	against said lot or tract to be served by such connection. Said assessable cost
99	is to be determined by the Public Works Director upon the same basis as any
100	assessment previously levied against other property for the said main,

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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 WATERSTORMWATER 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 waterstormwater 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 waterstormwater 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 <u>storm waterstormwater</u> 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 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.
152	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 where it is likely to pollute waters of the state.
156	• •
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	conned, 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	waterstormwater 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 waterstormwater 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 waterstormwater 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.
190	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.
200	12. MPCA: The Minnesota Pollution Control Agency.
201	13. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system
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of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm

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205	drains) owned and operated by the City and designed or used for collecting
206	or conveying storm waterstormwater, and which is not used for collecting or
207	conveying sewage.
208	14. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
209	(NPDES): The national program for issuing, modifying, revoking, and
210	reissuing, terminating, monitoring, and enforcing permits, and imposing and
211	enforcing pretreatment requirements under sections 307, 318, 402, and 405
212	of the Clean Water Act, United States Code, title 33, sections 1317, 1328,
213	1342, and 1345.
214	15. PERSON: Any individual, firm, corporation, partnership, franchise,
215	association or governmental entity.
216	16. PERVIOUS SURFACE: Pervious areas permit water to enter the ground by
217	virtue of their porous nature or by large voids in the material. Commonly
218	pervious areas have vegetation growing on them.
219	17. POLLUTANT: Any substance which, when discharged has potential to or
220	does any of the following:
221	a. Interferes with state designated water uses;
222	b. Obstructs or causes damage to waters of the state;
223	c. Changes water color, odor, or usability as a drinking water source through
224	causes not attributable to natural stream processes affecting surface water
225	or subsurface processes affecting groundwater;
226	d. Adds an unnatural surface film on the water;
227	e. Adversely changes other chemical, biological, thermal, or physical
228	condition, in any surface water or stream channel;
229	f. Degrades the quality of groundwater; or
230	g. Harms human life, aquatic life, or terrestrial plant and wildlife; A
231	Pollutant includes but is not limited to dredged soil, solid waste,
232	incinerator residue, garbage, wastewater sludge, chemical waste,
233	biological materials, radioactive materials, rock, sand, dust, industrial
234	waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace
235	metal, automotive fluid, petroleum-based substance, wastewater, and
236	oxygen-demanding material.
237	18. POLLUTE: To discharge pollutants into waters of the state.
238	19. POLLUTION: The direct or indirect distribution of pollutants into waters of
239	the state.
240	20. PREMISES: Any building, lot, parcel of land, or portion of land whether
241	improved or unimproved including adjacent sidewalks and parking strips
242	21. SANITARY SEWER: a pipe, conduit, or sewer owned, operated, and
243	maintained by the City and which is designated by the Public Works
244	Director as one dedicated to the exclusive purpose of carrying sanitary
245	wastewater to the exclusion of other matter
246	22. STATE DESIGNATED WATER USES: Uses specified in state water
247	quality standards.
248	23. STORM DRAINAGE SYSTEM: Publicly-owned facilities by which storm
249	waterstormwater is collected and/or conveyed, including but not limited to
250	any roads with drainage systems, municipal streets, gutters, curbs, inlets,
251	piped storm drains, pumping facilities, retention and detention basins,
252	natural and human-made or altered drainage channels, reservoirs, and other
253	drainage structures.
254	24. STORM WATER STORMWATER: Any surface flow, runoff, or drainage
255	consisting entirely of water from any form of natural precipitation and
256	resulting from such precipitation.
257	25. SURFACE WATERS means all waters of the state other than ground waters,

258	which include ponds, lakes, rivers, streams, wetlands, ditches, , and public
259	drainage systems except those designed and used to collect, convey, or
260	dispose of sanitary sewage.
261	26. STORM WATER STORMWATER POLLUTION PREVENTION PLAN
262	(SWPPP): A document which describes the Best Management Practices
263	and activities to be implemented by a person or business to identify
264	sources of pollution or contamination at a site and the actions to eliminate
265	or reduce pollutant discharges to Storm water Stormwater, Storm
266	waterStormwater Conveyance Systems, and/or Receiving Waters to the
267	Maximum Extent Practicable.
268	27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also
269	includes watercraft, trailers and bicycles.
270	28. WATERCOURSE: A natural channel for water; also, a canal for the
270	conveyance of water, a running stream of water having a bed and banks; the
271	easement one may have in the flowing of such a stream in its accustomed
272	course. A water course may be dry sometimes.
	29. WATERS OF THE STATE: All streams, lakes, ponds, marshes,
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275	watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation
276	systems, drainage systems and all other bodies or accumulations of water,
277	surface or underground, natural or artificial, public or private, which are
278	contained within, flow through, or border upon the state or any portion
279	thereof.
280	30. WASTEWATER: Any water or other liquid, other than uncontaminated
281	storm waterstormwater, discharged from a facility or the by-product of
282	washing equipment or vehicles
283	C. Applicability: This ordinance shall apply to all water entering the storm drain
284	system generated on any developed and undeveloped lands unless explicitly
285	exempted by the City Council.
286	D. Administration: The Public Works Director is the principal City official
287	responsible for the administration, implementation, and enforcement of the
288	provisions of this ordinance. The Director may delegate any or all of the duties
289	hereunder
290	E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer
291	system or any surface water unless such discharge:
292	1. Consists of non-storm waterstormwater that is authorized by an NPDES
293	point source permit obtained from the MPCA;
294	2. Is associated with fire fighting activities or other activities necessary to
295	protect public health and safety;
296	3. Is one of the following exempt discharges: water line flushing or other
297	potable water sources, landscape irrigation or lawn watering, diverted stream
298	flows, rising groundwater, groundwater infiltration to storm drains,
299	uncontaminated pumped groundwater, foundation or footing drains (not
300	including active groundwater dewatering systems), crawl space pumps, air
301	conditioning condensation, springs, non-commercial washing of vehicles,
302	natural riparian habitat or wetland flows, dechlorinated swimming pools and
303	any other water source not containing pollutants;
304	4. Consists of dye testing discharge, as long as the Public Works Director is
305	provided a verbal notification prior to the time of the test.
306	F. Illegal Disposal and Dumping
307	1. No person shall throw, deposit, place, leave, maintain, or keep any substance
308	upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other
309	drainage structure, business place, or upon any public or private land, so that
507	the same might be or become a pollutant unless the substance is in

311	containers, recycling bags, or any other lawfully established waste disposal
312	device.
313	2. No person shall intentionally dispose of grass, leaves, dirt, or landscape
314	material into a water resource, buffer, street, road, alley, catch basin, culvert,
315	curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal,
316	storm drain or any fabricated natural conveyance.
317	G. Illicit Discharges and Connections
318	1. No person shall use any illicit connection to intentionally convey non-storm
319	waterstormwater to the City's storm sewer system.
320	2. The construction, use, maintenance or continued existence of illicit
321	connections to the storm sewer system is prohibited. This prohibition
322	expressly includes, without limitation, illicit connections made in the past
323	regardless of whether the connection was permissible under law or practices
324	applicable or prevailing at the time of connection.
325	3. A person is considered to be in violation of this ordinance if the person
326	connects a line conveying wastewater to the storm sewer system, or allows
327	such a connection to continue.
328	H. General Provisions: All owners or occupants of property shall comply with the
329	following general requirements:
330	1. No person shall leave, store, deposit, discharge, dump, or otherwise expose
331	any chemical or septic waste in an area where discharge to streets or storm
332	sewer system may occur. This section shall apply to both actual and potential
333	discharges.
334	a. Private sanitary sewer connections and appurtenances shall be maintained
335	to prevent failure, which has the potential to pollute surface water.
336	b. Recreational vehicle sewage shall be disposed to a proper sanitary waste
337	facility. Waste shall not be discharged in an area where drainage to streets
338	or storm sewer systems may occur.
339	c. For pools, the pool's water should be tested before draining to ensure that
340	PH levels are neutral and chlorine levels are not detectable. Pool water
341	should be discharged over a vegetated area before draining into the storm
342	sewer system. Unsealed receptacles containing chemicals or other
343	hazardous materials shall not be stored in areas susceptible to runoff.
344	2. The washing down of commercial equipment and vehicles shall be conducted
345	in a manner so as to not directly discharge wastewater where drainage to
346	streets or storm sewer system may occur.
347	3. Removal of pollutants such as grass, leaves, dirt and landscape material from
348	impervious surfaces shall be completed to the maximum extent practicable
349	using mechanical cleaning techniques.
350	4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc)
351	shall dispose of wastewater to the sanitary sewer. Wastewater shall not be
352	discharged where drainage to streets or storm sewer system may occur.
353	5. Storage of materials, machinery and equipment shall comply with the
354	following requirements:
355	a. Objects, such as equipment or vehicle parts containing grease, oil or other
356	hazardous substances, and unsealed receptacles containing chemicals or
357	other hazardous materials shall not be stored in areas susceptible to
358	runoff.
359	b. Any machinery or equipment that is to be repaired or maintained in areas
360	susceptible to runoff shall be placed in a confined area to contain leaks,
361	spills, or discharges.
	6. Debris and residue shall be removed as follows:
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363	a. All vehicle parking lots and private streets shall be swept at least once a

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- 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.
- Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES <u>storm waterstormwater</u> 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 <u>storm waterstormwater</u> 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 waterstormwater 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 waterstormwater is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
 - 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

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417	any person has information of release of materials which result or may result in
418	illegal discharges of pollutants into the storm sewer system, or water of the state,
419	said person shall take all necessary steps to ensure the discovery, containment,
420	and cleanup of such release according to state and federal laws.
421	M. Suspension of Storm Sewer System Access
422	1. Suspension due to illicit discharges in emergency situation: The City may,
423	without prior notice, suspend MS4 discharge access to a person when such
424	suspension is necessary to stop an actual or threatened discharge that presents
425	or may present imminent and substantial danger to the environment, to the
426	heath or welfare of persons, to the storm sewer or waters of the state. If the
427	violator fails to comply with a suspension order issued in an emergency, the
428	city may take such steps as deemed necessary to prevent or minimize damage
429	to the storm sewer system or the waters of the state, or to minimize danger to
430	persons.
431	2. Suspension due to the detection of illicit discharge: All persons discharging
432	to the MS4 in violation of this ordinance may have their access terminated if
433	such termination serves to abate or reduce an illicit discharge. It is a violation
434	of this ordinance to reinstate access to premises that have been terminated
435	pursuant to this section without the prior approval of the City.
436	N. Enforcement
437	1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When
438	it has been determined that a person has violated a prohibition or failed to
439	meet a requirement of this Ordinance, the Public Works Director may order
440	compliance by written notice of violation to the person(s) responsible for the
441	violation. Such notice may require without limitation:
442	a. The performance of monitoring, analysis, and reporting;
443	b. The elimination of illicit connections or discharges;
444	c. That violating discharges, practices, or operations shall cease and desist;
445	d. The abatement or remediation of storm waterstormwater pollution or
446	contamination hazards and the restoration of any affected property;
447	e. Payment of a fine to cover administrative and remediation costs;
448	f. The implementation of source control or treatment BMPs;
449	g. The development of a corrective action plan to prevent repeat discharges;
450	and/ or
451	h. Any other requirement deemed necessary.
452	If abatement of a violation and/or restoration of affected property is required, the notice shall
453	set forth a deadline within which such remediation or restoration must be completed. Said
454	notice shall further advise that, should the violator fail to remediate or restore within the
455 456	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.
457	2. Appeal of Notice of Violation: Any person receiving a Notice of Violation
458	may appeal the determination of the Public Works Director. The notice of
459	appeal must be received within 7 days from the date of the Notice of
460	Violation. Hearing on the appeal before the City Manager or his/her designee
461	shall take place within 15 days from the date of receipt of the notice of
462	appeal. The decision of the City Manager or his/ her designee shall be final.
463	3. Enforcement Measures after Appeal: If the violation has not been corrected
464	pursuant to the requirements set forth in the Notice of Violation, or, in the
465	event of an appeal, within 7 days of the decision of the City Manager
466	upholding the decision of the Public Works Director, then city representatives
467	shall have the right to enter upon the subject private property and are
468	authorized to take any and all measures necessary to abate the violation
469	and/or restore the property. It shall be unlawful for any person, owner, agent
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470 or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above. 471 4. Cost of Abatement of the Violation: Within 15 days after abatement of the 472 violation, the person(s) responsible for the violation will be notified of the 473 474 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 7 475 days. If the amount due is not paid within a timely manner as determined by 476 the decision of the City Manager or by the expiration of the time in which to 477 file an appeal, the amount due shall constitute a lien upon, and the City shall 478 479 have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101. 480 5. Injunctive Relief: It shall be unlawful for any person to violate any provision 481 or fail to comply with any of the requirements of this Ordinance. If a person 482 has violated or continues to violate the provisions of this ordinance, the City 483 may petition for a preliminary or permanent injunction restraining the person 484 from activities which would create further violations or compelling the 485 person to perform abatement or remediation of the violation. 486 6. Compensatory Action: In lieu of enforcement proceedings, penalties, and 487 remedies authorized by this Ordinance, the City may impose upon a violator 488 alternative compensatory action such as storm drain stenciling, attendance at 489 compliance workshops, creek cleanup, etc. 490 7. Violations Deemed a Public Nuisance: In addition to the enforcement 491 processes and penalties provided, any condition caused or permitted to exist 492 in violation of any of the provisions of this Ordinance is a threat to public 493 health, safety, and welfare, and is declared and deemed a nuisance, and may 494 be summarily abated or restored at the violator's expense, and/or a civil action 495 to abate, enjoin, or otherwise compel the cessation of such nuisance may be 496 taken. 497 498 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, 499 staff expenses, clean-up costs, and any other expenses associated with 500 enforcement of this ordinance including, but not limited to, sampling and 501 monitoring expenses. 502 10. Remedies Not Exclusive: The remedies listed in this ordinance are not 503 exclusive of any other remedies available under any applicable federal, state 504 or local law and it is within the discretion of the City to seek cumulative 505 506 remedies. (Ord. 1388, 2-22-2010) 507 803.04 : GRADING, EROSION AND SEDIMENTATION 508 **CONTROL:** 509 A. Purpose: The purpose of this article is to regulate grading and to control or 510 eliminate soil erosion and sedimentation resulting from construction activity 511 within the City. This Section establishes standards and specifications for 512 grading practices which protects drainage, conservation practices and planning 513 activities which minimize soil erosion and sedimentation. (Ord. 1550, 6-4-2018) 514

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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)

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521 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 522 context clearly indicates a different meaning: 523 Best Management Practice (BMP): Erosion and sediment control and water 524 quality management practices that are the most effective and practicable 525 means of controlling, preventing, and minimizing the degradation of 526 surface water, including construction-phasing, minimizing the length of 527 time soil areas are exposed, prohibitions, and other management practices 528 published by state or designated area-wide planning agencies. 529 2. Certificate of Completion: the certificate issued after the final inspection of 530 the site has been completed, temporary erosion control has been removed 531 and the site has been fully restored. 532 3. City of Roseville Erosion Control Specifications: practices described in, but 533 not limited to, the following manuals: 534 a. Minnesota Stormwater Manual 535 b. Minnesota DOT Erosion Control Manual 536 c. Minnesota Pollution Control Agency's "Protecting Water Quality 537 in Urban Areas" handbook (Ord. 1550, 6-4-2018) 538 Erosion: any process that wears away the surface of the land by the action 4. 539 of water, wind, ice, or gravity. Erosion can be accelerated by the activities 540 of man and nature. 541 5. Erosion and sediment control plan: a document containing the requirements 542 of Section 803.04 D that, when implemented, will prevent or minimize soil 543 erosion on a parcel of land and off-site sediment damages. 544 Erosion and sediment control practice specifications and erosion and 6. 545 sediment control practices: the management procedures, techniques, and 546 methods to control soil erosion and sedimentation as officially adopted by 547 the City. 548 549 Land disturbance activity: Any activity, including clearing, grading, excavating, transporting and filling of land, greater than 5,000 square feet, 550 and/or placement or grading of 50 cubic yards of earthen materials on a 551 parcel of land located directly adjacent within 300 feet of to a water 552 resource. or located within the shoreland overlay district [JF1] [RJ2] [RJ3]. Land 553 disturbance activity does not mean the following: 554 a. Minor land disturbance activities such as home gardens and an 555 individual's home landscaping, repairs, and maintenance work 556 disturbing less than 500 square feet. 557 b. Tilling, planting, or harvesting or agricultural, horticultural, or 558 silvicultural crops disturbing less than 500 square feet. 559 c. Installation of fence, sign, telephone, and electric poles and other 560 kinds of posts or poles. 561 d. Emergency work to protect life, limb, or property and emergency 562 repairs. However, if the land disturbance activity would have 563 required an approved erosion and sediment control plan except for 564 the emergency, the land area disturbed shall be shaped and stabilized 565 in accordance with the requirement of the local plan-approving 566 authority or the city when applicable. (Ord. 1550, 6-4-2018) 567 Permittee: a person, entity, state agency, corporation, partnership, or 8. 568 political subdivision thereof engaged in a land disturbance activity. 569 Sediment: solid mineral or organic material that, in suspension, is being 9. 570 transported or has been moved from its original site by air, water, gravity, 571 or ice, and has been deposited at another location. 572 10. Sedimentation: the process or action of depositing sediment that is 573

	RCA Attachment B		
574	determined to have been caused by erosion.		
575	11. Water Resource: any stream, channel, wetland, storm pond, or lake within		
576	the City. (Ord. 1550, 6-4-2018)		
577	D. Grading, Erosion and Sediment Control Plan:		
578	1. Required: Every Permittee for a building permit, a subdivision approval, or		
579	a permit to allow land disturbance activities must submit a grading, erosion		
580	and sediment control plan to the City Engineer. No building permit,		
581	subdivision approval, or permit to allow land disturbance activities shall be		
582	issued and no earth disturbing activity shall commence until approval of the		
583	grading, erosion and sediment control plan by the City.		
584	Projects coordinated by Ramsey County or Mn/DOT do not require a permit;		
585	however, the City must be notified of the project and be provided a copy of		
586	the grading, erosion and sediment control plan, as well as an estimated		
587	schedule for commencement and completion. The City will notify the		
588	designated contact if the grading plan is not being followed, if erosion		
589	control measures should fail, or if erosion control measures require		
590	maintenance with the expectation that the deficiencies will be corrected.		
591	If no permit has been obtained, a stop work order shall be issued on the		
592	construction and a fine shall be issued in an amount equal to twice the		
593	required permit fee. A completed grading, erosion and sediment control plan		
594	and permit application shall be submitted before construction will be		
595	allowed to resume.		
596	Obtaining a permit does not exempt the permittee from obtaining permits		
597	required by other government regulatory agencies. (Ord. 1550, 6-4-2018)		
598	2. Criteria addressed: The grading, erosion and sediment control plan shall		
599	address the following criteria:		
600	a. Account for existing drainage patterns		
601	b. Control the storm waterstormwater leaving the sitec. Conform to the natural limitations presented by topography and soil		
602 603	so as to create the least potential for soil erosion.		
604	d. Stabilize all exposed soils and soil stockpiles		
605	e. Establish permanent vegetation		
606	f. Prevent sediment damage to adjacent properties and other designated		
607	areas		
608	g. Schedule of erosion and sediment control practices		
609	h. Criteria for the use of temporary sedimentation basins		
610	i. Stabilization of steep slopes		
611	j. Stabilize all waterways and outlets		
612	k. Protect storm sewers from the entrance of sediment, debris and trash		
613	1. Control waste, such as discarded building materials, concrete truck		
614	washout, chemicals, litter, sanitary waste, etc. that may adversely		
615	impact water quality		
616	m. When working in or crossing water resources, take precautions to		
617	contain sediment.		
618	n. Restabilize utility construction areas as soon as possible		
619	o. Protect paved roads from sediment and mud brought in from access		
620	routes		
621	p. Dispose of temporary erosion and sediment control measures		
622	q. Maintain all temporary and permanent erosion and sediment		
623	control practices		
624	r. Removal of sediment from streets at the end of each day		
625	s. Dewatering methods and outletting of stormwater		
626	t. Site inspection plan & record of rainfall amounts		

627	Final stabilization (Ord. 1550, 6.4.2019)
627 628	u. Final stabilization (Ord. 1550, 6-4-2018)3. Contents of Plan: The grading, erosion and sediment control plan shall
629	include the following:
630	a. Contact information for the Permittee
631	b. Project description: the nature and purpose of the land disturbance
632	activity and the amount of grading involved, including the amount of
633	material removed and imported to the site
634	c. Phasing of construction: the nature and purpose of the land
635	disturbance activity and the amount of grading, utilities, and building
636	construction
637	d. Existing and proposed site conditions: existing and proposed
638	topography, vegetation, and drainage e. Adjacent areas, neighboring streams, lakes, wetlands, residential
639 640	e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance
641	activity
642	f. Soils: soil names, mapping units, erodibility
643	g. Critical erosion and Environmentally Sensitive areas: areas on the
644	site that have potential for serious erosion problems and local water
645	resources.
646	h. Erosion and sediment control measures: methods to be used to
647	control erosion and sedimentation on the site, both during and after
648	the construction process
649	i. Temporary and Permanent stabilization: how the site will be
650	stabilized during and after construction is completed, including
651	specifications
652	j. Storm waterStormwater management: how storm runoff will
653	be managed, including methods to be used if the development
654	will result in increased peak rates or volume of runoff
655	k. Maintenance: schedule of regular inspections and repair of erosion
656	and sediment control structures
657	1. Calculations: any that were made for the design of such items as
658	sediment basins, diversions, waterways, and other applicable practices
659	(Ord. 1510 09-26-16) (Ord. 1550, 6-4-2018)
660	E. Plan Review:
661	1. General: The City appoints the City Engineer to review the grading, erosion
662	and sediment control plan to ensure compliance with the City of Roseville
663	Design Standards and Grading, Erosion and Sediment Control Standards.
664	2. Permit required: If the City determines that the grading, erosion and
665	sediment control plan meets the requirements of this article, the City shall
666	issue a permit, valid for a specified period of time that authorizes the land
667	disturbance activity contingent on the implementation and completion of the
668	grading, erosion and sediment control plan.
669	3. Denial: If the City determines that the grading, erosion and sediment control
670	plan does not meet the requirements of this article, the City shall not issue a
671	permit for the land disturbance activity. The grading, erosion and sediment
672	control plan must be resubmitted for approval before the land disturbance
673	activity begins. No land use and building permits may be issued until the
674	Permittee has an approved grading, erosion and sediment control plan.
675	4. Permit suspension: If the City determines that the approved plan is not
676	being implemented according to the schedule or the control measures are not
677	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 waterstormwater 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:

- 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 Permitee 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

1		•	mulative remedies. (Ord. 1416, 9-26-2011)	
2		(Ord. 1550, 6-4-2018)		
3				
4	803.0	5 : Stormwater Management C	Overlay District	
5		A. Establishment. The Stormwater Management Overlay District shall		
6			n one hundred (100) feet of the normal water	
7			ater ponds or wetlands managed for	
8			ality management purposes, or all land below	
9				
10		the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.		
11			ond" – A manmade pond capable of holding	
12		-	ently, the purpose of which is to collect	
		· · · · · · · · · · · · · · · · · · ·	*	
13			ent prior to releasing water into wetlands and	
14		natural water bodies.	' .1 G	
15			in the Stormwater Management Overlay	
16		District shall met the follow	ing setbacks:	
17			TROM (TROP) (POLYT	
	Towns of Water	STRUCTURE SETBACKS	<u> </u>	
	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	
			as defined by the 1% probability storm, or as	
	approved by the C	- 1	of as defined by the 170 probability storm, of as	
	approved by the C	ity Engineer.		
	2. A 10 foot setbac	k from road or parking surfaces may	include a combination of land within rights of	
	way and adjacent t	to the right of way, as well as curb ar	d gutter controlling runoff and sediment to a	
	storm pond. Pedes	trian trails shall be exempt from setb	ack requirements.	
4.0				
18		D. C 1 C 1 1		
19		D. General Standards:	consequently with a material	
20			geways: When possible, existing natural stated soil surfaces shall be used to convey, store,	
21 22			vater runoff before discharge to public waters.	
23			Development shall be planned and conducted in	
23 24			mize the extent of disturbed areas, runoff	
25			ntial, and reduce and delay runoff volumes.	
26			e stabilized and protected as soon as possible and	
27			ed to retain sediment on the site.	
28			When development density, topographic features,	
29			conditions are not sufficient to adequately handle	
30			g natural features and vegetation, various types of	
31			ch as diversions, settling basins, skimming	
32			ys, and ponds may be used. Preference shall be	
33		· · · · · · · · · · · · · · · · · · ·	urface drainage, vegetation, and infiltration	
34			and manmade materials and facilities.	
35		E. Specific Standards:	WAS AWAAAAAA	
36		*	overage: Impervious surface coverage of a site	
37			of the site area in a shoreland or wetland	
38			less stormwater is conveyed to an approved, on-	

39	site or regional stormwater ponding/retention facility designed to
40	accommodate the increased runoff prior to discharge from the site into
41	public waters or wetlands.
42	2. Review by City Engineer: All proposed stormwater facilities shall be
43	reviewed by the Ceity Eengineer and certified for compliance with the
44	city's comprehensive surface water management plan, National Urban
45	Runoff Program (NURP) standards, the Minnesota Pollution Control
46	Agency's (MPCA) Urban Best Management Practices, and any
47	established standards of the water management organization having
48	jurisdiction in the project area.
49	3. Commercial, Industrial, and Residential Development Affectation: All
50	commercial and industrial developments and redevelopments affecting
51	more than five acres of land and all residential developments affecting
52	more than five 5 acres of land shall:
53	i. Be served by stormwater ponding facilities, on- or off site,
54	designed to remove a minimum of 90% of total suspended
55	solids resulting from the runoff from a one inch rainfall event,
56	and
57	ii. Within the development, provide for settling chambers, sumps,
58	dry ponds or other devices to provide for the filtering or settling
59	of fine sands prior to discharge into the city's stormwater
60	system. RJ7 RJ8
61	F. Private Stormwater Facilities: All private stormwater facilities shall be
62	maintained in proper condition consistent with the performance standards for
63	which they were originally designed. All settled materials from ponds, sumps,
64	grit chambers, and other devices, including settled solids, shall be removed and
65	properly disposed of on a five year interval. One to five year waivers from this
66	requirement may be granted by the eCity Eengineer when the owner presents
67	evidence that the facility has additional capacity to remove settled solids in
68	accordance with the original design capacity.
69	G. Inventory of Private Stormwater Facilities: Upon adoption of this chapter, the
70	Ceity Eengineer shall inventory and maintain a database for all private
71	stormwater facilities requiring maintenance to assure compliance with this
72	section.
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75	803.05 803.06: STORMWATER BEST MANAGEMENT
76	PRACTICE (BMP) MAINTENANCE:
77	A. Maintenance of Stormwater BMPs. The City requires that stormwater BMPs
78	be maintained.
79	1. Private Stormwater BMPs - All private stormwater BMPs shall be
80	maintained by the property owner so that the BMPs are in proper condition
81	consistent with the performance standards for which they were originally
82	designed.

that settle pollutants

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a. Ponds, Stormwater Wetlands, Underground Storage, and other BMPs

i. Removal of settled materials - All settled materials from ponds, and

other BMPs, including settled solids, shall be removed and properly

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- 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)
 - 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.

administrative penalties and abatement processes under Chapter 407 and/or 135 906 of the City Code. (Ord. 1550, 6-4-2018) 136 137 Section 2. Wetland Amended. After City Council consideration the Roseville City Code. 138 Chapter 804 is hereby created to add and update Wetland Protection Overlay District rules. 139 140 141 CHAPTER 804 WETLANDS 142 143 144 **SECTION:** 145 Wetland Protection Overlay District 146 804.01 147 804.01: WETLAND PROTECTION OVERLAY DISTRICT 148 149 A. **Purpose.** These regulations are intended to protect the City's wetlands, which are defined as 150 land transitional between terrestrial and aquatic systems as defined in 151 Minnesota Statutes Section 103G.005, Subdivision 19. 152 153 B. Applicability. All upland within one hundred (100) feet of the wetland boundary of wetlands 154 and those public waters not specifically listed as shoreland shall be considered within the 155 Wetland Protection Overlay District RJ91 and those identified within the city's Comprehensive 156 Surface Water Management Plan. 157 158 159 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 160 may be included in any wetland area to meet the minimum lot area dimension. 161 162 STRUCTURE SETBACKS FROM WETLAND Structure Setback from Water Roads, Driveway, Parking and Other Type of Water Body Body Impervious Surface or Setback 50 Ft. 1, 2 30 Ft. ² 1. Setback is measured from the approved delineated wetland boundary. 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. 163 D. **Stormwater treatment.** All stormwater must be treated to the water quality standard outlined 164 in the City's Comprehensive Surface Water Management Plan and Stormwater Management 165 Standards before discharged to a wetland. 166 167 E. Wetland Buffers. Wetland buffers shall be required for all developments adjacent to a 168

Failure to properly maintain the BMP after notification could result in

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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:

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Wetland Buffer Widths	
Average Buffer Width	<u>25 feet</u>
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.

<u>f.</u> Compacted soils in the buffer area shall be loosened to a depth of at least 5" prior to seeding.

213	g. No fertilizer shall be used in establishing new buffer areas, except on highly
214	disturbed sites when necessary to establish acceptable buffer vegetation and then
215	limited to amounts indicated by an accredited soil testing laboratory.
216	h. All seeded areas shall be mulched or blanketed immediately in a method approved
217	by the City.
218	i. Buffer areas (both natural and created) shall be protected by erosion and sediment
219	control measures during construction in accordance with Section 803.04 Erosion
220	and Sediment Control. The erosion and sediment control measures shall remain in
221	place until the vegetation is established.
222	j. Buffer vegetation shall be actively managed throughout the three-year
223	establishment period. This includes but is not limited to: mowing, overseeding,
224	spot weed control, prescribed burning, and watering.
225	k. Buffer vegetation shall be established and maintained in accordance with the
226	requirements above. During the first three full growing seasons, the applicant or
227	developer must replant any buffer vegetation that does not survive. The applicant
228	or developer shall specify a method acceptable to the City for monitoring
229	compliance and verifying establishment of the buffer at the end of the third full
230	growing season.
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233	Section 3. Effective Date. This ordinance amendment to the City Code shall take effect upon
234	passage and publication of this ordinance.
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236	Passed this 6 th day of March 2023

1	ORDINANCE SUMMARY NO
2	ORDINANCES AMENDING TITLE 8, PUBLIC WORKS, AND TITLE 10, ZONING, OF THE ROSEVILLE CITY CODE
4 5	The following is the official summary of Ordinance No approved by the City Council of Roseville on March 20, 2023:
6 7 8 9 10 11	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.
13 14	The following is the official summary of Ordinance No approved by the City Council of Roseville on March 6, 2023:
15 16 17 18 19 20 21	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.
22 23 24 25 26	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).
27	Attest: Patrick Trudgeon, City Manager

