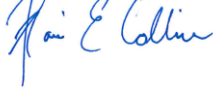


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Agenda Date: 8/22/2016

Agenda Item: 10.a

Department Approval



City Manager Approval



Item Description: Request to amend City Code Chapter 1004 (Residential Districts) to revise regulations pertaining to building footprints and paved surfaces on parcels in the low-density residential zoning districts (**PROJ0017**)

APPLICATION INFORMATION

Applicant: City of Roseville

Property Owner: N/A

Open House Meeting: N/A

Application Submission: N/A

City Action Deadline: N/A

PLANNING COMMISSION ACTION

The Planning Commission held the public hearing for this application on August 3, 2016, and voted 7 – 0 to recommend approval of the proposed zoning text amendment.

1 **ZONING AMENDMENT ANALYSIS**

2 In May 2016, prompted by a zoning amendment application, Planning Division staff had begun
3 evaluating the allowance of building footprints and paved surfaces on parcels used for
4 development of single-family detached homes. This evaluation revealed that the allowance for
5 the LDR-2 district was inadvertently much more restricted than for single-family home parcels in
6 the LDR-1 and MDR zoning districts. The proposed zoning amendment noted above would have
7 allowed 50% coverage of parcels in the LDR-2 district, but the City Council was uncomfortable
8 with such a large percentage and ultimately denied the application. Despite the denial, the
9 Council remained supportive of increasing the allowed coverage, albeit to some lesser degree
10 than proposed, in order to ensure that the smaller lots permitted in the LDR-2 district could
11 reasonably be developed as marketable alternatives to single-family homes on the larger lots in
12 the more prevalent LDR-1 district. Staff was, therefore, instructed to evaluate smaller increases
13 and return with an alternative amendment that would have smaller potential adverse impacts yet
14 still allow greater development of parcels in the LDR-2 district.

15 The proposed draft ordinance is included with this RCA as Exhibit B, but the following
16 paragraphs identify and briefly explain the proposed changes encompassed in the proposed
17 zoning amendment.

- All instances of “paved surfaces and building footprints” have been changed to “impervious surfaces” to more explicitly regulate and control storm water runoff and to implicitly allow the use of permeable paving options.
- Parcels in Shoreland and Wetland Management Districts are treated more distinctly, in a separate paragraph, from other, non-riparian parcels. This is to better specify that shoreland and wetland parcels are subject to additional regulations contained in Chapter 1017 (Shoreland, Wetland, and Storm Water Management).
- Specific references to the Residential Storm Water Permit (ReSWP) have been replaced with references to “approvals from the City Engineer.” The ReSWP remains one of the City Engineer’s regulatory tools, but other tools may be introduced in the future, or existing practices may be discontinued. Eliminating the reference to specific tools, like the ReSWP, allows the zoning text to remain unchanged as the list of available options changes over time.
- The current code requires that properties be at least 20 years old in order to qualify for the flexibility afforded by the ReSWP (and, by extension, other options as noted above), but Planning Division and Engineering staff are proposing to eliminate the age qualification. When this provision was initially instituted, it was almost entirely geared toward accommodating and mitigating more impervious coverage because the options for permeable pavements were much more limited. Now that many more options have become available, staff feels that eliminating the age restriction can encourage greater use of permeable paving systems.
- The impervious surface limit in the LDR-2 district is raised to 40%, rather than the 50% figure initially discussed a few months ago. Public Works staff has revised its position on the maximum percentage of hard surfaces allowed because the present zoning amendment and storm water management regulations treat *impervious surfaces* differently than *paved surfaces that are permeable*. In reaching this recommendation, Public Works staff analyzed the hydrology of LDR-2 parcels with 30% and 40% impervious surface coverage; because staff found that storm water from 40% coverage would be generally acceptable, and because existing LDR-2 parcels have an average of 38% coverage, Public Works staff supports a 40% impervious coverage limit in the LDR-2 district as proposed.

While it need not be specified in the zoning text, it is worth noting here that the Public Works Department’s administrative storm water mitigation regulations for LDR-1 and -2 districts will cap hard surfaces (including impervious coverage *and* permeable pavements) at 50% of the parcel area. Any proposal that would exceed 50% hard surfaces would need to be reviewed as a variance application, and staff would recommend a condition of approval for any such variance that required mitigation of the additional storm water through best practices as regulated through the ReSWP and related tools.

PUBLIC COMMENT

The public hearing for the proposed zoning amendment was held by the Planning Commission on August 3, 2016; draft minutes of the public hearing are included with this RCA as Exhibit A. At the time this report was prepared, Planning Division staff has not received additional communications from the public.

60 **LEVEL OF CITY DISCRETION IN DECISION-MAKING**

61 Action taken on a proposed zoning change is legislative in nature; the City has broad discretion
62 in making land use decisions based on advancing the health, safety, and general welfare of the
63 community.

64 **PLANNING COMMISSION RECOMMENDATION**

65 **A) Pass an ordinance amending City Code Sections 1004.08C (LDR-1 Improvement**
66 **Area) and 1004.09C (LDR-2 Improvement Area) to further clarify the intent of**
67 **Improvement Area regulations in Low-Density Residential Districts, and eliminate**
68 **technical detail from the zoning code in order to minimize redundancy and to**
69 **prevent inconsistencies with the relevant regulations maintained elsewhere in the**
70 **City Code**, based on the findings and recommendation of the Planning Commission, the
71 content of this RCA, public input, and City Council deliberation.

72 **B) Pass a motion approving the proposed ordinance summary.**

73 **ALTERNATIVE ACTIONS**

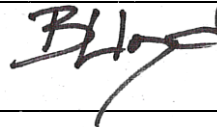
74 **A) Pass a motion to table the item for future action.** While there's no required timeline for
75 approving City-initiated proposals such as this, deferring action into the future could have
76 adverse consequences for property owners or potential developers who may be following
77 this process and anticipating its conclusion.

78 **B) By motion, deny the request.** Denial should be supported by specific findings of fact
79 based on the City Council's review of the application, applicable City Code regulations,
80 and the public record.

Attachments: A: 8/3/2016 draft public
hearing minutes

B: Draft ordinance
C: Draft Ordinance Summary

Prepared by:	Senior Planner Bryan Lloyd 651-792-7073 bryan.lloyd@cityofroseville.com
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PROJECT FILE 0017, Amendment 13

Request by the City of Roseville to amend City Code Chapter 1004 (Residential Districts) to revise regulations pertaining to building footprints and paved surfaces on parcels in low-density residential (LDR) zoning districts.

Chair Boguszewski opened the public hearing for Project File 0017 at 7:19 p.m.

Senior Planner Bryan Lloyd provided an update on the process to revise regulations as detailed in the staff report for LDR-1 and LDR-2 zoning districts as they related to building footprints, parcel square footage and allowable impervious coverage. Mr. Lloyd reviewed City Council deliberation to-date and analysis by engineering and planning staff in their review of a more comprehensive amendment to address these inconsistencies found in zoning code revisions adopted in 2010. Further, Mr. Lloyd noted technological advances in materials making formerly impervious surfaces now more permeable and impacting water runoff.

As a result, Mr. Lloyd referenced Attachment A and proposed ordinance text revisions to address calculations for these regulations, seeking Commission feedback. Mr. Lloyd noted that the Public Works/Engineering Department is also working on a stormwater permit process as a tool to manage stormwater runoff from properties over 20 years old if reaching their coverage limits to address those calculations on-site or through a broader area project to mitigate that higher volume of storm water. Mr. Lloyd reviewed some of the on-site options as well as those larger possibilities.

At the request of Chair Boguszewski, Mr. Lloyd confirmed that as of today, the entire improvement area in LDR-1 takes into consideration impervious surfaces inclusive of decks, primary structure and accessory structures on a parcel. Mr. Lloyd further confirmed that today's ordinance language related to wetland management for shoreline districts further reduced, and specific limits for LDR-2 and medium density residential (MDR), involving parcel area measurements as part of the calculation, seeking to provide some consistency and realistic measurements that didn't prove arbitrary in nature.

Mr. Lloyd briefly summarized his understanding of engineering staff's hydrology analyses to determine runoff based on lot coverage and under certain rain event percentages. Mr. Lloyd noted engineering staff found plenty of capacity at a 30% level, and that it could still be adequately addressed at 40%, but that 50% was beyond their comfort level. As part of their technical analysis, Mr. Lloyd advised that the engineering staff had reviewed existing LDR properties and approximated impervious surfaces on those properties, finding them to be at about the same level; substantiating their recommended 40% hydrology percentage as an acceptable level.

Member Gitzen asked if there was a standard definition in city code for "pervious" and "impervious" especially in light of newer technologies and permeable pavers now allowable while still meeting coverage allowances.

Mr. Lloyd noted there were definitions, but also clarified that this involved more than just talking about different kinds of pervious or impervious treatments or pavements, but included filtering through grass and provided several examples (e.g. beehive cement pavers and Geogrid products) that were between impervious and pervious surfaces that required staff and the city to understand the product being proposed going forward, how it would be installed and maintained, and then pro-rate those areas and type of material used accordingly. Mr. Lloyd noted this added complexity to those calculations for either surface area. Mr. Lloyd referenced a pervious asphalt parking lot installed by the Rice Creek Watershed District on the other side of Rice Street, as well as addressing the added costs for these newer materials at this point in time, as well as agreements to address long-term maintenance to ensure the materials continue to work as permeable applications.

At the request of Member Bull, Mr. Lloyd further reviewed the hydrology tests on typical LDR-2 and LDR-1 lots, with far fewer LDR-2 lots in Roseville and the rationale that if higher impervious surfaces are allowed on LDR-2 lots it may overtax the storm water system downstream. However, in addressing the square foot minimum lot sizes and comparing LDR-1 and LDR-2, Mr. Lloyd noted it made more development possible on smaller lots, if calculations were more than the current 30%, but less than the originally requested or proposed 50%.

RCA Exhibit A

51 Member Kimble stated she found proposed language on Attachment A, lines 32-33 related to residential
52 water permits based on the findings of the city engineer and intended mitigation somewhat ambiguous.
53 However, the redlined copy following that defined more specific language; with Member Kimble asking if
54 that should be more consistent.

55 Mr. Lloyd clarified that the language was intentionally ambiguous in light of the aforementioned proposed
56 stormwater permit process being drafted by the Public Works Department as an optional tool for those
57 property owners exceeding their impervious coverage allowances and paying a fee to be accumulated
58 with others for a broader stormwater improvement project or system. If the first part of the language is
59 more specific at this point, Mr. Lloyd noted it would have to be revised again if and when that tool
60 becomes available.

61 Member Kimble recognized that intent; however, she opined it looked like there was no defined standard
62 and that the engineer could decide independently and arbitrarily for each applicant. Specific to mitigating,
63 Member Kimble noted there were qualifiers afterward in the redlined portion of the text.

64 Chair Boguszewski opined there were probably a number of properties in Roseville already exceeding
65 these proposed percentages; and asked staff what recourse the city undertook or what triggered an on-
66 site visit by staff where they may observe a problem or when those were discovered, especially when
67 some property owners may not realize they're in excess of allowed standards.

68 Mr. Lloyd admitted that if the property is old enough, it was not unusual that they exceeded some of the
69 current limits; or if something was constructed or paved before the current owner arrived. In those cases,
70 where there was nothing suggesting the situation was anything other than legal, nonconforming, Mr.
71 Lloyd advised that staff would then require the property owner to do some accounting for their new
72 planned development depending on their plans, such as removing coverage elsewhere on the site to
73 mitigate the new addition. Under any circumstance, Mr. Lloyd advised that additional approvals for the
74 property owner would be required.

75 Chair Boguszewski closed the public hearing at 7:43 p.m.; no one spoke for or against.

76 **MOTION**

77 **Member Murphy moved, seconded by Member Daire to recommend to the City Council**
78 **APPROVAL of the proposed ZONING TEXT AMENDMENT in the redlined draft ordinance as**
79 **presented as RPCA Attachment A, based on the comments and findings of the staff report dated**
80 **August 3, 2016.**

81 **Ayes: 7**

82 **Nays: 0**

83 **Motion carried**

84 Consensus of the Commission, stated by Member Murphy to staff, was that this provided fair treatment
85 for LDR-2 designated properties, and good codification of city code.

86 Member Daire noted that it was interesting that the Public Works staff found impervious land coverage in
87 the existing LDR-2 zones at 38%, and with the Planning Commission recommending 40%, it provided
88 confirmation that the number is right.

City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING IMPROVEMENT AREA REGULATIONS OF CHAPTER 1004
(RESIDENTIAL DISTRICTS) OF TITLE 10 "ZONING CODE" OF THE ROSEVILLE CITY
CODE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to further clarify the intent of Improvement Area regulations in Low-Density Residential Districts, and eliminate technical detail from the zoning code in order to minimize redundancy and to prevent inconsistencies with the relevant regulations maintained elsewhere in the City Code.

SECTION 2. Section 1004.08 (Low-Density Residential-1) is hereby amended as follows:

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 50% of the parcel area. The purpose of this overall improvement area limit is to allow for rather liberal construction on a residential property while preventing over-building. ~~Within this improvement area limit, paved surfaces and building footprints shall be limited to 30% of a parcel; for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area. The purpose of these further limits on paved surfaces and building footprints within the overall improvement area allowance is to prevent problems caused by excess storm water runoff.~~

1. For the purposes of this section, "improvements" does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.
2. Within this improvement area limit, impervious surfaces shall be limited to 25% of the parcel area for parcels within a Shoreland or Wetland Management District to mitigate surface water impacts caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area and in compliance with pertinent regulations in Chapter 1017 of this Title, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

- 1.3. Within this improvement area limit, impervious surfaces shall be limited to 30% of the parcel area for all other parcels. ~~The purpose of these further limits on paved surfaces and building footprints~~ impervious surfaces within the overall improvement area allowance is to prevent problems caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval(s) from the City Engineer to mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

2. ~~Exception: For properties at least 20 years old, the above limits on paved surfaces and building footprints may be exceeded, within the allowed improvement area, by receiving a Residential Storm Water Permit (ReSWP) from the City Engineer. Because additional paved surfaces and buildings generate additional storm water runoff, the ReSWP is designed to mitigate excess storm water runoff through technical analysis of building materials, soils, slopes, and other site conditions.~~

a. ~~The purpose of this exception is to encourage homeowners to modernize and improve older properties while maintaining the overall character of the community.~~

b. ~~For the purposes of the ReSWP, age of a property is determined by the newer of the house construction or the configuration of the parcel boundaries; age is calculated by subtracting the year in which the home was constructed, or the year in which the parcel boundaries were established in their present configuration, from the year of application for ReSWP. For houses or parcels less than 20 years old, a ReSWP may be considered for a property which cannot be practically used by mobility impaired occupants.~~

SECTION 3. Section 1004.09 (Low-Density Residential-2) is hereby amended as follows:

- 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 70% of the parcel area. The purpose of this overall improvement area limit is to allow for rather liberal construction on a residential property while preventing over-building. ~~Within this improvement area limit, paved surfaces and building footprints shall be limited to 30% of a parcel;~~ for parcels within a Shoreland or Wetland Management District, paved surfaces and building footprints shall be further limited to 25% of the parcel area. ~~The purpose of these further limits on paved surfaces and building footprints within the overall improvement area allowance is to prevent problems caused by excess storm water runoff.~~

1. For the purposes of this section, "improvements" does not include yard ornaments, fences, retaining walls, gardens, planting beds, or other landscaping.

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

~~1.3. Within this improvement area limit, impervious surfaces shall be limited to 40% of the parcel area for all other parcels. The purpose of these further limits on paved surfaces and building footprints~~ impervious surfaces within the overall improvement area allowance is to prevent problems caused by excess storm water runoff. This impervious surface limit may be exceeded, within the allowed improvement area, by receiving approval(s) from the City Engineer to

RCA Exhibit B

mitigate excess storm water runoff, generated by additional hard surfaces, through technical analysis of building materials, soils, slopes, and other site conditions.

~~2.—Exception: For properties at least 20 years old, the above limits on paved surfaces and building footprints may be exceeded, within the allowed improvement area, by receiving a Residential Storm Water Permit (ReSWP) from the City Engineer. Because additional paved surfaces and buildings generate additional storm water runoff, the ReSWP is designed to mitigate excess storm water runoff through technical analysis of building materials, soils, slopes, and other site conditions~~

~~a.—The purpose of this exception is to encourage homeowners to modernize and improve older properties while maintaining the overall character of the community.~~

~~b.—For the purposes of the ReSWP, age of a property is determined by the newer of the house construction or the configuration of the parcel boundaries; age is calculated by subtracting the year in which the home was constructed, or the year in which the parcel boundaries were established in their present configuration, from the year of application for ReSWP. For houses or parcels less than 20 years old, a ReSWP may be considered for a property which cannot be practically used by mobility impaired occupants.~~

SECTION 4 Effective Date: This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 22nd day of August 2016.

City of Roseville

ORDINANCE SUMMARY NO. ____

**AN ORDINANCE AMENDING IMPROVEMENT AREA REGULATIONS OF CHAPTER 1004
(RESIDENTIAL DISTRICTS) OF TITLE 10 “ZONING CODE” OF THE ROSEVILLE CITY
CODE**

The following is the official summary of Ordinance No. ____ approved by the City Council of Roseville on August 22, 2016:

The Roseville City Code, Title 10, Zoning Code, has been amended to further clarify the intent of Improvement Area regulations in Low-Density Residential Districts, and eliminate technical detail from the zoning code in order to minimize redundancy and to prevent inconsistencies with the relevant regulations maintained elsewhere in the City Code.

A printed copy of the ordinance is 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.cityofroseville.com).

Attest: _____
Patrick Trudgeon, Interim City Manager