


<p>Commissioners: Julie Kimble Michelle Kruzell Tammy McGehee Michelle Pribyl Karen Schaffhausen Erik Bjorum Pamela Aspnes</p>	<div style="text-align: center;">  <p>Planning Commission Agenda Wednesday, December 7, 2022 6:30pm</p> <p>Members of the public who wish to speak during public comment or on an agenda item may do so in person during this meeting or virtually by registering at www.cityofroseville.com/attendmeeting.</p> </div>	<p>Address: 2660 Civic Center Dr. Roseville, MN 55113</p> <p>Phone: 651-792-7080</p> <p>Website: www.cityofroseville.com/pc</p>
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1. Call To Order

2. Roll Call

3. Approval Of Agenda

4. Review Of Minutes

Documents:

[NOVEMBER 2, 2022 MINUTES.PDF](#)

5. Communications And Recognitions

5.A. From The Public:

Public comment pertaining to general land use issues not on this agenda.

5.B. From The Commission Or Staff:

Information about assorted business not already on this agenda.

6. Public Hearing

6.A. Hold A Public Hearing And Make A Recommendation Regarding Phase Two Zoning Code Amendments

Documents:

[6A REPORT AND ATTACHMENTS.PDF](#)

7. Other Business

7.A. Consider 2023 Variance Board And Planning Commission Meeting Calendar

Documents:

[7A REPORT.PDF](#)

8. Adjourn



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, November 2, 2022 – 6:30 p.m.**

- 1 **1. Call to Order**
2 Chair Kimble called to order the regular meeting of the Planning Commission meeting at
3 approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.
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- 5 **2. Roll Call**
6 At the request of Chair Kimble, City Planner Thomas Paschke called the Roll.
7
- 8 **Members Present:** Chair Julie Kimble, Vice Chair Michelle Pribyl, and
9 Commissioners Michelle Kruzel, Tammy McGehee, Karen
10 Schaffhausen, Pamela Aspness and Erik Bjorum.
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- 12 **Members Absent:** None
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- 14 **Staff Present:** City Planner Thomas Paschke, Community Development Director
15 Janice Gundlach and City Planner Bryan Lloyd.
16
- 17 **3. Approve Agenda**
18
- 19 **MOTION**
20 **Member Pribyl moved, seconded by Member McGehee, to approve the agenda as**
21 **presented.**
22
- 23 **Ayes: 7**
24 **Nays: 0**
25 **Motion carried.**
26
- 27 **4. Review of Minutes**
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- 29 **a. October 5, 2022 Planning Commission Regular Meeting**
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- 31 **MOTION**
32 **Member Kruzel moved, seconded by Member Schaffhausen, to approve the**
33 **October 5, 2022 meeting minutes.**
34
- 35 **Ayes: 7**
36 **Nays: 0**
37 **Motion carried.**
38
- 39 **5. Communications and Recognitions:**
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41 a. **From the Public:** *Public comment pertaining to general land use issues not on this*
42 *agenda, including the 2040 Comprehensive Plan Update.*

43
44 None.

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

49
50 None.

51
52

53 **6. Public Hearing**

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55 a. **Request to Allow Residential Density Greater Than 24 Dwelling Units Per Acre**
56 **As A Conditional Use In Support Of A Proposed Apartment Project At 1415**
57 **County Road B (PF22-012)**

58 Chair Kimble opened the public hearing for PF22-012 at approximately 6:34 p.m. and
59 reported on the purpose and process of a public hearing. She advised this item will be
60 before the City Council on November 28, 2022.

61

62 Senior Planner Lloyd summarized the request as detailed in the staff report dated
63 November 2, 2022.

64

65 Member McGehee inquired on line 32-33, it seems like they are predicating them on
66 a highly refined planned and she wondered how staff defined that and whether that is
67 specific to this or a term staff uses more frequently.

68

69 Mr. Lloyd explained that is only intending to reflect the fact that if 32 units per acre
70 was approved, that would yield a total of 72 units on this site. He was referring to it
71 as being more refined because the applicant has gone beyond that sort of basic plan of
72 strictly speaking of what the applicant is asking for, that addition of density, and
73 showing their ultimate proposed development, utilizing the density bonus that is
74 available through the structure in the parking stalls. It has more details than
75 necessary for reviewing the application and what he was trying to suggest in his
76 language.

77

78 Member McGehee asked what are the design issues staff seems to have.

79

80 Mr. Lloyd reviewed on the map some of the issues that do not meet the Zoning Code
81 requirements. He indicated some of these are design considerations that have not
82 been met.

83

84 Member McGehee thought this is one of the nicer plans she has seen and did not
85 think that making it fit into an exact box is going to enhance it. She thought the
86 architects in this case have a nice-looking building that looks a little different than
87 anything else Roseville has. She wondered how much flexibility the City is willing to

88 provide given the architects have a very highly refined plan, which she thought was
89 attractive.

90
91 Mr. Lloyd explained for better or worse, how much flexibility the City is willing to
92 exercise is a different question from how much flexibility or discretion the Zoning
93 Code provides. Staff has discussed the plan internally and he has talked about it a bit
94 with the applicants and there was discussion on some ideas to deal with that. The
95 only alternative so far is to apply for a variance, which still could be done but it is not
96 immediately clear how an application to leave the building the way it is without
97 forcing it into something else meets the test for the hardship or practical difficulty of
98 meeting those requirements that is needed in a variance request. It is not an ideal
99 option but is the only path for additional flexibility since the Zoning Code does not
100 provide sort of built-in discretion on that.

101
102 Member Aspnes asked how much of the parking is underground and how much is
103 surface parking and is there a percentage required for the additional twenty-nine
104 units. She wondered if there is a ratio of underground parking that was increased to
105 accommodate for some percentage of these and is there sufficient parking either
106 within this L or underground so that guest and resident parking does not spill into the
107 neighborhood.

108
109 Mr. Lloyd indicated he did not know the direct answer regarding how many parking
110 stalls are underground and above ground and not something he spent time reviewing
111 as a part of this application. Those are more of the details that would be attended to
112 with a permit application to verify they have structured enough of them to justify the
113 density bonus and number of units that they are proposing. He explained he has
114 worked with the applicants on a previous version of the plan and it is very similar to
115 him.

116
117 Chair Kimble asked if the developer required to hold an open house.

118
119 Mr. Lloyd explained an open house was not required for this application.

120
121 Chair Kimble inquired if staff knew what the density per acre is on the adjacent
122 apartment buildings that are there.

123
124 Mr. Lloyd explained he did not look at that. He noted in the maximum zoning in
125 many of Roseville's Zoning Districts for a long time has been 24 units an acre and he
126 expected it to be close to that.

127
128 Member Kruzel hope there was some good considerations in this plan for crosswalks
129 and fixing that whole area through there for pedestrians and bicyclists. She thought
130 there needed to be a focus on foot traffic.

131
132 Mr. Craig Gottschalk, representing Firm Ground Architects and the Ownership
133 Group, explained there are currently ninety stall slated for the garage and 139 total
134 parking spots. He reviewed the parking plans with the Commission.

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Member McGehee asked if there was any consideration for around the building and putting in more natural grasses in light of drought and climate changes.

Mr. Gottschalk explained the Civil Engineer that is in charge of the project has landscaping requirements that are set forth by the City. The plan does address many of the requirements. Due to sometimes the limitations of the rendering software, the grass may not look as accurate as to what might be native to the area but certainly the grass and anything planted in the area is native to the area.

Member McGehee asked if there is any possibility of any larger trees.

Mr. Gottschalk indicated he did not have the civil plans with him but he did know that part of their landscaping plan there is an entire tree and bush and other plants and flower scheme proposed for that site but he did not know the entire details. Whatever trees that can be salvaged onsite will be saved and there is a requirement to plant quite a bit.

Public Comment

Chair Kimble noted there was a note from Mr. & Mrs. Graham to the City in support of the development and another email from Mr. & Mrs. Toconita who had a lot of questions to staff regarding the project and felt it would be injurious to their neighborhood.

Mr. Paul Johnston, Burke Avenue, explained one of the issues brought up was that this development would not have a negative impact on neighboring properties. He indicated he just had a market analysis done on his home and one of the things that was spelled out in there, while determining the value of his property, was the large green space on County Road B. If that is gone it will have a negative impact on his property value. He is concerned with the traffic that this development will bring. Staff brought up a six-year-old traffic study during the presentation which is not a current traffic study and does not show how traffic is around the area today. It appears that the developer would like the residents to live with what is considered to be acceptable traffic levels based upon a six-year-old study, however, the developer would like to have a variance to what is an established parameter. If the neighborhood has to live within whatever parameters are currently established than he would request the developer do the same. Particularly if looking at the intersections of County Road B and Pascal. If a person tries to take a left off of County Road B to Pascal that person will sit there for five to ten minutes and sometimes fifteen to twenty minutes because of the increase in volume of traffic. Also, he noticed there are new temporary stop signs at the north end of Albert which is another disaster intersection.

Ms. Celeste Moore Hannan, 1398 Sandhurst Drive, indicated her house is directly across from the driveway into and out of the new planned facility. She explained she has many concerns. Her family has lived there for thirty-one years when the senior

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housing was next to her. She noted the building has since been removed leaving the open green space for twelve years. She thought the zoning has changed since the application for that senior housing was done. She was surprised to get the notice in the mail of this planned venture for a four-story apartment. She indicated this will drastically change the neighborhood, her home, the amount of noise they experience and wondered what kind of a sound barrier would be there. She indicated with this tall of a building it will change the light of the house, yard. She noted her major concerns would be the noise, traffic, parking and changes to the neighborhood, evaluation of their home.

Ms. Mary Erb, 1397 Sandhurst Drive, indicated she has lived in the area for twenty-seven years and raised five children there. She noted she taught her children to ride bikes on Sandhurst but today she would not advise that on her worst enemy. Traffic as it is, is terrible and more will be added with this development. He main concern is going to be noise and traffic. She thought this is pushing way to many people into a small area.

Mr. Phil Toconita, 1391 West Sandhurst Drive, explained he has lived there for fifty-one years. He indicated the traffic is bad there already and some people do not stop at the four way stop sign. There is a lot of speeding through the area as well. He explained the parking from the current apartment building block the view as well because there is not enough parking there and people park on the street. He agreed that biking is also dangerous.

Mr. Thomas Masanz, explained he lived across from this development. He noticed that it showed Albert as a three-lane road but one of those lanes is a turn lane. He thought this was too much. He agreed with everything that has been stated so far.

Ms. Myra Toconita, 1391 West Sandhurst Drive, requested that a new traffic study be conducted after all of the construction is complete in the area because that has altered the number of vehicles that go by. She explained during the State Fair there is also parking issues on the road.

Mr. Mike Bilski, CEO North American Banking Company, 2230 Albert Street, explained the changes the County has done to the road have eased the speed and the four way stop sign and changing of the lanes have been fantastic. He explained he has been at this location for twenty-three years and the neighborhood has taken great care of their homes. He thought the apartment buildings that exist there already have also done a great job taking care of the property. He thought all in all what is proposed here is good for the City. He did not think it is going to cause adverse consequences with parking. There are a lot of things that go on in the area and the parking is really a minor problem. He thought this is a great development for the corner.

Chair Kimble closed the public hearing at 7:24 p.m. and recapped the resident concerns.

229 Ms. Lloyd addressed the 2016 traffic study and indicated it was determined this to be
230 an adequate traffic study. He reviewed some of the questions the residents brought
231 up regarding zoning of the previous senior housing building, landscaping, parking,
232 and traffic.

233
234 **Commission Deliberation**

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236 Member Schaffhausen wondered with the density bonus, the City is really working
237 with trying to provide what the density bonus is as far as what it means from a
238 residential perspective, would be helpful and what would preclude the Commission
239 from saying this is something the City should do.

240
241 Mr. Lloyd explained the main achievement of this density bonus is that it reduces the
242 amount of surface parking and open lots and will help manage the amount of storm
243 water that is being generated on the site, at least from the flat areas and will also help
244 to reduce the radiant heat that comes from the sun warming up an asphalt parking lot.
245 He thought as much as anything it promotes a more efficient use of a given amount of
246 land by having the parking stalls underneath the building rather than on the surface.
247 He indicated as staff has reviewed this there is nothing that would preclude this
248 development from being built.

249
250 Member Schaffhausen left the meeting at 7:35 p.m.

251
252 Member McGehee thought that even though this is a lovely building it does not mean
253 that she agrees with the density of it. She thought the traffic was terrible along with
254 the intersection in the area. She also noted there were not any solar or electric
255 charging stations incorporated into the design or any environmental items. She
256 indicated she was not willing to support the additional units based on the
257 documentation in the packet.

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259 **MOTION**
260 **Member McGehee moved, seconded by Member Kruzel, to recommend to the**
261 **City Council approval of the increased residential density with the added**
262 **condition that the development be limited to a total of 72 units, based on the Fire**
263 **Departments findings.**

264
265 Chair Kimble explained in regard to covered stations and electric charging stations in
266 the proposed development, the City does not have those incentives in place yet and is
267 pretty hard for a developer to respond to something this City does not have.

268
269 Member Kruzel asked if there was a possibility to get another traffic study done
270 before a decision was made. She wondered what the expiration was of a traffic study.

271
272 Mr. Lloyd was not sure if there is an expiration date for a traffic study. He thought it
273 had to do with the conditions and how the surrounding conditions have changed and
274 what is being proposed. One of the challenges he is seeing with having a new traffic
275 study done so it is available for the Planning Commission before action is taken is

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that the sixty-day timeline for the City’s action expires December 9th and there would not be time to get the traffic study done and through the to the City Council in time. The timeline would have to be extended with the developer’s approval.

Member Pribyl thought another issue with a new traffic study is there is still a lot of construction in the area so she imagined it would be awhile before a new traffic study would be an accurate reflection on the area.

Chair Kimble indicated she would like to hear from the applicant on this to see if there is any impact on the project before a vote.

Mr. Josh McKinney, Measure Crew, consultant for the applicant, explained the difference between eighty-six units and seventy-two units is absolutely massive on a project of this scale. He noted seventy-two units is not something that they could feasibly construct and are really seeking eighty-six to make the project work on a site that is this tight of two acres. Regarding traffic, the previous study, as noted in the City Engineer’s report had stated that it studied two hundred fifty-unit options and this proposed project is approximately a third of the total units of that two hundred fifty-unit option. If things are up and down or in flux, ultimately he felt they would be well within the current traffic study in terms of the amount of trips generated from this site. He noted there will be significant buffering for headlights along the parking lot and more screening can be done if needed.

Chair Kimball thanked Mr. McKinney for the information. She noted she was willing to trust staff’s judgement on the traffic and if the engineers did not think a new study was warranted she personally would trust their judgement on that.

Mr. McKinney explained what they are asking per the CUP request is not zero units or eighty-six it is an increase of fifty-six to eighty-six. He noted regarding a traffic study would thirty new units necessitate a new traffic study. He indicated he would struggle to see it creating enough of a difference when they are already talking about a significant reduction in units compared to the previous study.

Mr. Gottschalk explained from a development standpoint, a development like this increases the tax base significantly and more money will be coming into the City could help offset some of those costs. In speaking about the parking being a critical point in a project like this and to maximize the site to pay for the units, they also look at this from an amenity standpoint as well. They have taken great care within the site plan, as far as the exterior amenities go as well as with some of the interior amenities, which is not a part of the conditional use. There are a lot of good high valued market rate amenities that are a part of this project such as a club room, community room and a fourth-floor terrace and upper floor community room to encourage community gathering.

The Commission discussed with staff the conditional use requirements in the staff report.

323 Member McGehee asked if she could amend her motion.

324
325 Member Kruzal indicated when explained differently it changes this because her
326 assumption was this was going automatically to the higher number of units but it is
327 not, there is a cap.

328
329 Member McGehee explained the Commission can make a cap by including it in the
330 motion. In this particular case one of the conditions is that the number of units does
331 not exceed seventy-two.

332
333 Mr. Lloyd indicated that was correct. He was contemplating the prospect of having a
334 condition of approval that prevents somebody from doing a thing that the Zoning
335 Code allows them to do by right and that is a little less than comfortable for him.

336
337 Member Kruzal agreed and did not think that would work.

338
339 Mr. Lloyd explained Ms. Gundlach did some quick math and came up with thirty
340 units an acre with the ability to use the density bonus can get to the seventy-two units.

341
342 Member McGee thought the motion could be amended to state thirty units per acre.

343
344 Member Aspnes thought if they were going to seventy-two because they thought the
345 City services can support seventy-two, the jump to eighty-six is not huge in her mind,
346 it is marginal. Once it gets to seventy-two, how much bigger is the impact to it. The
347 site as it stands would support fifty-seven without any approval needed.

348
349 Mr. Lloyd indicated that was correct and affirmed that at a certain point requiring
350 fewer units the project goes away entirely. Of the projects that have come to staff's
351 attention for this site over the last few years, this is far and away the smallest and the
352 least number of units. That is testament to the fact that there is a minimum number of
353 units that need to be built in order to have a project that can function and be built in
354 the first place.

355
356 Chair Kimble noted the amount in the staff report states thirty-six units per acre and
357 she wondered if that should be thirty units per acre.

358
359 Mr. Paschke indicated it is what is shown in the staff report, thirty-six units per acre.

360
361 Chair Kimble wanted to make sure everyone was clear about the motion in order to
362 make a motion.

363
364 Member Kruzal felt she understood what the developer was saying that it was not
365 feasible to not have it larger and the Commission talked about trusting the reports
366 about the traffic study but her biggest concern was the traffic and the pedestrians. If
367 that all can work then increasing the number works for her after more clarification.
368 She indicated she would withdraw her second to the motion.

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370 Member McGehee withdrew her motion.

371

372 Member Aspnes asked if the City is aware that this neighborhood has traffic issues.

373

374 Mr. Paschke knew the City as well as the County was aware of the issues at County
375 Road B and Snelling Avenue. He reviewed some other issues within the area that are
376 not functioning as the County would like to see but he was not sure if the City was as
377 aware of issues on local streets in the area.

378

379 **Member Pribyl moved, seconded by Member Bjorum, to recommend to the City**
380 **Council approval of the proposed residential density of 36 units per acre, based**
381 **on the content of the RPCA, public input, and Planning Commission**
382 **deliberation with the two conditions listed. (PF22-020).**

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384 Member Pribyl indicated she sympathized with the residents in the neighborhood and
385 hears the neighborhood's concerns but felt that going from the fifty-seven that they
386 would be allowed to by right to the eighty-six that the developer is asking for is going
387 to make a significant difference and she sympathized with the developers concerns as
388 well and what is needed to make this development work. She also agreed with the
389 Fire Departments comments on this development as well.

390

391 Member Bjorum agreed and felt this is a quality development in a vacant lot. The
392 area is busy and he lives close to this intersection but he did not think the change to
393 the density allowed to what the developer is asking for is significant enough,
394 especially given that the traffic study was expecting more than double what is being
395 asked here. He thought this is a quality project which makes sense and worth moving
396 ahead.

397

398 **Ayes: 5**

399 **Nays: 0**

400 **Abstain: 1 (McGehee)**

401 **Motion carried.**

402

403 **7. Other Business**

404 **a. Discussion Regarding the Table of Uses (Table 1007-2) For The Institutional**
405 **District Of The Roseville Zoning Code And The Need For Potential**
406 **Amendments (PROJ0044-Amdt 1)**

407 City Planner Paschke reviewed the Table of Uses for the Institutional District of the
408 Roseville Zoning Code and the need for potential amendments with the Commission.

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410 Chair Kimble thought it was a lot to read. She indicated as she looked at the research
411 the White Bear Lake looked good, but the Shoreview did not. She liked that
412 Roseville has the Institutional District, but she understood staff issue that it is not
413 defined enough. She also liked the idea of having the zoning or district that is public
414 or institutional and to Mr. Paschke's point, maybe it is a use, not whether it is public
415 or private necessarily because there could be some things. She liked the way
416 Roseville is doing it but with more definition of uses. She noted the only use she did

417 not understand was cemeteries because that one seemed like it should be in a class all
418 its own.

419
420 Member Pribyl wondered how many areas of Roseville have the Institutional
421 designation.

422
423 Mr. Paschke explained it would be all the schools, public uses, cemeteries, and
424 churches. He thought the Kent Street site is the only area that is considered under
425 developed because there is a building on it that is utilized and leased but there are also
426 parts of it that are used both in an interim use perspective for household hazardous
427 waste, which is one of the things that is being looked at for putting in there on a
428 permanent basis as well as they have used it in the past when there are storms for
429 hauling trees temporarily and other types of things.

430
431 Chair Kimble asked if this was more of a room for improvement so the Code is better
432 or is this also helpful as the Master Civic Campus develops.

433
434 Mr. Paschke thought it was helpful in two ways. One is talking about the uses in the
435 table, what ones are in there, what ones may go, and which ones need to be defined.
436 He thought having something in there that staff can look at is what he is looking for
437 as the Campus Master Plan moves forward.

438
439 Member Pribyl asked if some of these things go away, talking about defining the
440 more generally public facilities and uses. She thought for her there are some things in
441 this that would still be helpful to see.

442
443 Mr. Paschke indicated some would stay because these would be accessory to the
444 principal use per say.

445
446 Ms. Gundlach thought the bigger question was not do they want to keep the
447 Institutional District, because clearly the City does want to keep it. She thought the
448 bigger question is because some of the uses in the current table are not defined, does
449 the Planning Commission want to have the opportunity to review a Conditional Use
450 for some of these or given their “Government” type use, is the Commission
451 comfortable with those just being permitted uses as long as staff defines more clearly
452 what those entails.

453
454 Chair Kimble thought there were some on there that still needed Conditional Uses.

455
456 Member McGehee agreed and explained she did not want to get rid of the
457 institutional uses and the City has a lot of them. Having a Conditional Use is not
458 onerous for someone to come forward with.

459
460 Ms. Gundlach thought there was some misunderstanding. Staff is not talking about
461 getting rid of the Institutional District, that needs to be retained. What staff is seeking
462 clarification on is Maintenance Facility is currently listed as a Conditional Use but is
463 not defined. She noted Mr. Paschke is in a position where he has to review what

464 happens on a Civic Campus and he has to review what Ramsey County wants to do in
465 an Environmental Service Center, not all of those things fit under Maintenance
466 Facility and not all those things fit under Government Office. The City needs to
467 better define those terms. When they better define those terms, what is to be
468 permitted and what is not ok to be permitted and needs a Conditional Use so that staff
469 can go back and create better definitions to plug into this land use table.

470
471 Mr. Paschke noted staff would come back to the Commission with definitions of what
472 those items are, whether it is public use as is indicated in the report, there is a
473 definition within that of what that would cover. If it is something else that the
474 Commission wants staff to define and the Commission wants it placed in the Use
475 Table staff would have to search out and try to find a definition of whatever that
476 might be and draft it and come back to the Commission to review if it made sense,
477 then it is a matter of amending the table and the definition section for that specifically
478 and then putting a “c” by it as having it be Conditional.

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

484
485 Ms. Gundlach thought the Commission would want to retain a Conditional Use
486 option for uses that are deemed heavier in terms of impacts for lighting, noise, or
487 traffic or maybe stuff that is stored outside.

488
489 Member Bjorum thought it should include anything that impacts property around it.

490
491 Ms. Gundlach thought fundamentally staff understands the Commission wants to
492 retain the Conditional Use option and do not want to create an all-encompassing
493 Government Use and it make it permitted. She indicated staff will go back and
494 reevaluated how those terms are defined and come back to the Commission.

495

496 **b. Discuss Phase Two Zoning Code Amendments**

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

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

502

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

508

509 Member McGehee thought it could go higher, maybe ten percent because anything
510 better would be good. She was also wondering about the stormwater management

511 stuff. She did not know how much is involved in this but certainly from the
512 standpoint of sustainability, her interest in this is to keep it at the maximum amount
513 of permeable surface and the maximum amount of green space and the ability to
514 have space to put a tree on. She indicated she was naturally going to want to value
515 those.

516
517 Ms. Gundlach thought this was touched on at the last meeting. Regarding storm
518 water, in terms of unlocking an incentive, if the project does unlock an incentive,
519 enough points to increase their impervious surface the impervious surface still
520 needed to be treated. That takes care of that issue. The other point regarding the
521 two, the point values staff came up with were based upon the cost and the challenge
522 in order to do these things and the belief is that some of these storm water items are
523 less expensive and easier to implement on a project and so that is why the points
524 were set at two versus some of the other things that are more expensive or more
525 challenging and were valued higher.

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

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

532
533 Ms. Gundlach indicated staff can make those changes.

534
535 Member Pribyl indicated she was very interested in how this will work. She
536 reviewed as an architect what items she would work on to get points. She noted on
537 the incentives if there was a maximum on the number of incentives that people can
538 take.

539
540 Ms. Gundlach explained staff talked about a limit. She did not see that noted in the
541 narrative but thought there was a discussion on the limit of no more than two or three
542 so staff can incorporate that into the narrative.

543
544 Member Pribyl asked if there is going to be someplace else for further definition of
545 some of the things in table two.

546
547 Ms. Gundlach explained her initial response would be staff can take another look at
548 these and see what needs to be better defined. One concern she has is with the
549 worksheet living outside of the Code and having a staff person who has knowledge
550 about sustainability at levels the City Planners do not have, staff would like to have
551 that person to have the ability to work on a project by project basis to evaluate the
552 merits of these individual projects and to have some flexibility to make decisions
553 based on what is in front of them with that specific project and she gets a little
554 concerned when things are overly defined because that might be detrimental to
555 developers actually utilizing this.

556
557 Chair Kimble thought this was great effort and everyone was excited to give it a try.

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8. Adjourn

MOTION

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

Ayes: 6

Nays: 0

Motion carried.



REQUEST FOR PLANNING COMMISSION ACTION

Date: 12/7/2022
Item No.: 6A

Department Approval

Janice Gundlach

Agenda Section

Public Hearings

Item Description: Hold a public hearing and make a recommendation to the City Council regarding the phase two Zoning Code amendments

1 BACKGROUND

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

- 3 • November 8, 2021: City Council adopted an ordinance approving phase one amendments to
- 4 the Zoning Code to ensure compliance with the City’s 2040 Comprehensive Plan. The
- 5 Planning Commission held numerous meetings in 2021 reviewing these amendments and
- 6 forwarding a recommendation to the City Council.
- 7 • September 1, 2021: Planning Commission held a preliminary discussion to prioritize the
- 8 second phase of updates to the Zoning Code. At that time, consensus was built around two
- 9 topics: 1) shoreland and 2) sustainability.
- 10 • January 31, 2022: Planning Commission held a joint meeting with the City Council to
- 11 determine if Commission and Council interests were aligned regarding the second phase of
- 12 updates to the Zoning Code. That discussion revealed consensus to focus on updating the
- 13 City’s Shoreland Ordinance to comply with the DNR’s current model ordinance and to pursue
- 14 other Zoning Code amendments surrounding sustainability.
- 15 • February 28, 2022: City Council authorized additional budget to ensure phase two topics could
- 16 be fully examined.
- 17 • June 1, 2022: The Planning Commission held a discussion on the phase two updates, including
- 18 reviewing the DNR’s model ordinance and potential modifications to the model ordinance to
- 19 accommodate the implementation of such rules in Roseville. A preliminary discussion was
- 20 also held regarding other sustainability topics, including requirements and incentives.
- 21 • July 6, 2022: The Planning Commission held a discussion on the phase two updates, including
- 22 recommendations for certain requirements surrounding EV ready/charging, minimum tree
- 23 requirements for multi-family development, and native landscaping. A discussion was also
- 24 had about solar and whether screening requirements should be imposed, but a determination
- 25 was made to leave the City’s existing solar rules in place and not implement a screening
- 26 requirement. A broader, more conceptual discussion occurred regarding incentives to promote
- 27 more sustainable building practices.
- 28 • September 7, 2022: The Planning Commission reviewed the latest draft of the Shoreland
- 29 Ordinance, final drafts of the language related to sustainability requirements (EV
- 30 ready/charging and landscaping), and began discussion on sustainability incentives.
- 31 • October 5, 2022: The Planning Commission reviewed the latest draft of the sustainability
- 32 incentives worksheet and provided feedback to staff.

- November 2, 2022: The Planning Commission reviewed the latest revisions to the sustainability incentives worksheet based on feedback obtained during the October meeting. Feedback included confirmation on a limit to the number of incentives a single project could obtain and that a greater number of points should be provided for incorporating bird-safe windows into a project.

HKGi has provided a summary memo of all of the items discussed and included in the second phase of updates (see Attachment A). This memo's attachments include the Zoning Code language proposed to be amended, including the Shoreland Overlay District (which would be accomplished via repeal and replace), electric vehicle charging standards, new and revised definitions, minor updates to landscaping standards, and sustainability incentives. All of these items have been previously discussed by the Planning Commission with the final language incorporating all comments received to-date.

The Planning Commission should hold a public hearing on all of the proposed amendments. Then, if appropriate, make a recommendation to the City Council.

STAFF RECOMMENDATION

Hold a public hearing and make a recommendation to the City Council on the following five amendments:

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

Prepared by: Janice Gundlach, Community Development Director

Attachments: A: HKGi memo & attachments dated 12-1-2022



MEMORANDUM

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

Overview

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

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

Shoreland Overlay District Ordinance

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

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

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

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

Attachment A shows the proposed Shoreland Overlay District Ordinance.

Electric Vehicle Charging Ordinance

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

Definitions

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

Landscaping Standards

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

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

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

Sustainability Incentives

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

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

- Zoning Incentives
- Sustainable Building Features.

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

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

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

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

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

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

ATTACHMENTS

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

Attachment A
Proposed Shoreland Ordinance Update
December 1, 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

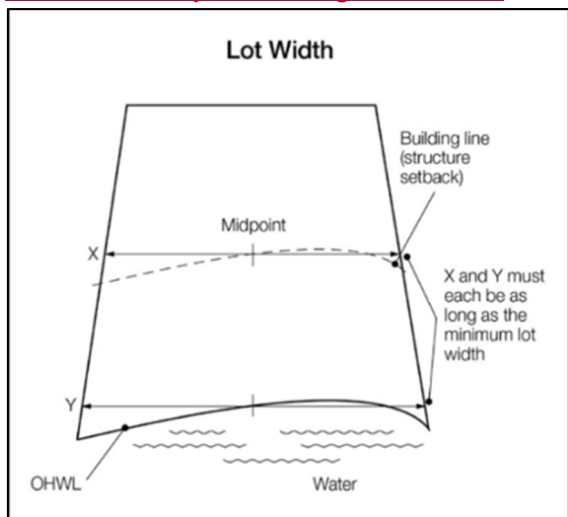
507 LOT WIDTH: ~~The horizontal distance between the side lines of a lot measured at right angles to its depth~~
508 ~~along a straight line parallel to the front lot line at the minimum required structure setback line.~~The
509 minimum distance between:

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

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December 1, 2022

511
512

- 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.



513

514 M.

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

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

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

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

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

Attachment A
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574 N.

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

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

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

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

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

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

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

594 O.

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

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

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

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

606 ORDINARY HIGH WATER LEVEL: ~~The point on the bank or shore up to which the presence and action~~
607 ~~of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or~~
608 ~~prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized~~
609 ~~characteristic. The boundary of public waters and wetlands, and shall be an elevation delineating the~~
610 ~~highest water level which has been maintained for a sufficient period of time to leave evidence upon the~~
611 ~~landscape, commonly that point where the natural vegetation changes from predominantly aquatic to~~

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612 predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the
613 bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation
614 of the normal summer pool.

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

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

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

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

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

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

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

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

637 P.

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

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

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

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

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

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

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

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

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

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

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

854 T.

855 TAPROOM: An area for the on-sale consumption of cider, mead, beer or other beverages made from malt
856 by fermentation produced for consumption on the premises of a brewery. A taproom may also include
857 sale for off-premises consumption of cider, mead, beer or other beverages made from malt by
858 fermentation produced at the brewery location and owned by the brewery for off-premises consumption,
859 packaged subject to Minnesota Statute 340A.301, subdivision 7(b), or its successor. (Ord. 1566, 10-22-
860 2018)

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

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

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

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

872 TOWNHOUSE: A form of one-family attached dwelling.

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

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

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4738 **CHAPTER 1012 OVERLAY DISTRICTS**

4739 SECTION:

4740 1012.01: Statement of Purpose

4741 1012.02: Bus Rapid Transit (BRT) Overlay District

4742 1012.03: Shoreland Overlay District

4743 **1012.01: STATEMENT OF PURPOSE**

4744 Overlay Districts are designed to:

4745 A. Provide specialized guidance for specific geographic areas that may have a number of underlying
4746 zoning districts.

4747 B. Comply with the Comprehensive Plan's land use guidance.

4748 **1012.02: BUS RAPID TRANSIT (BRT) OVERLAY DISTRICT**

4749 A. Purpose

4750 The Bus Rapid Transit (BRT) Overlay District is intended to:

- 4751 1. Achieve the guidance of the Comprehensive Plan's future land use goals and policies.
- 4752 2. Promote higher residential density development within the half-mile walkshed of BRT stations.
- 4753 3. Establish standards above and beyond those existing in underlying zoning districts for those areas.
- 4754 4. Focus on enhancing pedestrian connections as part of development.

4755 B. Overlay District Boundaries: This section shall apply to all lands within the jurisdiction of the City of
4756 Roseville, Minnesota, shown on the official zoning map and/or the attachments thereto as meeting
4757 both of the following:

- 4758 1. Located within the boundaries of the Bus Rapid Transit (BRT) Overlay District; and,
- 4759 2. Having the underlying zoning of the following base zoning districts:
- 4760 a. HDR High Density Residential District
- 4761 b. MU-1 Neighborhood Mixed Use District
- 4762 c. MU-2A and MU-2B Community Mixed Use Districts
- 4763 d. MU-3 Corridor Mixed Use District
- 4764 e. MU-4 Core Mixed Use District

4765 C. Density Standards

4766 1. Residential density shall be a minimum of 15 units per acre.

4767 D. Pedestrian and Bicycle Facilities Plan: Any expansion of existing buildings or uses, a change in use,
4768 or redevelopment of property will require submittal of a Pedestrian and Bicycle Facilities Plan prior to

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4769 any City approval of proposed development. The Pedestrian and Bicycle Facilities Plan shall include
4770 the following:

- 4771 1. Area map showing existing public and private pedestrian and bicycle facilities and destinations
4772 within a half-mile walkshed of the property.
- 4773 2. Proposed pedestrian and bicycle facilities.
- 4774 3. Proposed pedestrian and bicycle connections to existing or planned public sidewalks and trails,
4775 including pedestrian/bike street crossings.

4776 E. Pedestrian and Bicycle Facilities Standards

- 4777 1. Provision of pedestrian and bicycle connections to all existing or planned public sidewalks and
4778 trails, including pedestrian/bike street crossings, adjacent to the site.
- 4779 2. Provision of pedestrian-oriented open space adjacent to BRT stations and major roadway
4780 intersections designed as a semi-public space, outdoor seating, or other semi-public uses.

4781 **1012.03: SHORELAND OVERLAY DISTRICT**

4782 **A. Statutory Authorization and Policy**

- 4783 1. Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and
4784 policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 -
4785 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- 4786 2. Policy: The Legislature of Minnesota has delegated responsibility to local governments of the
4787 state to regulate the subdivision, use and development of the shorelands of public waters and thus
4788 preserve and enhance the quality of surface waters, conserve the economic and natural
4789 environmental values of shorelands, and provide for the wise use of waters and related land
4790 resources. This responsibility is hereby recognized by the City of Roseville.
- 4791 3. Purpose: The purpose of the Shoreland Overlay District is to recognize, preserve, protect and
4792 enhance the environmental, recreational and hydrologic resources and functions of the city's lakes
4793 by regulating the use of land adjacent to public waters. In order to promote the general health,
4794 safety and welfare, certain protected waters in the city have been given a shoreland management
4795 classification by the Minnesota Department of Natural Resources and the City of Roseville. The
4796 intent of the Shoreland Overlay District is to apply the regulations and standards found in this
4797 chapter to public waters and adjacent land as an overlay zone, further regulating the use of land as
4798 allowed by other districts of this ordinance.

4799 **B. General Provisions and Definitions**

- 4800 1. Jurisdiction: The provisions of this ordinance apply to the shorelands of the public water bodies
4801 as classified in Section 1012.03.D.1 of this ordinance. Pursuant to Minnesota Rules, Parts
4802 6120.2500 -6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25
4803 acres in size in unincorporated areas need be regulated in a local government's shoreland
4804 regulations. A body of water created by a private user where there was no previous shoreland
4805 may, at the discretion of the governing body, be exempt from this ordinance.

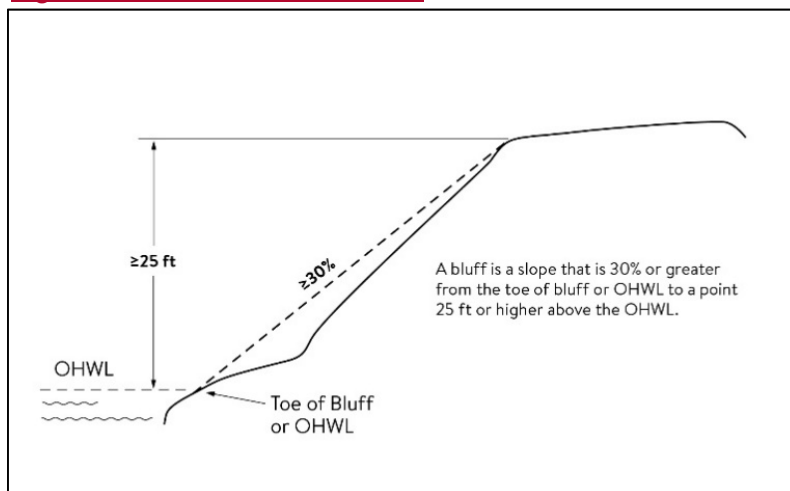
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- 4806 2. Enforcement: The Community Development Director is responsible for the administration and
4807 enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to
4808 comply with any of its requirements, including violations of conditions and safeguards
4809 established in connection with grants of variances or conditional uses, constitutes a misdemeanor
4810 and is punishable as defined by law. Violations of this ordinance can occur regardless of whether
4811 or not a permit is required for a regulated activity listed in Section 1012.03.C.2 of this ordinance.
- 4812 3. Severability: If any section, clause, provision, or portion of this ordinance is adjudged
4813 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance
4814 shall not be affected thereby.
- 4815 4. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or
4816 impair any existing easements, covenants, or deed restrictions. However, where this ordinance
4817 imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances
4818 inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 4819 5. Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be
4820 interpreted to give them the same meaning they have in common usage and to give this ordinance
4821 its most reasonable application. For the purpose of this ordinance, the words “must” and “shall”
4822 are mandatory and not permissive. All distances, unless otherwise specified, are measured
4823 horizontally.

4824 BLUFF: A topographic feature such as a hill, cliff, or embankment having the following
4825 characteristics:

- 4826 • Part or all of the feature is located in a shoreland area;
- 4827 • The slope must drain toward the waterbody.
- 4828 • The slope rises at least 25 feet above the ordinary high water level;
- 4829 • The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary
4830 high water level averages 30 percent or greater (see Figure 1012-1), except that an area with
4831 an average slope of less than 18 percent over a distance of at least 50 feet shall not be
4832 considered part of the bluff (see Figure 1012-2).

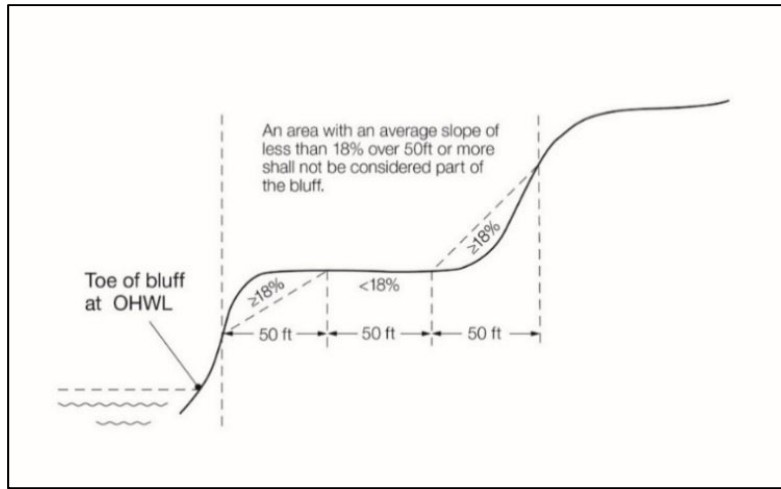
4833 Figure 1012-1: Illustration of Bluff



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4834

Figure 1012-2: Exception to Bluff



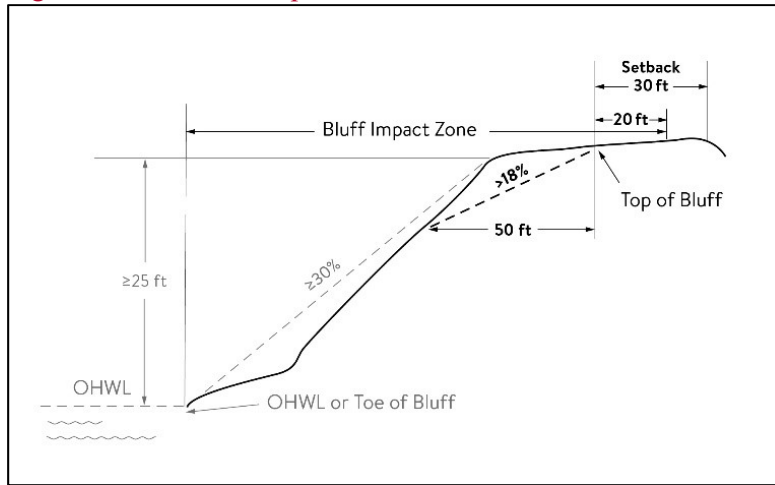
4835

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

4836

4837

Figure 1012-3: Bluff Impact Zone



4838

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.

4839

4840

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.

4841

4842

4843

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

4844

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

4845

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.

4846

4847

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

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4849 COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental, or trade of
4850 products, goods, and services.

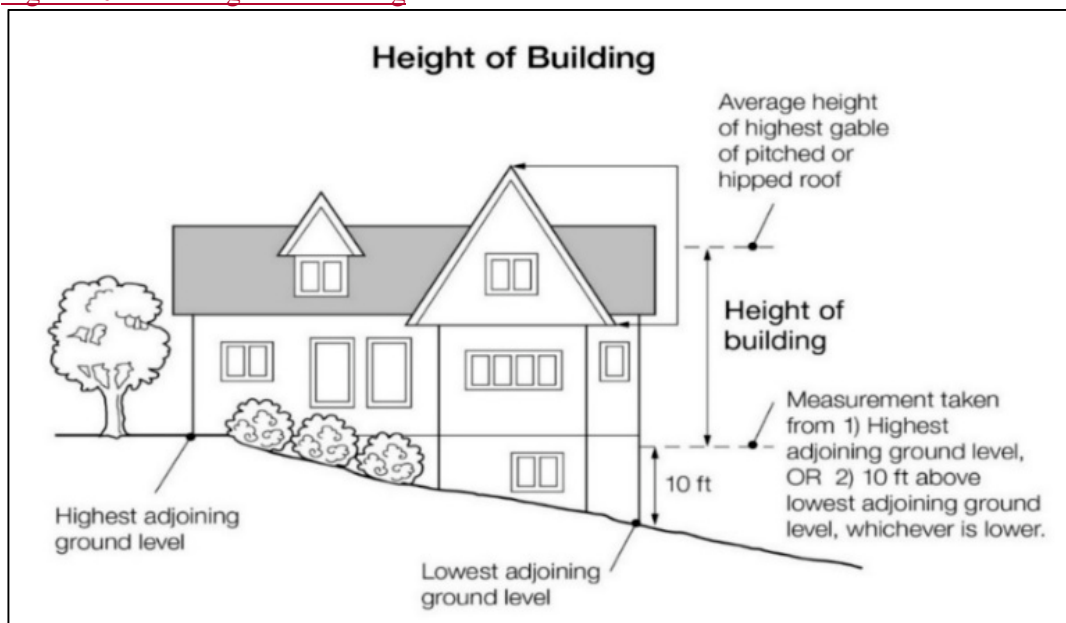
4851 COMMISSIONER: The commissioner of the Department of Natural Resources.

4852 CONDITIONAL USE: Conditional use. A land use or development as defined by ordinance that
4853 would not be appropriate generally but may be allowed with appropriate restrictions upon a
4854 finding that certain conditions as detailed in the zoning ordinance exist, the use or development
4855 conforms to the comprehensive land use plan of the community, and the use is compatible with
4856 the existing neighborhood.

4857 DWELLING SITE: A designated location for residential use by one or more persons using
4858 temporary or movable shelter, including camping and recreational vehicle sites.

4859 HEIGHT OF BUILDING: The vertical distance between the highest adjoining ground level at the
4860 building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest
4861 point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure
4862 1012-4).

4863 Figure 1012-4: Height of Building



4864 INDUSTRIAL USE: The use of land or buildings for the production, manufacture, warehousing,
4865 storage, or transfer of goods, products, commodities, or other wholesale items.

4866 INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a
4867 contiguous patch, strip, row, or block.

4868 NONCONFORMITY: Any legal use, structure or parcel of land already in existence, recorded, or
4869 authorized before the adoption of official controls or amendments to those controls that would not
4870 have been permitted to become established under the terms of the official controls as now written.

4871 PLANNED UNIT DEVELOPMENT: A type of development characterized by a unified site
4872 design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or

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4873 lease, and also usually involving clustering of these units or sites to provide areas of common
4874 open space, density increases, and a mix of structure types and land uses. These developments
4875 may be organized and operated as condominiums, time-share condominiums, cooperatives, full
4876 fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of
4877 dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds,
4878 resorts, hotels, motels, and conversions of structures and land uses to these uses.

4879 PUBLIC WATERS: Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15,
4880 15a.

4881 RESIDENTIAL PLANNED UNIT DEVELOPMENT: A use where the nature of residency is
4882 nontransient and the major or primary focus of the development is not service-oriented. For
4883 example, residential apartments, manufactured home parks, time-share condominiums,
4884 townhouses, cooperatives, and full fee ownership residences would be considered as residential
4885 planned unit developments. To qualify as a residential planned unit development, a development
4886 must contain at least five dwelling units or sites.

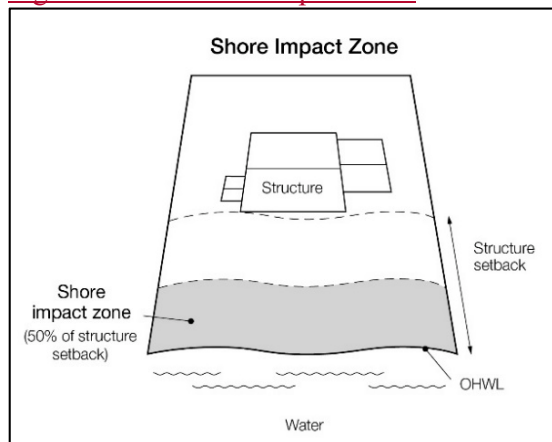
4887 SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public
4888 service that is ordinarily open to some persons outside the regular constituency of the
4889 organization.

4890 SETBACK: The minimum horizontal distance between a structure, sewage treatment system, or
4891 other facility and an ordinary high water level, sewage treatment system, top of a bluff, road,
4892 highway, property line, or other facility.

4893 SEWER SYSTEM: Pipelines or conduits, pumping stations, and force main, and all other
4894 construction, devices, appliances, or appurtenances used for conducting sewage or industrial
4895 waste or other wastes to a point of ultimate disposal.

4896 SHORE IMPACT ZONE: Land located between the ordinary high water level of a public water
4897 and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 1012-5).

4898 Figure 1012-5: Shore Impact Zone

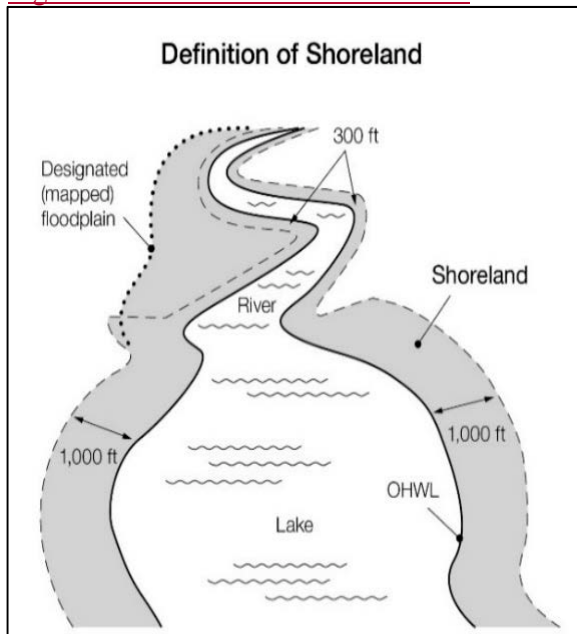


4899 SHORELAND: "Shoreland" means land located within the following distances from public
4900 waters:

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- 1,000 feet from the ordinary high water level of a Department of Natural Resources designated lake, pond, or flowage; and
- 300 feet from a city designated water body; and
- 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 1012-6).

Figure 1012-6: Definition of Shoreland



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

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

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

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

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

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4925 wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural
4926 land.

4927 VARIANCE: “Variance” means the same as that defined in Minnesota Statutes, Section 462.357
4928 Subd. 6 (2).

4929 WATER-DEPENDENT USE: The use of land for commercial, industrial, public or semi-public
4930 purposes, where access to and use of a public water is an integral part of the normal conduct of
4931 operation. Marinas, resorts, and restaurants with transient docking facilities are examples of
4932 commercial uses typically found in shoreland areas.

4933 WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, above ground
4934 building or other improvement, except stairways, fences, docks, and retaining walls, which,
4935 because of the relationship of its use to surface water, reasonably needs to be located closer to
4936 public waters than the normal structure setback. Examples of such structures and facilities
4937 include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish
4938 houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures
4939 given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented
4940 accessory structures

4941 WETLAND: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

4942 C. Administration

4943 1. Purpose: The purpose of this Section is to identify administrative provisions to ensure the
4944 ordinance is administered consistent with its purpose.

4945 2. Permits

4946 a. A permit is required for the construction of buildings or building additions (including
4947 construction of decks and signs) and those grading and filling activities not exempted by
4948 Section 1012.03.H.3 of this ordinance.

4949 b. A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is
4950 required whenever a permit or variance of any type is required for any improvement on or use
4951 of the property.

4952 3. Application Materials: Application for permits and other zoning applications such as variances
4953 shall be made to the Community Development Department on the forms provided. The
4954 application shall include the necessary information so that the Community Development Director
4955 can evaluate how the application complies with the provisions of this ordinance.

4956 4. Variances: Variances may only be granted in accordance with Minnesota Statutes, Section
4957 462.357 and are subject to the following:

4958 a. A variance may not circumvent the general purposes and intent of this ordinance; and

4959 b. Variances that allow a structure to be located within the ordinary high water level setback or
4960 that allow more impervious surface coverage than the standard shall include the following
4961 conditions:

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4962 i. The greater of 20 feet or 20% of contiguous shoreline to a depth of 10 feet shall be
4963 restored with trees, shrubs, and low ground covers consisting of native plants which are
4964 consistent with the natural cover of the shoreline.

4965 ii. A planting plan which is acceptable to City Staff shall be submitted that demonstrates
4966 how the restoration will occur.

4967 iii. Either a conservation easement for the restored area shall be established and recorded, or
4968 signage following City policies shall be installed and maintained around the restoration
4969 area.

4970 5. Conditional Uses: All conditional uses in the shoreland area are subject to a thorough evaluation
4971 of the waterbody and the topographic, vegetation, and soil conditions to ensure:

4972 a. The prevention of soil erosion or other possible pollution of public waters, both during and
4973 after construction;

4974 b. The visibility of structures and other facilities as viewed from public waters is limited;

4975 c. There is adequate water supply and on-site sewage treatment; and

4976 d. The types, uses, and numbers of watercraft that the project will generate are compatible in
4977 relation to the suitability of public waters to safely accommodate these watercrafts.

4978 6. Mitigation

4979 a. In evaluating all variances, conditional uses, zoning and building permit applications, the
4980 zoning authority shall require the property owner to address the following conditions, when
4981 related to and proportional to the impact, to meet the purpose of this ordinance, to protect
4982 adjacent properties, and the public interest:

4983 i. Advanced storm water runoff management treatment;

4984 ii. Reducing impervious surfaces;

4985 iii. Increasing setbacks from the ordinary high water level;

4986 iv. Restoration of wetlands;

4987 v. Limiting vegetation removal and/or riparian vegetation restoration;

4988 vi. Provisions for the location, design, and use of structures, sewage treatment systems, water
4989 supply systems, watercraft launching and docking areas, and parking areas; and

4990 vii. Other conditions the zoning authority deems necessary.

4991 b. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or
4992 other improvements on steep slopes, conditions to prevent erosion and to preserve existing
4993 vegetation screening of structures, vehicles, and other facilities as viewed from the surface of
4994 public waters assuming summer, leaf-on vegetation shall be attached to permits.

4995 7. Nonconformities

4996 a. All legally established nonconformities as of the date of this ordinance may continue, but will
4997 be managed according to Minnesota Statutes, 462.357 Subd. 1e and other regulations of this

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4998 community for alterations and additions; repair after damage; discontinuance of use; and
4999 intensification of use.

5000 b. All additions or expansions to the outside dimensions of an existing nonconforming structure
5001 must meet the setback, height, and other requirements of Sections 1012.03.E to 1012.03.H of
5002 this ordinance. Any deviation from these requirements must be authorized by a variance.

5003 8. Notifications to the Department of Natural Resources

5004 a. All amendments to this shoreland ordinance must be submitted to the Department of Natural
5005 Resources for review and approval for compliance with the statewide shoreland management
5006 rules. The City of Roseville will submit the proposed ordinance amendments to the
5007 commissioner or the commissioner’s designated representative at least 30 days before any
5008 scheduled public hearings.

5009 b. All notices of public hearings to consider variances, ordinance amendments, or conditional
5010 uses under shoreland management controls must be sent to the commissioner or the
5011 commissioner’s designated representative at least ten (10) days before the hearings. Notices
5012 of hearings to consider proposed subdivisions/plats must include copies of the
5013 subdivision/plat.

5014 c. All approved ordinance amendments and subdivisions/plats, and final decisions approving
5015 variances or conditional uses under local shoreland management controls must be sent to the
5016 commissioner or the commissioner’s designated representative and postmarked within ten
5017 days of final action. When a variance is approved after the Department of Natural Resources
5018 has formally recommended denial in the hearing record, the notification of the approved
5019 variance shall also include the summary of the public record/testimony and the findings of
5020 facts and conclusions which supported the issuance of the variance.

5021 d. Any request to change the shoreland management classification of public waters within the
5022 City of Roseville must be sent to the commissioner or the commissioner’s designated
5023 representative for approval, and must include a resolution and supporting data as required by
5024 Minnesota Rules, part 6120.3000, subp.4.

5025 e. Any request to reduce the boundaries of shorelands of public waters within City of Roseville
5026 must be sent to the commissioner or the commissioner’s designated representative for
5027 approval and must include a resolution and supporting data The boundaries of shorelands may
5028 be reduced when the shoreland of water bodies with different classifications overlap. In these
5029 cases, the topographic divide between the water bodies shall be used for adjusting the
5030 boundaries.

5031 9. Mandatory EAW: An Environmental Assessment Worksheet consistent with Minnesota Rules,
5032 Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part
5033 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.

5034 10. Planned Unit Development: A planned unit development (PUD) may be permitted within the
5035 Shoreland Overlay District as long as it follows the requirements of Chapter 1024 Planned Unit
5036 Developments and Section 1012.03.J below.

5037 D. Shoreland Classification System and Land Uses

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5038 1. Shoreland Classification System

5039 a. Purpose. To ensure that shoreland development on the public waters of the City of Roseville
5040 is regulated consistent with the classifications assigned by the commissioner under Minnesota
5041 Rules, part 6120.3300.

5042 b. Lakes are classified as follows:

5043 i. State designated general development (GD) lakes:

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

5044 ii. State designated natural environment (NE) lakes:

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

5045 iii. City designated general development (GD) lakes:

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

5046 2. Land Uses: The land uses allowable for the Shoreland Overlay District shall follow the permitted
5047 and conditional use designations as defined and outlined in the underlying zoning district.

5048 E. Special Land Use Provisions

5049 1. Commercial, Industrial, Public, and Semipublic Use Standards

5050 a. Water-dependent uses may be located on parcels or lots with frontage on public waters
5051 provided that:

5052 i. The use complies with provisions of Section 1012.03.G;

5053 ii. The use is designed to incorporate topographic and vegetative screening of parking areas
5054 and structures;

5055 iii. Uses that require short-term watercraft mooring for patrons must centralize these
5056 facilities and design them to avoid obstructions of navigation and to be the minimum size
5057 necessary to meet the need; and

5058 iv. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided
5059 that:

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5060 A. Signs placed in or on public waters must only convey directional information or
 5061 safety messages and may only be placed by a public authority or under a permit
 5062 issued by the county sheriff; and

5063 B. Signs placed within the shore impact zone are:

5064 1. No higher than ten feet above the ground, and no greater than 32 square feet in
 5065 size; and

5066 2. If illuminated by artificial lights, the lights must be shielded or directed to
 5067 prevent illumination across public waters; and

5068 C. Other lighting may be located within the shore impact zone or over public waters if it
 5069 is used to illuminate potential safety hazards and is shielded or otherwise directed to
 5070 prevent direct illumination across public waters. This does not preclude use of
 5071 navigational lights.

5072 2. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located
 5073 on lots or parcels without public waters frontage, or, if located on lots or parcels with public
 5074 waters frontage, must either be set back double the ordinary high water level setback or be
 5075 substantially screened from view from the water by vegetation or topography, assuming summer,
 5076 leaf-on conditions.

5077 F. Dimensional and General Performance Standards

5078 1. Purpose: To establish dimensional and performance standards that protect shoreland resources
 5079 from impacts of development.

5080 2. Lot Area and Width Standards: After the effective date of this ordinance, all new lots must meet
 5081 the minimum lot area and lot width requirements in subsection d below, subject to the following
 5082 standards:

5083 a. Only lands above the ordinary high water level can be used to meet lot area and width
 5084 standards;

5085 b. Lot width standards must be met at both the ordinary high water level and at the building line;

5086 c. Residential subdivisions of one-family housing (lot) types that have dwelling unit densities
 5087 exceeding those in subsection d below are allowed only if designed and approved as
 5088 residential PUDs under Section 1012.03.J of this ordinance; and

5089 d. Minimum Lot Area and Width Standards for One-Family to Four-Family Housing (Lot
 5090 Type).

5091 i. Riparian Lot

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

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5092 ii. Non-Riparian Lot. The lot area and lot width shall meet the standards set forth in the
5093 underlying zoning district.

5094 3. Impervious Surface Coverage: Lot development shall meet the impervious surface and storm
5095 water management requirements of the underlying zoning district.

5096 4. Special Residential Lot Provisions:

5097 a. Development of attached, courtyard cottage, and multifamily housing shall meet the
5098 following standards:

5099 i. The lot area and lot width shall meet the standards of the underlying zoning district.

5100 ii. 70% of the shore impact zone must be permanently protected. If that zone does not meet
5101 a riparian buffer standards then restoration is required.

5102 iii. Shore recreation facilities:

5103 A. Must be centralized and located in areas suitable for them based on a suitability
5104 analysis.

5105 B. Docking, mooring, or over-water storage of more than six (6) watercraft on the
5106 centralized facility for the development will only be allowed if the width of the
5107 development is greater than the minimum lot width for a riparian single-family
5108 residential lot on the respective lake type. For each watercraft greater than six, the
5109 width of the development must be increased consistent with the following table:

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

5110 C. Launching ramp facilities, including a small dock for loading and unloading
5111 equipment, may be provided for use by occupants of dwelling units.

5112 D. A legal instrument must be developed that:

5113 1. Specifies which tenants and/or lot owners have authority to use the facilities;

5114 2. Identifies what activities are allowed. The activities may include watercraft
5115 launching, loading, storage, beaching, mooring, docking, swimming, sunbathing,
5116 or picnicking;

5117 3. Limits the total number of vehicles allowed to be parked in any parking area
5118 specifically dedicated to the centralized facilities and the total number of
5119 watercraft allowed to be continuously moored, docked, or stored over water;

5120 4. Requires centralization of all common facilities and activities in the most suitable
5121 locations on the lot to minimize topographic and vegetation alterations; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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5152 iii. The lot must be jointly owned by all purchasers of lots in the subdivision or by all
5153 purchasers of non-riparian lots in the subdivision who are provided riparian access rights
5154 on the access lot; and

5155 iv. Covenants or other equally effective legal instruments must be developed that:

5156 A. Specify which lot owners have authority to use the access lot;

5157 B. Identify what activities are allowed. The activities may include watercraft launching,
5158 loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;

5159 C. Limit the total number of vehicles allowed to be parked and the total number of
5160 watercraft allowed to be continuously moored, docked, or stored over water;

5161 D. Require centralization of all common facilities and activities in the most suitable
5162 locations on the lot to minimize topographic and vegetation alterations; and

5163 E. Require all parking areas, storage buildings, and other facilities to be screened by
5164 vegetation or topography as much as practical from view from the public water,
5165 assuming summer, leaf-on conditions.

5166 5. Placement, Height, and Design of Structures

5167 a. OHWL Setback for Structures. When more than one setback applies to a site, structures and
5168 facilities must be located to meet all setbacks, and comply with the following OHWL setback
5169 provisions.

5170 i. General Development Lake – 50 feet

5171 ii. Natural Environment Lake – 150 feet

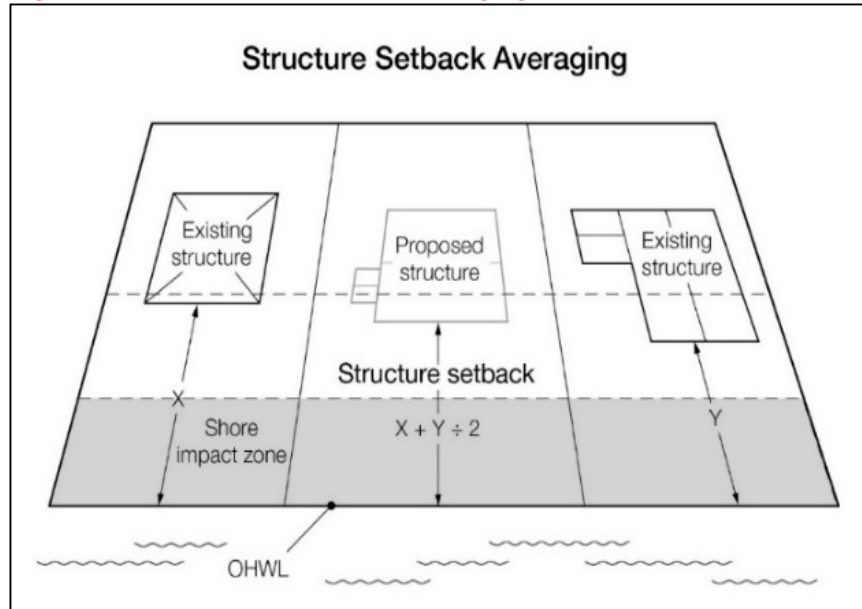
5172 iii. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the
5173 Ordinary High Water Level (OHWL), except that one water-oriented accessory structure
5174 or facility, designed in accordance with Section 1012.03.G.3 of this ordinance, may be set
5175 back a minimum distance of ten (10) feet from the OHWL.

5176 iv. Setback averaging. Where structures exist on the adjoining lots on both sides of a
5177 proposed building site, structure setbacks may be altered without a variance to conform to
5178 the adjoining setbacks from the OHWL, provided the proposed structure is not located in
5179 a shore impact zone or in a bluff impact zone (see Figure 1012-7);

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5180

Figure 1012-7: Structure Setback Averaging



5181

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.

5182

5183

5184

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

5185

5186

5187

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;

5188

5189

5190

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

5191

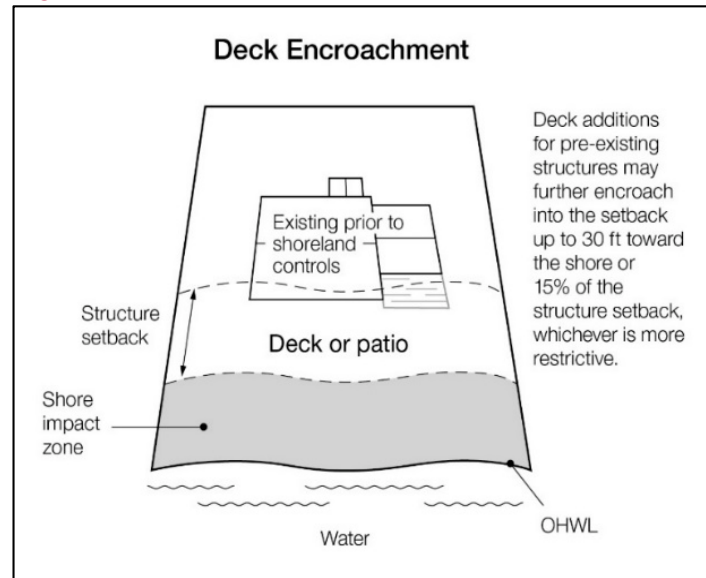
5192

D. The deck is constructed primarily of wood or composite materials having the appearance of wood, and is not roofed or screened (see Figure 1012-8).

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§193

Figure 1012-8: Deck Encroachment



§194

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

§195

A. 30 feet from the top of the bluff

§196

B. 50 feet from an unplatted cemetery

§197

§198

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

§199

§200

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

§201

§202

c. Lowest Floor Elevation

§203

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

§204

§205

§206

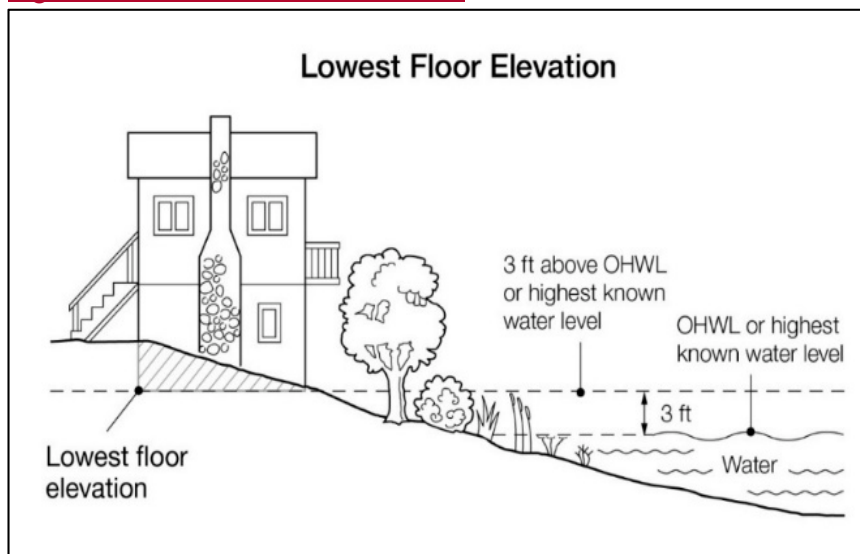
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Figure 1012.9: Lowest Floor Elevation



5210

ii. Methods for Placement

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

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5213

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;

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5215

5216

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.

5217

5218

5219

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.

5220

5221

5222

5223

6. Water Supply and Sewage Treatment

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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.

5225

5226

5227

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.

5228

5229

5230

G. Performance Standards for Public and Private Facilities

5231

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:

5232

5233

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- 5234 a. Roads, driveways, and parking areas must meet structure setbacks and must not be placed
5235 within bluff and shore impact zones, when other reasonable and feasible placement
5236 alternatives exist. If the City Engineer determines that no alternatives exist, they may be
5237 placed within these areas, and must be designed to minimize adverse impacts;
- 5238 b. Watercraft access ramps, approach roads, and access-related parking areas may be placed
5239 within shore impact zones provided the vegetative screening and erosion control conditions of
5240 this subpart are met;
- 5241 c. Private facilities must comply with the grading and filling provisions of Section 1012.03.H.3
5242 of this ordinance; and
- 5243 d. For public roads, driveways and parking areas, documentation must be provided by a
5244 qualified individual that they are designed and constructed to minimize and control erosion to
5245 public waters consistent with the field office technical guides of the local soil and water
5246 conservation district, or other applicable technical materials.
- 5247 2. Stairways, Lifts, and Landings: Stairways and lifts are the preferred alternative to major
5248 topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
5249 Stairways, lifts, and landings must meet the following design requirements:
- 5250 a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways
5251 may be used for commercial properties, public recreational uses, and planned unit
5252 developments;
- 5253 b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
5254 Landings larger than 32 square feet may be used for commercial properties, public-space
5255 recreational uses, and planned unit developments;
- 5256 c. Canopies or roofs are not allowed on stairways, lifts, or landings;
- 5257 d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings,
5258 or placed into the ground, provided they are designed and built in a manner that ensures
5259 control of soil erosion;
- 5260 e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of
5261 lots, as viewed from the surface of the public water assuming summer, leaf-on conditions,
5262 whenever practical; and
- 5263 f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also
5264 allowed for achieving access to shore areas, if they are consistent with the dimensional and
5265 performance standards of items a-e above and the requirements of Minnesota Rules, Chapter
5266 1341.
- 5267 3. Water-oriented Accessory Structures or Facilities: Each residential lot may have one water-
5268 oriented accessory structure or facility if it complies with the following provisions:
- 5269 a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and
5270 cannot occupy an area greater than 250 square feet. The structure or facility may include
5271 detached decks not exceeding eight feet above grade at any point or at-grade patios;
- 5272 b. The structure or facility is not in the Bluff Impact Zone;

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- 5273 c. The setback of the structure or facility from the ordinary high water level must be at least ten
5274 feet;
- 5275 d. The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes,
5276 Section 103G.245;
- 5277 e. The structure or facility must be treated to reduce visibility as viewed from public waters and
5278 adjacent shorelands by vegetation, topography, increased setbacks or color, assuming
5279 summer, leaf-on conditions;
- 5280 f. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a
5281 roof or sidewalls or used as a storage area;
- 5282 g. The structure or facility must not be designed or used for human habitation and must not
5283 contain water supply or sewage treatment facilities;
- 5284 h. As an alternative for general development and recreational development waterbodies, water-
5285 oriented accessory structures used solely for storage of watercraft and boating-related
5286 equipment may occupy an area up to 400 square feet provided the maximum width of the
5287 structure is 20 feet as measured parallel to the shoreline; and
- 5288 i. Water-oriented accessory structures may have the lowest floor placed lower than the
5289 elevation specified in Section 1012.03.F.5.c.i if the structure is designed to accommodate
5290 internal flooding, constructed of flood- resistant materials to the elevation, electrical and
5291 mechanical equipment is placed above the elevation and, if long duration flooding is
5292 anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

5293 H. Vegetation and Land Alterations

- 5294 1. Purpose: Alterations of vegetation and topography are regulated to prevent erosion into public
5295 waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank
5296 slumping, sustain water quality, and protect fish and wildlife habitat.
- 5297 2. Vegetation Management
- 5298 a. Removal or alteration of vegetation must comply with the provisions of this subsection except
5299 for:
- 5300 i. Vegetation alteration necessary for the construction of structures and sewage treatment
5301 systems under validly issued permits for these facilities; and
- 5302 ii. The construction of public roads and parking areas if consistent with Section 1012.03.G.1
5303 of this ordinance.
- 5304 b. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is
5305 prohibited.
- 5306 c. Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on
5307 steep slopes is allowed to provide a view to the water from the principal dwelling and to
5308 accommodate the placement of stairways and landings, picnic areas, access paths, beach and
5309 watercraft access areas, and permitted water-oriented accessory structures or facilities,
5310 provided that:

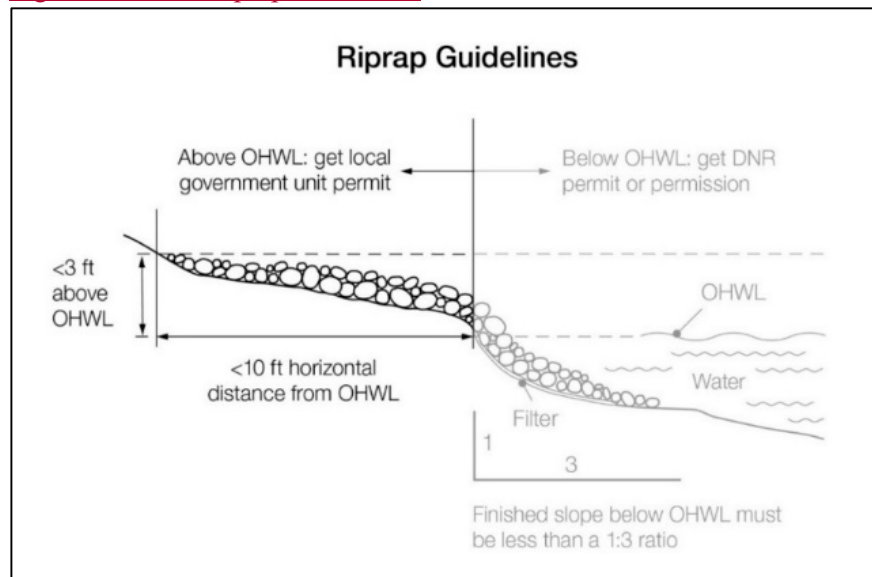
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- 5311 i. The screening of structures, vehicles, or other facilities as viewed from the water,
5312 assuming summer, leaf-on conditions, is not substantially reduced;
- 5313 ii. Existing shading of water surfaces along rivers is preserved;
- 5314 iii. Cutting debris or slash shall be scattered and not mounded on the ground; and
- 5315 iv. Perennial ground cover is retained.
- 5316 v. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas
5317 are prohibited in bluff impact zones.
- 5318 d. Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is
5319 allowed without a permit.
- 5320 e. Fertilizer and pesticide runoff into surface waters must be minimized through use of
5321 vegetation, topography or both.
- 5322 3. Grading and Filling
- 5323 a. Grading and filling activities must comply with the provisions of this subsection except for
5324 the construction of public roads and parking areas if consistent with Section 1012.03.G.1 of
5325 this ordinance.
- 5326 b. Permit Requirements
- 5327 i. Grading, filling and excavations necessary for the construction of structures, and
5328 driveways, if part of an approved permit, do not require a separate grading and filling
5329 permit. However, the standards in Section 1017.08.B.3 of this ordinance must be
5330 incorporated into the permit.
- 5331 ii. For all other work, including driveways not part of another permit, a grading and filling
5332 permit is required for:
- 5333 A. The movement of more than 10 cubic yards of material on steep slopes or within
5334 shore or bluff impact zones; and
- 5335 B. The movement of more than 50 cubic yards of material outside of steep slopes and
5336 shore and bluff impact zones.
- 5337 c. Grading, filling and excavation activities must meet the following standards:
- 5338 i. Grading or filling of any wetland must meet or exceed the wetland protection standards
5339 under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by
5340 other local state, or federal agencies such as watershed districts, the DNR or US Army
5341 Corps of Engineers;
- 5342 ii. Land alterations must be designed and implemented to minimize the amount of erosion
5343 and sediment from entering surface waters during and after construction consistently by:
- 5344 A. Limiting the amount and time of bare ground exposure;
- 5345 B. Using temporary ground covers such as mulches or similar materials;
- 5346 C. Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;

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- 5347 D. Using sediment traps, vegetated buffer strips or other appropriate techniques;
- 5348 E. Stabilizing altered areas to acceptable erosion control standards consistent with the
5349 field office technical guides of the soil and water conservation district;
- 5350 F. Not placing fill or excavated material in a manner that creates unstable slopes. Plans
5351 to place fill or excavated material on steep slopes must be reviewed by qualified
5352 professionals for continued slope stability and must not create finished slopes of 30
5353 percent or greater;
- 5354 G. Fill or excavated material must not be placed in bluff impact zones;
- 5355 H. Any alterations below the ordinary high water level of public waters must first be
5356 authorized by the commissioner under Minnesota Statutes, Section 103G;
- 5357 I. Alterations of topography are only allowed if they are accessory to permitted or
5358 conditional uses and do not adversely affect adjacent or nearby properties; and
- 5359 J. Placement of natural rock riprap, including associated grading of the shoreline and
5360 placement of a filter blanket, is permitted if:
- 5361 1. the finished slope does not exceed three feet horizontal to one-foot vertical;
 - 5362 2. the landward extent of the riprap is within ten feet of the ordinary high water
5363 level; and
 - 5364 3. the height of the riprap above the ordinary high water level does not exceed three
5365 feet (see Figure 1012-10).

5366 Figure 1012-10: Riprap Guidelines



- 5367 d. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors
5368 to public waters require a public waters permit and must comply with Minnesota Rules,
5369 Chapter 6115.

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5370 I. Subdivision/Platting Provisions

5371 1. Purpose: To ensure that new development minimizes impacts to shoreland resources and is safe
5372 and functional.

5373 2. Land suitability: Each lot created through subdivision, including planned unit developments
5374 authorized under Section 1012.03.J of this ordinance, must be suitable in its natural state for the
5375 proposed use with minimal alteration A suitability analysis must be conducted for each proposed
5376 subdivision, including planned unit developments, to determine if the subdivision is suitable in its
5377 natural state for the proposed use with minimal alteration and whether any feature of the land is
5378 likely to be harmful to the health, safety, or welfare of future residents of the proposed
5379 subdivision or of the community.

5380 3. Consistency with other controls: Subdivisions and each lot in a subdivision shall meet all official
5381 controls so that a variance is not needed later to use the lots for their intended purpose.

5382 4. Dedications: When a land or easement dedication is a condition of subdivision approval, the
5383 approval must provide easements over natural drainage or ponding areas for management of
5384 stormwater and significant wetlands.

5385 5. Platting: All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres
5386 or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters
5387 462.358 Subd. 3a (cities) and 505. No permit for construction of buildings or sewage treatment
5388 systems shall be issued for lots created after the adoption of this ordinance unless the lot was
5389 previously approved as part of a formal subdivision.

5390 6. Controlled Access Lots: Controlled access lots within a subdivision must meet or exceed the lot
5391 size criteria in Section 1012.03.F.2.d of this ordinance.

5392 J. Planned Unit Developments (PUDs)

5393 1. Purpose: To protect and enhance the natural and scenic qualities of shoreland areas during and
5394 after development and redevelopment of high density residential and commercial uses.

5395 2. Types of PUDs Permissible: Planned unit developments (PUDs) are allowed for new projects on
5396 undeveloped land, redevelopment of previously built sites, or conversions of existing buildings
5397 and land. Deviation from the minimum lot size standards of Section 1012.03.F.2.d of this
5398 ordinance is allowed if the standards in this Section are met.

5399 3. Processing of PUDs: Planned unit developments must be created through rezoning to an overlay
5400 district. The Planned unit development shall comply with the provisions of this section in addition
5401 to the standards set forth in Chapter 1023 Planned Unit Developments.

5402 4. Application for a PUD: In addition to the application materials required by Chapter 1023 Planned
5403 Unit Developments, the applicant for a PUD must submit the following documents prior to final
5404 action on the application request:

5405 a. A property owner's association agreement (for residential PUDs) which includes mandatory
5406 membership, and which is consistent with Section 1012.03.J.6 of this ordinance.

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

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

a. Step 1: Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

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

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

c. Step 3: Determine Base Density. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier.

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

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

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

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

5425 ii. Structure setbacks from the ordinary high water level:

5426 A. Are increased to at least 50 percent greater than the minimum setback; or

5427 B. The impact on the waterbody is reduced an equivalent amount through vegetative
 5428 management, topography, or additional acceptable means and the setback is at least
 5429 25 percent greater than the minimum setback.

5430 6. Design Criteria: All PUDs must meet the following design criteria.

5431 a. General Design Standards

5432 i. All residential planned unit developments must contain at least five dwelling units or
 5433 sites.

5434 ii. Dwelling units or dwelling sites must be clustered into one or more groups and located on
 5435 suitable areas of the development.

5436 iii. Dwelling units or dwelling sites must be designed and located to meet the dimensional
 5437 standards in Section 1012.03.F:

5438 iv. Shore recreation facilities:

5439 A. Must be centralized and located in areas suitable for them based on a suitability
 5440 analysis.

5441 B. The number of spaces provided for continuous beaching, mooring, or docking of
 5442 watercraft must not exceed one for each allowable dwelling unit or site in the first
 5443 tier.

5444 C. Launching ramp facilities, including a small dock for loading and unloading
 5445 equipment, may be provided for use by occupants of dwelling units or sites located in
 5446 other tiers.

5447 v. Structures, parking areas, and other facilities must be treated to reduce visibility as
 5448 viewed from public waters and adjacent shorelands by vegetation, topography, increased
 5449 setbacks, color, or other means acceptable to the local unit of government, assuming
 5450 summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if
 5451 existing, or may be required to be provided.

5452 vi. Accessory structures and facilities, except water oriented accessory structures, must meet
 5453 the required structure setback and must be centralized.

5454 vii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed
 5455 design standards contained in Section 1012.03.G.3 of this ordinance and are centralized.

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- 5456 b. Open Space Requirements: Open space must constitute at least 50 percent of the total project
5457 area and must include:
- 5458 i. Areas with physical characteristics unsuitable for development in their natural state;
5459 ii. Areas containing significant historic sites or unplatted cemeteries;
5460 iii. Portions of the shore impact zone preserved in its natural or existing state as follows:
- 5461 A. For existing residential PUDs, at least 50 percent of the shore impact zone
5462 B. For new residential PUDs, at least 70 percent of the shore impact zone.
- 5463 iv. Open space may include:
- 5464 A. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests
5465 staying in commercial dwelling units or sites, and by the general public;
5466 B. Non-public water wetlands.
- 5467 v. Open space shall not include:
- 5468 A. Dwelling sites;
5469 B. Dwelling units or structures, except water oriented accessory structures or facilities;
5470 C. Road rights-of-way or land covered by road surfaces and parking areas;
5471 D. Land below the OHWL of public waters; and
5472 E. Commercial facilities or uses.
- 5473 c. Open Space Maintenance and Administration Requirements
- 5474 i. Open space preservation: The appearance of open space areas, including topography,
5475 vegetation, and allowable uses, must be preserved and maintained by use of deed
5476 restrictions, covenants, permanent easements, public dedication, or other equally effective
5477 and permanent means. The instruments must prohibit:
- 5478 A. Commercial uses (for residential PUDs);
5479 B. Vegetation and topographic alterations other than routine maintenance;
5480 C. Construction of additional buildings or storage of vehicles and other materials; and
5481 D. Uncontrolled beaching of watercraft.
- 5482 ii. Development organization and functioning: Unless an equally effective alternative
5483 community framework is established, all residential planned unit developments must use
5484 an owners association with the following features:
- 5485 A. Membership must be mandatory for each dwelling unit or dwelling site owner and
5486 any successive owner;
5487 B. Each member must pay a pro rata share of the association's expenses, and unpaid
5488 assessments can become liens on units or dwelling sites;
5489 C. Assessments must be adjustable to accommodate changing conditions; and

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

d. Erosion Control and Stormwater Management

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

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

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

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

5511 ~~SECTION:~~

5512 ~~1017.01: _____ Short Title~~

5513 ~~1017.02: _____ Jurisdiction~~

5514 ~~1017.03: _____ Statutory Authorization~~

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

5516 ~~1017.05: _____ Definitions~~

5517 ~~1017.06: _____ Enforcement Compliance~~

5518 ~~1017.07: _____ Disclaimer~~

5519 ~~1017.08: _____ Interpretation~~

5520 ~~1017.09: _____ Severability~~

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

5522 ~~1017.11: _____ Administration~~

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

5524 ~~1017.13: _____ Shoreland Classifications~~

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

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

5527 ~~1017.16: _____ Structure Design Standards~~

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

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

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

5531 ~~1017.20: _____ Variances~~

5532 ~~1017.21: _____ Conditional Uses~~

5533 ~~1017.22: _____ Nonconformities~~

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

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

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

5537 ~~1017.26: _____ Storm Water Management~~

5538 ~~1017.27: _____ Amendment~~

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Proposed Sustainability-Related Zoning Code Changes
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1) Electric Vehicle Charging Standards

1019.04 Minimum Parking Spaces & Electric Vehicle Charging Requirements

NEW SECTION

D. Electric Vehicle Charging Standards

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

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

Number of spaces	EVSE required spaces for new parking areas	EVSE required spaces for expansion or improvement of existing parking areas
29 or fewer	<ul style="list-style-type: none"> • Optional 	<ul style="list-style-type: none"> • Optional
30- 49	<ul style="list-style-type: none"> • Multiple family residential (5 or more units)- 5% of required parking as Level 1 • Non-residential land uses- One Level 2 station • One handicapped space required to have access to an EVCS 	<ul style="list-style-type: none"> • In the event that a parking area is expanded or improved (per Section 1019.03), EVSE are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved
50+	<ul style="list-style-type: none"> • Multiple family residential (5 or more units)- 10% of required parking as Level 1, one Level 2 station required for guest parking • Non-residential land uses- At least 1% of required parking as Level 2 stations. DC charging stations may be installed to satisfy the EVCS requirements on a one-for-one basis. 	<ul style="list-style-type: none"> • In the event that a parking area is expanded or improved (per Section 1019.03), EVSE are required only when the expansion consists of more than 25% additional parking spaces or more than 25% of the parking area is improved

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

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

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- 67 c. Lighting. Site lighting shall be provided where EVSE is installed, unless charging
68 is for daytime purposes only.
- 69 d. Equipment Design Standards.
- 70 i. Battery charging station outlets and connector devices shall be mounted to
71 comply with state code and must comply with all relevant Americans with
72 Disabilities Act (ADA) requirements. Equipment mounted on pedestals,
73 lighting posts, bollards, or other devices shall be designed and located as
74 to not impede pedestrian travel or create trip hazards on sidewalks.
- 75 ii. Electric vehicle charging devices may be located adjacent to designated
76 parking spaces in a garage or parking lot as long as the devices do not
77 encroach into the required dimensions of the parking space (length, width,
78 and height clearances).
- 79 iii. The design should be appropriate to the location and use. Facilities should
80 be able to be readily identified by electric vehicle users and blend into the
81 surrounding landscape/architecture for compatibility with the character
82 and use of the site.
- 83 iv. EVCS pedestals shall be designed to minimize potential damage by
84 accidents, vandalism and to be safe for use in inclement weather.
- 85 e. Usage Fees. The property owner may collect a service fee for the use of EVSE.
- 86 f. Maintenance. EVSE shall be maintained in all respects, including the functioning
87 of the equipment. A phone number or other contact information shall be provided
88 on the equipment for reporting problems with the equipment or access to it.
89

90 **2) Definitions Related to Electric Vehicle Charging and Shoreland Standards**

91 **1001.10 Definitions**

92 **NEW ELECTRIC VEHICLE CHARGING DEFINITIONS**

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

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

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

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

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

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

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

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

111 1. Battery electric vehicle

112 2. Plug-in hybrid electric vehicle

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

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

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

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

125 ELECTRICAL CAPACITY shall mean, at minimum:

126 1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a
127 208/240V outlet per charger;

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

129 PLUG IN HYBRID ELECTRIC VEHICLE: an electric vehicle that:

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

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

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

136 4. Has the ability to travel powered by electricity.

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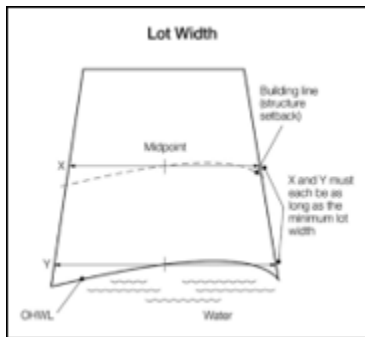
137 **UPDATED DEFINITIONS RELEVANT TO THE SHORELAND OVERLAY DISTRICT**

138 LOT WIDTH. The minimum distance between:

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

140 B. Side lot lines at the ordinary high water level, if applicable (see Figure 4). Otherwise, side
141 lot lines at the rear yard building setback line.

142 Figure 4. Lot Width



143
144 ~~ORDINARY HIGH WATER LEVEL: The point on the bank or shore up to which the presenece~~
145 ~~and action of surface water is so continuous as to leave a distinctive mark such as by erosion,~~
146 ~~destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other~~
147 ~~easily recognized characteristic.~~

148 ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be
149 an elevation delineating the highest water level which has been maintained for a sufficient period
150 of time to leave evidence upon the landscape, commonly that point where the natural vegetation
151 changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary
152 high water level is the elevation of the top of the bank of the channel. For reservoirs and
153 flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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

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Proposed Sustainability-Related Zoning Code Changes
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160 **3) Landscaping Standards**

161 **1011.03 Landscaping and Screening in All Districts**

162 **UPDATED LANDSCAPING STANDARDS**

- 163 A.3.e. The following minimum number of plant materials shall be provided:
- 164 i. One and two-family dwellings constructed after January 1, 2011 shall plant 1 tree
- 165 per lot in the boulevard. The boulevard tree shall be of a species identified in the
- 166 City of Roseville Street Tree Master Plan for streets and boulevards and shall be
- 167 planted according to City requirements.
- 168 ii. Multi-family residential dwellings shall require the following:
- 169 --1 canopy tree and 1 evergreen tree per two thousand (2,000) square feet of open
- 170 area.
- 171 iii. Non-Residential uses shall require the greater of:
- 172 --1 canopy or evergreen tree per 1,000 square feet of gross building floor area; or
- 173 --1 canopy or evergreen tree per 50 lineal feet of site perimeter;
- 174 iv. Up to 25% of the required number of canopy or evergreen trees may be
- 175 substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or
- 176 evergreen tree.
- 177 v. Except for one- and two-family dwellings, shrubs shall be required at the greater
- 178 of the following:
- 179 --6 shrubs per 1,000 square feet of gross building floor area; or
- 180 --6 shrubs per 50 lineal feet of site perimeter.
- 181 vi. In a mixed-use building or development, each use shall be calculated separately to
- 182 determine minimum landscape requirements.
- 183 A.4. Plant Material Standards:
- 184 a. The complement of trees required shall be at least 25% deciduous and at least 25%
- 185 coniferous. Not more than 30% of the required number of trees shall be composed of
- 186 a single species.
- 187 b. Minimum Size of Plantings: Caliper inches to be measured 6 inches off the ground.
- 188 i. Canopy tree: 3-inch caliper
- 189 ii. Ornamental tree: 1.5-inch caliper
- 190 iii. Evergreen tree: 6-foot height
- 191 iv. Deciduous or evergreen shrub: 5-gallon pot
- 192 c. All plant materials shall be selected based on zone tolerance in accordance with the
- 193 USDA Plant Hardiness Zone Map.
- 194 d. No new landscaping shall contain plant materials that are listed on the MN Dept. of
- 195 Agriculture Noxious Weed List or the MN DNR Invasive Terrestrial Plants List.

196 **4) Sustainability Incentives**

197 **NEW SECTION**

198 **1011.13: SUSTAINABLE BUILDING ZONING INCENTIVES**

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

211

Attachment C
Sustainable Building Zoning Incentives
Bonus Points Worksheet
December 1, 2022

1 PURPOSE

2 The City of Roseville has a vision of being a dynamic and sustainable community that proactively
3 addresses evolving community needs. The City of Roseville is committed to enhancing its existing natural
4 resources and strengthening its resilience – the community’s ability to respond, adapt, and thrive under
5 changing environmental conditions. To support this vision, the City of Roseville provides zoning
6 incentives for development projects that incorporate sustainable building features.

8 APPLICABILITY

9 The provisions of Zoning Code Section 1011.13, Sustainable Building Zoning Incentives, apply to all new
10 development, redevelopment, and major expansions. Development projects that seek the zoning
11 incentives identified in Table 1 below can qualify for up to three (3) zoning incentives by choosing
12 specific sustainable building features to incorporate into their proposed development.

13 INSTRUCTIONS

- 14 1) Contact the Community Development Department to discuss your interest in applying for a
15 zoning incentive(s), up to three (3), in exchange for providing sustainable building features in a
16 proposed development.
- 17 2) Figure out how many points you need for your proposed development to qualify for the
18 requested zoning incentive(s) in Table 1. If more than one incentive is requested, the total
19 points needed is the sum of the points needed for each incentive.
- 20 3) Identify the sustainable building features in Table 2 that your proposed development will
21 include and how many points will be earned toward achieving the points needed for the
22 requested incentive(s). Table 3 identifies which zoning incentives are applicable to each zoning
23 district.
- 24 4) The responsible Minnesota licensed architect or engineer shall prepare a Sustainable Building
25 Features Summary which includes the following:
 - 26 a. A detailed narrative description of each sustainable building feature used to earn points
27 for the development project;
 - 28 b. Clear references to the location within the construction documents (plans,
29 specifications, or other documents) where each sustainable building feature is
30 addressed (sheet, page, detail, etc.);
 - 31 c. A statement that the construction documents provide compliance with the sustainable
32 building features used to earn points for the project;
 - 33 d. Certification by the licensed architect or engineer.

34 Approval of a zoning incentive(s) is processed administratively by the Community Development
35 Department and the Sustainability Coordinator.

36 **DEVELOPMENT PROJECT INFORMATION**

37 **Property Address** _____

38 **Property Owner/Developer** _____

39 **Property's Zoning District** _____

40 Table 1 shows the options for zoning incentive/bonuses that developers may apply for and how many
41 points would be needed to qualify for each type of incentive.

42 **Table 1**

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

43 Table 2 shows the options for the sustainable building features that developers may choose to include in
 44 their development projects and how many points can be earned for each sustainable building feature.

45 **Table 2**

Potential Sustainable Building Features	Points Available	Points Earned
Building Energy Efficiency: Certification by an eligible sustainable building rating system: <ul style="list-style-type: none"> • US Green Building Council’s LEED; certified silver, gold or platinum • MN B3 Guidelines; certified compliant • Enterprise’s Green Communities (MN Overlay and Guide); certified • MN GreenStar; certified silver or greater 	6 5 5 4	
Building Energy Efficiency: Participate in the City’s Building Energy Benchmarking Program	1	
On-Site Renewable Energy Generation: Generate no less than 5% of the electricity needed by the development from on-site solar, wind, and/or geothermal energy sources.	4	
Building Electrification Readiness: The building is designed and built with the electricity technologies to convert the building to full electrification in the future and to discontinue the building’s use of fossil fuels for its energy needs.	3	
EV Level 1 or 2 Charging Stations & EV-Ready Infrastructure: <ul style="list-style-type: none"> • Exceed EV requirements by 10% • Exceed EV requirements by 20% 	2 4	
EV DC/Level 3 Charging Stations: Install a DC/Level 3 EV charging station(s)	3	
Stormwater Best Management Practices that Enhance/Improve on Existing Requirements: <ul style="list-style-type: none"> • Install a bioretention area/rain garden • Install a stormwater harvesting and reuse system • Install pervious pavements on at least 50% of paved surfaces • Other stormwater best management practices – utilization of new technologies as they emerge over time with approval from the City’s sustainability staff 	2	
Water Quality: Within the Shoreland Overlay District – implement shoreline restoration and/or buffers	1	
Green Roof: Install a green roof covering a minimum of 25% of the total roof area of a multi-family residential building (5 or more dwelling units) and a non-residential building.	3	
Natural Landscaping: Utilize pre-development natural, non-exotic vegetation on a minimum of 50% of the site’s open space area	4	
Community Garden: Provide a community garden comprising a minimum of 5% of the site’s total area	2	
Bird-Safe Windows: Meet the Whole Building Threat Factor (WBTF) of less than or equal to 15	2	
Total Points Earned		

46 Table 3 identifies which zoning incentives are applicable to each zoning district.

47 **Table 3**

Potential Zoning Incentives	LDR LMDR	MDR HDR	MU-1	MU-2A MU-2B	MU-3	MU-4	E-1 E-2 I	INST
Density Bonus – 20% increase in the maximum		X	X	X	X	X		
Lot Area Bonus – reduction in the minimum	X							
Lot Width Bonus – reduction in the minimum	X							
Building Height Bonus – increase in the maximum	X	X	X	X	X	X	X	X
Improvement Area Bonus – increased %		X	X	X	X	X	X	X
Impervious Surface Area Bonus – increased %	X							
Front Setback Bonus – 20% reduction of the minimum	X	X		X	X		X	X
Corner Setback Bonus – 20% reduction of the minimum	X	X		X	X		X	X
Rear Setback Bonus – 20% reduction of the minimum	X	X	X		X	X	X	X
Deviation from Exterior Materials Design Standard – reduction in the minimum % of primary materials required and increase in maximum % of secondary materials allowed			X	X	X	X	X	X
Deviation from Horizontal Façade Articulation Design Standard – increase in the minimum distance			X	X	X	X		X
Deviation from Façade Transparency Design Standard – reduction in the minimum %			X	X	X	X		X



REQUEST FOR PLANNING COMMISSION ACTION

Date: 12/7/2022
Item No.: 7A

Department Approval

Janice Gundlach

Agenda Section

Other Business

Item Description: 2023 Variance Board & Planning Commission Meeting Calendar

1 **BACKGROUND**

2 Every year the City Council adopts a meeting calendar. For 2023, the following dates have been
3 identified for Variance Board and/or Planning Commission meetings as needed. As is customary,
4 these dates consist of the first Wednesday of every month except when these dates fall on a holiday.
5 In the event of a holiday, the date is adjusted appropriately. The 2023 meeting dates are as follows:

- 6
- 7 January 4, 2023
- 8 February 1, 2023
- 9 March 1, 2023
- 10 April 5, 2023
- 11 May 3, 2023
- 12 June 7, 2023
- 13 July 5, 2023
- 14 August 2, 2023
- 15 September 6, 2023
- 16 October 4, 2023
- 17 November 1, 2023
- 18 December 6, 2023

19
20 While it is recognized conflicts arise, if possible, please let staff know if you will be unable to attend
21 any of these meeting dates.

22 **STAFF RECOMMENDATION**

23 No formal action is necessary.

Prepared by: Janice Gundlach, Community Development Director