

ORDINANCE NO. 1629

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

The City Council of the City of Roseville does ordain:

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

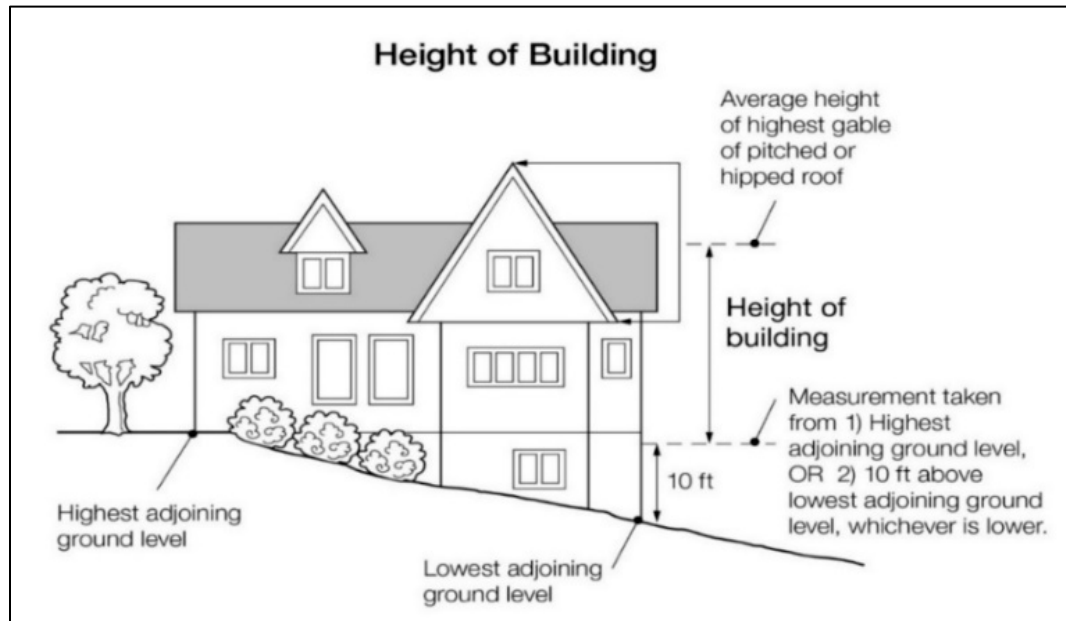
ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION: electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

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

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

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

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



2. Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
3. DC is considered fast or rapid charging. Voltage is greater than 240.

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

1. Battery electric vehicle
2. Plug-in hybrid electric vehicle

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

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

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

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

ELECTRICAL CAPACITY shall mean, at minimum:

1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
2. Conduit from an electric panel to future EVCS location(s).

LOT WIDTH: The minimum distance between:

1. Side lot lines measured at the midpoint of the building line; and
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 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 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. Structures include, but are not limited to, decks, driveways, and at-grade patios. Structures do not include aerial or underground utility lines such as sewer, electric, telephone, gas lines, towers, poles, and other supporting structures.

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

§1004.09.C.2

Within this improvement area limit, impervious surfaces shall be limited to 25% of the area within a Shoreland 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.

§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.

§1004.10.C.2

Within this improvement area limit, impervious surfaces shall be limited to 25% of the area within a Shoreland 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.

Chapter 1012 Overlay Districts

Section:

1012.03: Shoreland Overlay District

1012.03: SHORELAND OVERLAY DISTRICT

A. Statutory Authorization and Policy

1. Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

2. Policy: The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Roseville.
3. Purpose: The purpose of the Shoreland Overlay District is to recognize, preserve, protect and enhance the environmental, recreational and hydrologic resources and functions of the city's lakes by regulating the use of land adjacent to public waters. In order to promote the general health, safety and welfare, certain protected waters in the city have been given a shoreland management classification by the Minnesota Department of Natural Resources and the City of Roseville. The intent of the Shoreland Overlay District is to apply the regulations and standards found in this chapter to public waters and adjacent land as an overlay zone, further regulating the use of land as allowed by other districts of this ordinance.

B. General Provisions and Definitions

1. Jurisdiction: The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 1012.03.D.1 of this ordinance. Pursuant to Minnesota Rules, Parts 6120.2500 -6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
2. Enforcement: The Community Development Director is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 1012.03.C.2 of this ordinance.
3. Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
4. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
5. Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- Part or all of the feature is located in a shoreland area;
- The slope must drain toward the waterbody.
- The slope rises at least 25 feet above the ordinary high water level;
- The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1012-1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 1012-2).

Figure 1012-1: Illustration of Bluff

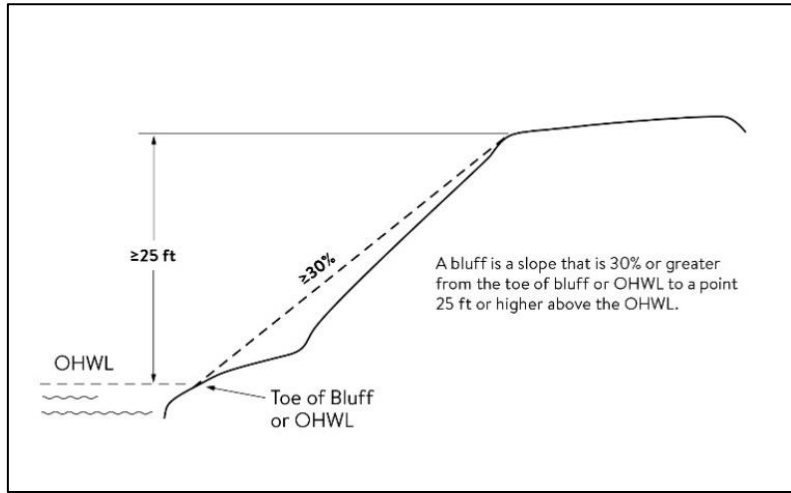
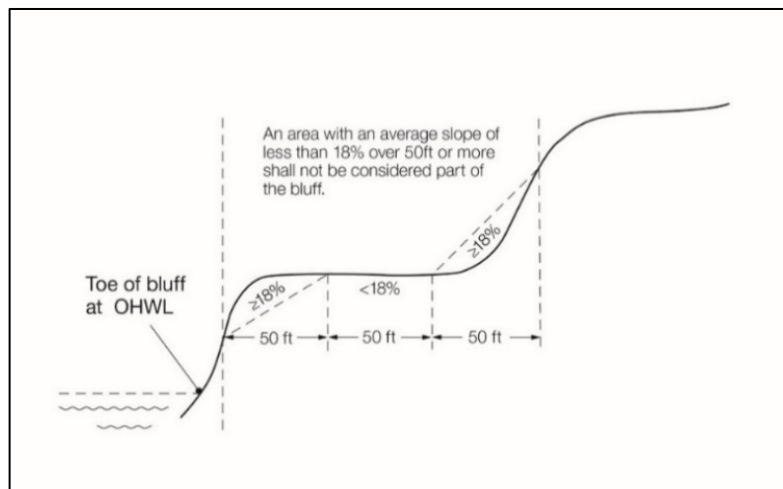
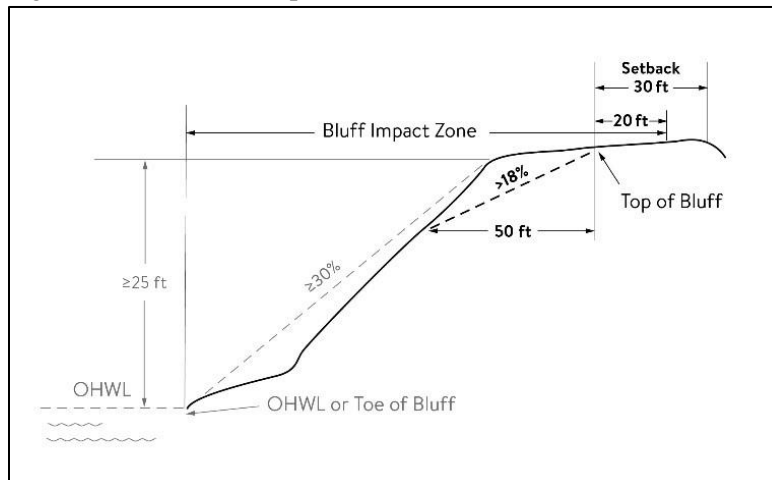


Figure 1012-2: Exception to Bluff



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

Figure 1012-3: Bluff Impact Zone



BLUFF, TOE OF: The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

BLUFF, TOP OF: For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

BOATHOUSE: A facility as defined by Minnesota Statutes, Section 103G.245.

BUFFER: A vegetative feature as defined by Minnesota Statutes, Section 103F.48.

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

CONTROLLED ACCESS LOT: A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

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

COMMISSIONER: The commissioner of the Department of Natural Resources.

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

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

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

INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a

contiguous patch, strip, row, or block.

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

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

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

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

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

SEWER SYSTEM: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 1012-4).

Figure 1012-4: Shore Impact Zone

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

- 1,000 feet from the ordinary high water level of a Department of Natural Resources designated lake, pond, or flowage; and
- 300 feet from a city designated water body; and
- 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 1012-5).

Figure 1012-5: Definition of Shoreland

SHORE RECREATION FACILITIES: Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

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

STEEP SLOPE: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

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

VARIANCE: “Variance” means the same as that defined in Minnesota Statutes, Section 462.357 Subd. 6 (2).

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

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

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

C. Administration

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

- a. A permit is required for the construction of buildings or building additions (including construction of decks and signs) and those grading and filling activities not exempted by Section 1012.03.H.3 of this ordinance.
 - b. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property.
3. Application Materials: Application for permits and other zoning applications such as variances shall be made to the Community Development Department on the forms provided. The application shall include the necessary information so that the Community Development Director can evaluate how the application complies with the provisions of this ordinance.
4. Variances: Variances may only be granted in accordance with Minnesota Statutes, Section 462.357 and are subject to the following:
 - a. Variances may not circumvent the general purposes and intent of this ordinance; and
 - b. Variances on riparian lots that allow a structure to be located within the ordinary high water level setback or that allow more impervious surface coverage than the standard shall include the following minimum conditions:
 - i. The greater of 20 feet or 20% of contiguous shoreline to a depth of 10 feet shall be restored with trees, shrubs, and low ground covers consisting of native plants which are consistent with the natural cover of the shoreline.
 - ii. A planting plan which is acceptable to City Staff shall be submitted that demonstrates how the restoration will occur.
 - iii. Either a conservation easement for the restored area shall be established and recorded, or signage following City policies shall be installed and maintained around the restoration area.
5. Conditional Uses: All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. The visibility of structures and other facilities as viewed from public waters is limited;
 - c. There is adequate water supply and on-site sewage treatment; and
 - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.
6. Mitigation
 - a. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - i. Advanced storm water runoff management treatment;

- ii. Reducing impervious surfaces;
 - iii. Increasing setbacks from the ordinary high water level;
 - iv. Restoration of wetlands;
 - v. Limiting vegetation removal and/or riparian vegetation restoration;
 - vi. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - vii. Other conditions the zoning authority deems necessary.
- b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.
7. Nonconformities
- a. All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, 462.357 Subd. 1e and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.
 - b. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1012.03.E to 1012.03.H of this ordinance. Any deviation from these requirements must be authorized by a variance.
8. Notifications to the Department of Natural Resources
- a. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The City of Roseville will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
 - b. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - c. All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

- d. Any request to change the shoreland management classification of public waters within the City of Roseville must be sent to the commissioner or the commissioner’s designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
 - e. Any request to reduce the boundaries of shorelands of public waters within City of Roseville must be sent to the commissioner or the commissioner’s designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.
9. Mandatory EAW: An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.
10. Planned Unit Development: A planned unit development (PUD) may be permitted within the Shoreland Overlay District as long as it follows the requirements of Chapter 1024 Planned Unit Developments and Section 1012.03.J below.

D. Shoreland Classification System and Land Uses

1. Shoreland Classification System

- a. Purpose. To ensure that shoreland development on the public waters of the City of Roseville is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
- b. Lakes are classified as follows:
 - i. State designated general development (GD) lakes:

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

- ii. State designated natural environment (NE) lakes:

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

- iii. City designated general development (GD) lakes:

Lake Name
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.

E. Special Land Use Provisions

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

- a. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - i. The use complies with provisions of Section 1012.03.G;
 - ii. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - iii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - iv. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - A. Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - B. Signs placed within the shore impact zone are:
 - a. No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - b. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - C. Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

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

F. Dimensional and General Performance Standards

1. Purpose: To establish dimensional and performance standards that protect shoreland resources from impacts of development.
2. Lot Area and Width Standards: After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in subsection d below, subject to the following standards:

- a. Only lands above the ordinary high water level can be used to meet lot area and width standards;
- b. Lot width standards must be met at both the ordinary high water level and at the building line;
- c. Residential subdivisions of one-family housing (lot) types that have dwelling unit densities exceeding those in subsection d below are allowed only if designed and approved as residential PUDs under Section 1012.03.J of this ordinance; and
- d. Minimum Lot Area and Width Standards for One-Family to Four-Family Housing (Lot Type).
 - i. Riparian Lot

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

- ii. Non-Riparian Lot. The lot area and lot width shall meet the standards set forth in the underlying zoning district.
- 3. Impervious Surface Coverage: Lot development shall meet the impervious surface requirements of the underlying zoning district and the stormwater management requirements of Title 8 of this Code.
- 4. Special Residential Lot Provisions:
 - a. Development of attached, courtyard cottage, and multifamily housing shall meet the following standards:
 - i. The lot area and lot width shall meet the standards of the underlying zoning district.
 - ii. 70% of the shore impact zone must be permanently protected. If that zone does not meet a riparian buffer standards then restoration is required.
 - iii. Shore recreation facilities:
 - A. Must be centralized and located in areas suitable for them based on a suitability analysis.
 - B. Docking, mooring, or over-water storage of more than six (6) watercraft on the centralized facility for the development will only be allowed if the width of the development is greater than the minimum lot width for a riparian single-family residential lot on the respective lake type. For each watercraft greater than six, the width of the development must be increased consistent with the following table:

Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage
Less than 100	25%
100 – 200	20%
201 – 300	15%

301 – 400	10%
Greater than 400	5%

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

- d. Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:
 - i. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in subsection iv below;
 - ii. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

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

- iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
 - iv. Covenants or other equally effective legal instruments must be developed that:
 - A. Specify which lot owners have authority to use the access lot;
 - B. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - C. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
 - D. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - E. Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
- 5. Placement, Height, and Design of Structures
 - a. OHWL Setback for Structures. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions.
 - i. General Development Lake – 50 feet
 - ii. Natural Environment Lake – 150 feet
 - iii. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 1012.03.G.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.

- iv. Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 1012-6);

Figure 1012-6: Structure Setback Averaging

- v. Setbacks of decks: Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met.
 - A. The structure existed on the date the structure setbacks were established;
 - B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - C. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - D. The deck is constructed primarily of wood or composite materials having the appearance of wood, and is not roofed or screened (see Figure 1012-7).

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
- vii. Bluff Impact Zones: Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- b. Height of Structures: All structures must meet the height limitations of the underlying zoning district.
- c. Lowest Floor Elevation
 - i. Determining elevations: Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined for lakes by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher (see Figure 1012-8).

Figure 1012.8: Lowest Floor Elevation

- ii. Methods for Placement
 - A. In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in subsection i above.

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

6. Water Supply and Sewage Treatment

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

G. Performance Standards for Public and Private Facilities

- 1. Placement and Design of Roads, Driveways, and Parking Areas: Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
 - a. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If the City Engineer determines that no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
 - b. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
 - c. Private facilities must comply with the grading and filling provisions of Section 1012.03.H.3 of this ordinance; and
 - d. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 2. Stairways, Lifts, and Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:

- a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of items a-e above and the requirements of Minnesota Rules, Chapter 1341.
3. Water-oriented Accessory Structures or Facilities: Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
- a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
 - b. The structure or facility is not in the Bluff Impact Zone;
 - c. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - d. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
 - e. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - f. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
 - g. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - h. As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and

- i. Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 1012.03.F.5.c.i if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

H. Vegetation and Land Alterations

1. Purpose: Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.
2. Vegetation Management
 - a. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - i. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities; and
 - ii. The construction of public roads and parking areas if consistent with Section 1012.03.G.1 of this ordinance.
 - b. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.
 - c. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - ii. Existing shading of water surfaces along rivers is preserved;
 - iii. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - iv. Perennial ground cover is retained.
 - v. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.
 - d. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
 - e. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.
3. Grading and Filling

- a. Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 1012.03.G.1 of this ordinance.
- b. Permit Requirements
 - i. Grading, filling and excavations necessary for the construction of structures, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 1017.08.B.3 of this ordinance must be incorporated into the permit.
 - ii. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - A. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - B. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- c. Grading, filling and excavation activities must meet the following standards:
 - i. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
 - ii. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - A. Limiting the amount and time of bare ground exposure;
 - B. Using temporary ground covers such as mulches or similar materials;
 - C. Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - D. Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - E. Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - F. Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - G. Fill or excavated material must not be placed in bluff impact zones;
 - H. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
 - I. Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

- J. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - 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.
3. Consistency with other controls: Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
4. Dedications: When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
5. Platting: All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (cities) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.
6. Controlled Access Lots: Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 1012.03.F.2.d of this ordinance.

J. Planned Unit Developments (PUDs)

1. Purpose: To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
2. Types of PUDs Permissible: Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings

and land. Deviation from the minimum lot size standards of Section 1012.03.F.2.d of this ordinance is allowed if the standards in this Section are met.

3. Processing of PUDs: Planned unit developments must be created through rezoning to an overlay district. The Planned unit development shall comply with the provisions of this section in addition to the standards set forth in Chapter 1023 Planned Unit Developments.
4. Application for a PUD: In addition to the application materials required by Chapter 1023 Planned Unit Developments, the applicant for a PUD must submit the following documents prior to final action on the application request:
 - a. A property owner’s association agreement (for residential PUDs) which includes mandatory membership, and which is consistent with Section 1012.03.J.6 of this ordinance.
 - b. Deed restrictions, covenants, permanent easements or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in subsection 6 below.
5. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
 - a. Step 1: Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

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

- b. Step 2: Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- c. Step 3: Determine Base Density. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier.

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

1,300	.133	.034
1,400	.142	.036
≥ 1,500	.150	.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:

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

- ii. Structure setbacks from the ordinary high water level:
 - A. Are increased to at least 50 percent greater than the minimum setback; or
 - B. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.
6. Design Criteria: All PUDs must meet the following design criteria.
- a. General Design Standards
 - i. All residential planned unit developments must contain at least five dwelling units or sites.
 - ii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
 - iii. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Section 1012.03.F:
 - iv. Shore recreation facilities:
 - A. Must be centralized and located in areas suitable for them based on a suitability analysis.
 - B. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier.
 - C. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - v. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased

setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- vi. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- vii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.
- b. Open Space Requirements: Open space must constitute at least 50 percent of the total project area and must include:
 - i. Areas with physical characteristics unsuitable for development in their natural state;
 - ii. Areas containing significant historic sites or unplatted cemeteries;
 - iii. Portions of the shore impact zone preserved in its natural or existing state as follows:
 - A. For existing residential PUDs, at least 50 percent of the shore impact zone
 - B. For new residential PUDs, at least 70 percent of the shore impact zone.
 - iv. Open space may include:
 - A. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - B. Non-public water wetlands.
 - v. Open space shall not include:
 - A. Dwelling sites;
 - B. Dwelling units or structures, except water oriented accessory structures or facilities;
 - C. Road rights-of-way or land covered by road surfaces and parking areas;
 - D. Land below the OHWL of public waters; and
 - E. Commercial facilities or uses.
- c. Open Space Maintenance and Administration Requirements
 - i. Open space preservation: The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
 - A. Commercial uses (for residential PUDs);
 - B. Vegetation and topographic alterations other than routine maintenance;
 - C. Construction of additional buildings or storage of vehicles and other materials; and
 - D. Uncontrolled beaching of watercraft.

- ii. Development organization and functioning: Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:
 - A. Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
 - B. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
 - C. Assessments must be adjustable to accommodate changing conditions; and
 - D. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- d. Erosion Control and Stormwater Management
 - i. Erosion control plans must be developed and must be consistent with the provisions of Section 1012.03.H.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
 - ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

[REPEALED]

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

§1011.03.A.3.e.ii

Multi-family residential dwellings shall require 1 canopy and 1 evergreen tree per two thousand (2,000) square feet of site area not occupied by structures.

§1011.03.A.4

c. All plant materials shall be selected based on zone tolerance in accordance with the USDA Plant Hardiness Zone Map.

d. No new landscaping shall contain plant materials that are listed on the MN Dept. of Agriculture Noxious Weed List or the MN DNR Invasive Terrestrial Plants List.

Chapter 1019 Parking and Loading Areas

Section

1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements

1019.04: Minimum Parking Spaces and Electric Vehicle Charging Requirements

1019.04

D. Electric Vehicle Charging Standards

1. The intent of this section is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle charging infrastructure, and establish minimum requirements for electric vehicle parking spaces and charging infrastructure to serve both short and long-term parking needs.
2. Minimum Number of Required Electric Vehicle Charging Stations (EVCS)
 - a. All new parking areas, existing parking areas expanding by more than 25% additional parking spaces, and existing parking areas improving more than 25% of the parking area are subject to the standards of Table 1019-2.
 - b. For all calculations of required parking spaces based on percentages, any 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	Optional	Optional
30- 49	<p>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</p> <p>Non-residential land uses Two parking spaces, of which at least one shall be accessible, as Level 2 or greater</p>	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.
50+	<p>Multiple-family residential (5 or more units):</p> <ul style="list-style-type: none"> • 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 <p>Non-residential land uses 5% of required parking spaces, of which at least one shall be accessible, as Level 2 or greater</p>	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.

- c. 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.
 - d. In addition to the number of required EVCS, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
 - i. 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.
 - 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.
 - e. These requirements may be revised upward or downward by the City Council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
3. Reductions to EVSE 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.
4. Permitted Locations
 - 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.
 - b. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel sales use for zoning purposes. Installation shall be located in zoning districts which permit a motor fuel sales use.
5. General Requirements for One- to Four-Family Dwellings
 - a. 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 comply with all relevant design criteria as outlined in subsection 6.d below, unless specifically exempted.
6. General Requirements for Multi-Family Dwellings (5 or more units per building) and Non-Residential Development
 - 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.
- 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.
 - iii. EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
 - c. Lighting: Site lighting shall be provided where EVCS is installed, unless charging is for daytime purposes only.
 - d. EVCS Equipment Design Standards
 - i. Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements. EVCS mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - ii. EVCS may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - iii. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - iv. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
 - e. Usage Fees: Service fee may be collected for the use of EVCS.
 - f. Maintenance: EVCS shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

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

Passed this 20th day of March 2023.