
Appendix C

Applicable City Code

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- Chapter 408 Lawn Fertilizer/Pesticides
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 - Chapter 803 Stormwater Drainage
 - Chapter 1017 Shoreland, Wetland and Stormwater Management
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CHAPTER 408

LAWN FERTILIZER / PESTICIDES

SECTION:

- 408.01: Purpose
- 408.02: Commercial Applicator Regulations
- 408.03: General Regulations
- 408.04: Pesticide Application Warning Signs

408.01: PURPOSE:

The City has conducted studies and has reviewed existing data to determine the current and projected water quality of various lakes within its community. The data indicates that lake water quality may be maintained and improved if the City is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes as a result of storm water runoff or other causes. The purpose of this Section is to define regulations which will aid the City in maintaining and improving lake resources which are enjoyed by its residents and other users. (Ord. 1024, 11-23-87)

408.02: COMMERCIAL APPLICATOR REGULATIONS:

- A. License Required: No person shall engage in the business of commercial lawn fertilizer applicator within the City unless a license has been obtained from the City Manager, as provided in subsection 408.02B.
- B. License Application Procedure: Applications for a commercial lawn applicator license for a calendar year shall be submitted to the City Manager at least 30 days prior to the initial lawn fertilizer application each year within the City. The application shall consist of the following:
 - 1. Application Form: Application forms shall be provided by the City and shall include the following information:
 - a. Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
 - b. Description of lawn fertilizer formula proposed to be applied on lawns within the City.
 - c. A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.
 - 2. Fertilizer Sample: A chemical analysis of a sample of the lawn fertilizer shall be submitted to the City along with the initial application for a license and at least 30 days before fertilizer composition changes are implemented. Said analysis shall be certified by an independent testing laboratory.
 - 3. License Fee: The annual license fee for a commercial lawn fertilizer applicator shall be as established by the City Fee Schedule in Section 314.05. The license shall expire on December 31. The license fee shall not be prorated. (Ord. 1379A, 11-17-2008)
- C. Conditions of License: Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:
 - 1. Random Sampling: Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within the City at any time after issuance of the initial license.
 - 2. Possession of License: The commercial lawn fertilizer application license, or a copy

of such license, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.

3. State Regulations: Licensee shall comply with the provisions of the Minnesota Fertilizer, Soil Amendment, and Plant Amendment Law as contained in Minnesota Statute sections 18C.001, et seq. and amendments thereto. (Ord. 1024, 11-23-87) (Ord 1348, 5-21-2007)

408.03: GENERAL REGULATIONS:

- A. Time of Application: Lawn fertilizer applications shall not be applied when the ground is frozen or between January 1 and April 15, and between November 15 and December 31.
- B. Sample Analysis Cost: The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the same analysis indicates that the phosphate content exceeds the levels authorized in subsection 408.03C.
- C. Phosphorus use restrictions:
 - 1. A person may not apply a fertilizer containing the plant nutrient phosphorus to turf, except under conditions listed in paragraph 2.
 - 2. Paragraph 1 does not apply when:
 - a. a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
 - b. the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or
 - c. the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.
 - 3. Applications of phosphorous fertilizer authorized under paragraph 2 must not exceed rates recommended by the University of Minnesota and approved by the commissioner. (Ord.1348, 5-21-2007)
- D. Impervious Surfaces: No person shall apply fertilizer to impervious surfaces.
- E. Buffer Zone: Fertilizer applications shall not be made within 50 feet of any wetland or water resource. (Ord. 1024, 11-23-87) (Ord.1348, 5-21-2007)

408.04: PESTICIDE APPLICATION WARNING SIGNS

- A. Warning Signs Required: All commercial applicators who apply pesticides and non-commercial applicators who apply pesticides in parks, golf courses, athletic fields, playgrounds, or other similar recreational property, must post warning signs on the property where the pesticides are applied in accordance with Minnesota Statute Section 18B.09.
- B. Sign Requirements:
 - 1. Warning signs must project at least 18 inches above the top of the grass line.
 - 2. Warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place at least 48 hours after the time of initial application.
 - 3. Warning signs must contain the following information printed in contrasting colors and capitalized letters measuring at least one-half inch:
 - a. The name of the business organization, entity, or person applying the pesticide; and
 - b. The following language: "This area chemically treated. Keep children and pets off until _____ (date of safe entry)."
 - 4. The warning sign may include the name of the pesticide used.

5. Warning signs must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrances to the property.

(Ord. 1348, 5-21-2007)

CHAPTER 410

COAL TAR BASED SEALER PRODUCTS

SECTION:

- 410.01: Purpose
- 410.02: Definitions
- 410.03: Prohibitions
- 410.04: Exemption
- 410.05: Asphalt-Based Sealcoat Products
- 410.06: Penalty
- 410.07: Severability

410.01: PURPOSE

The City of Roseville understands that lakes, rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The City of Roseville Comprehensive Plan supports protection of these resources.

The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated an adverse relationship between stormwater runoff and certain health and environmental concerns.

The purpose of this ordinance is to regulate the use of sealer products within the City of Roseville, in order to protect, restore, and preserve the quality of its waters.

410.02: DEFINITIONS

Except as otherwise provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASPHALT-BASED SEALER: A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.

COAL TAR SEALER: A coal tar based sealer is a black liquid containing coal tar pitch that is sprayed or painted on asphalt parking lots and driveways.

COAL TAR: A byproduct of the process used to refine coal for the steel industry.

CITY: City of Roseville.

MPCA: Minnesota Pollution Control Agency

PAHs: Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

410.03: PROHIBITIONS

- A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City of Roseville.
- B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor,

volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

- D. A person may not sell a coal tar based sealer product within the City, unless:
1. The sale is to a person who intends to use the coal tar-based sealer outside the City's planning jurisdiction; and
 2. The seller requires the purchaser to complete and sign a form provided by the City that includes:
 - a. The name, address, and phone number of the purchaser,
 - b. The date of the purchase,
 - c. The quantity of coal tar-based sealer purchased,
 - d. A statement that the coal tar-based sealer will not be used within the City of Roseville,
 - e. An affirmation by the purchaser that the information on the form is correct, and
 3. The seller retains the completed form for a period of not less than two years and allows the City to inspect or copy the form upon request.

410.04: EXEMPTION

Upon the express written approval from both the City and MPCA, a person conducting bona fide research on the effects of coal tar-based sealer products or PHAs on the environment shall be exempt from the prohibitions provided in Section 3.

410.05: ASPHALT-BASED SEALCOAT PRODUCTS

The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.


410.06: PENALTY

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

410.07: SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(Ord. 1409, 6-13-2011)



CHAPTER 803 STORM WATER DRAINAGE

SECTION:

- 803.01: Storm Water Drainage Utility
- 803.02: Connection to Storm Sewers
- 803.03 Storm Water Illicit Discharge and Connections
- 803.04 Erosion and Sedimentation Control

803.01: STORM WATER DRAINAGE UTILITY:

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

¹ CLASSIFICATION	LAND USES	REF
1	Cemeteries golf courses	0.25
2	Parks with parking facilities	0.75
3	Single-family and duplex residential	1.00
4	Public & private school, community center	1.25
5	Multiple-family residential, churches & government buildings	2.50
6	Commercial, industrial, warehouse	5.00
7	Improved vacant	As Assigned

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

803.02: CONNECTION TO STORM SEWERS:

- A. Permit Required: No person shall connect any drain to a storm sewer of the City without first obtaining a permit to do so.
- B. Granting of Permits: The Public Works Director shall grant permits only to applicants who are licensed by the City.
- C. Hook Up Permit Fee: The fee for a permit to hook up to a City storm sewer shall be set by City Council resolution. (Ord. 377, 9-10-62; amd. 1995 Code)
- D. Additional Fees: Before any hook up permit shall be issued, the following conditions shall be complied with:
 1. No permit shall be issued to connect with any storm sewer system to the City directly or indirectly from any lot or tract of land unless the Public Works Director shall have certified:
 - a. That such lot or tract of land has been assessed for the cost of construction or the storm sewer main or line with which the connection is made, or
 - b. If no assessment has been levied for such construction cost, the proceedings for levying such assessment have been or will be completed in due course, or
 - c. If no assessment has been levied and no assessment proceedings will be completed in due course, that a sum equal to the portion of cost of constructing said storm sewer main which would be assessable against said lot or tract has been paid to the City, or
 2. If no such certificate can be issued by the Public Works Director no permit to connect to any storm sewer main shall be issued unless the applicant shall pay an additional connection fee which shall be equal to the portion of the cost of construction of the said storm sewer main which would be assessable against said lot or tract to be served by such connection. Said assessable cost is to be determined by the Public Works Director upon the same basis as any assessment previously levied against other property for the said main, including interest at a rate equal to the interest rate of the original assessment from the date of the original assessment and continuing for a period of 20 years or the amount of years the assessment was payable, whichever is less. Interest may be waived or decreased, when it is determined by the Public Works Director that the improvement was not subject to

utilization until a later date. If no such assessment has been levied, the assessable cost will be determined upon the basis of the uniform charge which may have been or which shall be charged for similar storm sewer improvements, determined on the basis of the total assessable cost of said main or line, allocated on a frontage basis, acreage basis, or both.

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

803.03: STORM WATER ILLICIT DISCHARGE AND CONNECTIONS:

- A. Purpose: The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects caused by non-storm water discharge by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. This ordinance will provide for the health, safety, and general welfare of the citizens of the City of Roseville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
 1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any person.
 2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
 3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- B. Definitions: For the purposes of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below.
 1. BEST MANAGEMENT PRACTICE (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
 - a. Non-structural BMP: Practices that focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors to manage storm water at its source. Other practices include clustering and concentrating development, minimizing disturbed areas, and reducing the size of impervious areas.
 - b. Structural BMP: a physical device that is typically designed and constructed to trap or filter pollutants from runoff, or reduce runoff velocities.
 2. COMMERCIAL: Activity conducted in connection with a business.
 3. DISCHARGE: Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute waters of the state.
 4. EQUIPMENT: Implements used in an operation or activity. Examples include, but are not limited to; lawn mowers, weed whips, shovels, wheelbarrows and construction equipment.

5. **EROSION:** any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
6. **GROUNDWATER:** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under conned, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.
7. **ILLEGAL/ ILLICIT DISCHARGE:** Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in this chapter.
8. **ILLICIT CONNECTION:** Either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any non-storm water discharge) including wastewater, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City; or,
 - b. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
9. **IMPERVIOUS SURFACE:** A hard surface area which either prevents or retards the entry of water into the ground. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water runoff.
10. **MAXIMUM EXTENT PRACTICABLE (MEP):** A standard for water quality that applies to all MS4 operators regulated under the NPDES program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.
11. **MECHANICAL CLEANING TECHNIQUES:** Arranging the collision between the substance being removed and some object. Mechanical cleaning techniques include: sweeping, shoveling, or blowing. This does NOT include using water to clean the surface.
12. **MPCA:** The Minnesota Pollution Control Agency.
13. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.
14. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.
15. **PERSON:** Any individual, firm, corporation, partnership, franchise, association or governmental entity.
16. **PERVIOUS SURFACE:** Pervious areas permit water to enter the ground by virtue of their porous nature or by large voids in the material. Commonly pervious areas

have vegetation growing on them.

17. POLLUTANT: Any substance which, when discharged has potential to or does any of the following:
 - a. Interferes with state designated water uses;
 - b. Obstructs or causes damage to waters of the state;
 - c. Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
 - d. Adds an unnatural surface film on the water;
 - e. Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
 - f. Degrades the quality of groundwater; or
 - g. Harms human life, aquatic life, or terrestrial plant and wildlife; A Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, wastewater, and oxygen-demanding material.
18. POLLUTE: To discharge pollutants into waters of the state.
19. POLLUTION: The direct or indirect distribution of pollutants into waters of the state.
20. PREMISES: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips
21. SANITARY SEWER: a pipe, conduit, or sewer owned, operated, and maintained by the City and which is designated by the Public Works Director as one dedicated to the exclusive purpose of carrying sanitary wastewater to the exclusion of other matter
22. STATE DESIGNATED WATER USES: Uses specified in state water quality standards.
23. STORM DRAINAGE SYSTEM: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
24. STORM WATER: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
25. SURFACE WATERS means all waters of the state other than ground waters, which include ponds, lakes, rivers, streams, wetlands, ditches, , and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.
26. STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
27. VEHICLE: Any "motor vehicle" as defined in Minnesota Statutes. Also includes watercraft, trailers and bicycles.
28. WATERCOURSE: A natural channel for water; also, a canal for the conveyance of water, a running stream of water having a bed and banks; the easement one may have in the flowing of such a stream in its accustomed course. A water course may be dry sometimes.

29. WATERS OF THE STATE: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
 30. WASTEWATER: Any water or other liquid, other than uncontaminated storm water, discharged from a facility or the by-product of washing equipment or vehicles
- C. Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City Council.
 - D. Administration: The Public Works Director is the principal City official responsible for the administration, implementation, and enforcement of the provisions of this ordinance. The Director may delegate any or all of the duties hereunder
 - E. Exemptions: No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
 1. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;
 2. Is associated with fire fighting activities or other activities necessary to protect public health and safety;
 3. Is one of the following exempt discharges: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pools and any other water source not containing pollutants;
 4. Consists of dye testing discharge, as long as the Public Works Director is provided a verbal notification prior to the time of the test.
 - F. Illegal Disposal and Dumping
 1. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin, or other drainage structure, business place, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
 2. No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.
 - G. Illicit Discharges and Connections
 1. No person shall use any illicit connection to intentionally convey non-storm water to the City's storm sewer system.
 2. The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 3. A person is considered to be in violation of this ordinance if the person connects a line conveying wastewater to the storm sewer system, or allows such a connection to continue.
 - H. General Provisions: All owners or occupants of property shall comply with the

following general requirements:

1. No person shall leave, store, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
 - a. Private sanitary sewer connections and appurtenances shall be maintained to prevent failure, which has the potential to pollute surface water.
 - b. Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
 - c. For pools, the pool's water should be tested before draining to ensure that PH levels are neutral and chlorine levels are not detectable. Pool water should be discharged over a vegetated area before draining into the storm sewer system. Unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
2. The washing down of commercial equipment and vehicles shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur.
3. Removal of pollutants such as grass, leaves, dirt and landscape material from impervious surfaces shall be completed to the maximum extent practicable using mechanical cleaning techniques.
4. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc) shall dispose of wastewater to the sanitary sewer. Wastewater shall not be discharged where drainage to streets or storm sewer system may occur.
5. Storage of materials, machinery and equipment shall comply with the following requirements:
 - a. Objects, such as equipment or vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing chemicals or other hazardous materials shall not be stored in areas susceptible to runoff.
 - b. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
6. Debris and residue shall be removed as follows:
 - a. All vehicle parking lots and private streets shall be swept at least once a year in the spring to remove debris. Such debris shall be collected and disposed of according to state and federal laws governing solid waste.
 - b. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be contained immediately, removed as soon as possible and disposed of according to state and federal laws governing solid waste.
- I. Industrial or Construction Activity Discharges. Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a manner acceptable to the Public Works Director prior to the allowing of discharges to the storm sewer system. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.
- J. Access to Facilities
 1. When the City has determined that there is a danger to the health, safety or welfare

of the public, city representatives shall be permitted to enter and inspect facilities subject to regulation under this ordinance to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to city representatives.

2. In lieu of an inspection by a City representative, the property owner shall furnish a certificate from a licensed plumber, in a form acceptable to the City, certifying that the property has not discharged prohibited material into the municipal storm sewer system. Failure to provide such certificate of compliance shall make the property owner immediately subject to the suspension of storm sewer access as provided for in section M of this section until the property is inspected and/or compliance is met, including any penalties and remedies as set forth in section N below.
 3. Unreasonable delays in allowing city representatives access to a permitted facility is a violation of a storm water discharge permit and of this ordinance.
 4. The City may seek issuance of a search warrant for the following reasons:
 - a. If city representatives are refused access to any part of the premises from which storm water is discharged, and there is probable cause to believe that there may be a violation of this ordinance; or
 - b. there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder; or
 - c. to protect the overall public health, safety, and welfare of the community.
- K. Watercourse Protection. Every person owning property through which a watercourse passes or is directly adjacent to a watercourse, shall keep and maintain that part of the watercourse free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- L. Notification of Spills. Notwithstanding other requirements of law, as soon as any person has information of release of materials which result or may result in illegal discharges of pollutants into the storm sewer system, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release according to state and federal laws.
- M. Suspension of Storm Sewer System Access
1. Suspension due to illicit discharges in emergency situation: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, to the storm sewer or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or the waters of the state, or to minimize danger to persons.
 2. Suspension due to the detection of illicit discharge: All persons discharging to the MS4 in violation of this ordinance may have their access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this ordinance to reinstate access to premises that have been terminated pursuant to this section without the prior approval of the City.
- N. Enforcement
1. Notice of Violation: A violation of this ordinance is a Public Nuisance. When it has been determined that a person has violated a prohibition or failed to meet a

requirement of this Ordinance, the Public Works Director may order compliance by written notice of violation to the person(s) responsible for the violation. Such notice may require without limitation:

- a. The performance of monitoring, analysis, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs;
- f. The implementation of source control or treatment BMPs;
- g. The development of a corrective action plan to prevent repeat discharges; and/ or
- h. Any other requirement deemed necessary.

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

2. **Appeal of Notice of Violation:** Any person receiving a Notice of Violation may appeal the determination of the Public Works Director. The notice of appeal must be received within 7 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Manager or his/ her designee shall be final.
3. **Enforcement Measures after Appeal:** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 7 days of the decision of the City Manager upholding the decision of the Public Works Director, then city representatives shall have the right to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow city representatives to enter upon the premises for the purposes set forth above.
4. **Cost of Abatement of the Violation:** Within 15 days after abatement of the violation, the person(s) responsible for the violation will be notified of the cost of abatement, including administrative costs. The person(s) given such notice may file a written protest objecting to the amount of the costs within 7 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or by the expiration of the time in which to file an appeal, the amount due shall constitute a lien upon, and the City shall have the right to assess such cost against the property owned by such violator(s) pursuant to Minnesota Statute § 429.101.
5. **Injunctive Relief:** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
6. **Compensatory Action:** In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory action such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
7. **Violations Deemed a Public Nuisance:** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and

is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

8. Criminal Prosecution: A violation of this ordinance is a misdemeanor.
9. Costs and Expenses: The City may recover all attorney's fees, court costs, staff expenses, clean-up costs, and any other expenses associated with enforcement of this ordinance including, but not limited to, sampling and monitoring expenses.
10. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

(Ord. 1388, 2-22-2010)

803.04: EROSION AND SEDIMENTATION CONTROL:

- A. Purpose: The purpose of this article is to control or eliminate soil erosion and sedimentation resulting from construction activity within the City. This article establishes standards and specifications for conservation practices and planning activities that minimize soil erosion and sedimentation.
- B. Scope: Except as exempted by the definition of the term "land disturbance activity" in Section 803.04 C7, any person, entity, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the erosion and sediment control plan. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth in this article.
- C. Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 1. Best Management Practice (BMP): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
 2. Certificate of Completion: the certificate issued after the final inspection of the site has been completed, temporary erosion control has been removed and the site has been fully restored.
 3. City of Roseville Erosion Control Specifications: practices described in, but not limited to, the following manuals:
 - Minnesota Stormwater Manual
 - Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas" handbook
 - Ramsey County Erosion and Sediment Control Handbook
 4. Erosion: any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
 5. Erosion and sediment control plan: a document containing the requirements of Section 803.04 D that, when implemented, will prevent or minimize soil erosion on a parcel of land and off-site sediment damages.
 6. Erosion and sediment control practice specifications and erosion and sediment control practices: the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the City.
 7. Land disturbance activity: land change greater than 10,000 square feet, or land change on a parcel of land located directly adjacent to a water resource or located

within the shoreland overlay district, that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of the city, including clearing, grading, excavating, transporting and filling of land. Land disturbance activity does not mean the following:

- a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
 - b. Tilling, planting, or harvesting or agricultural, horticultural, or silvicultural crops.
 - c. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
 - d. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbance activity would have required an approved erosion and sediment control plan except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the city when applicable.
8. Permittee: a person, entity, state agency, corporation, partnership, or political subdivision thereof engaged in a land disturbance activity.
 9. Sediment: solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.
 10. Sedimentation: the process or action of depositing sediment that is determined to have been caused by erosion.
 11. Water Resource: any stream, channel, wetland, storm pond, or lake within the City.
- D. Erosion and Sediment Control Plan:

1. Required: Every Permittee for a building permit, a subdivision approval, or a permit to allow land disturbance activities must submit an erosion and sediment control plan to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbance activities shall be issued and no earth disturbing activity shall commence until approval of the erosion and sediment control plan by the City.

Projects coordinated by Ramsey County or Mn/DOT do not require a permit; however, the City must be notified of the project and be provided a copy of the erosion and sediment control plan, as well as an estimated schedule for commencement and completion. The City will notify the designated contact if erosion control measures should fail or require maintenance with the expectation that the deficiencies will be corrected.

If no permit has been obtained, a stop work order shall be issued on the construction and a fine shall be issued in an amount equal to twice the required permit fee. A completed erosion and sediment control plan and permit application shall be submitted before construction will be allowed to resume.

Obtaining a permit does not exempt the permittee from obtaining permits required by other government regulatory agencies.

2. Criteria addressed: The erosion and sediment control plan shall address the following criteria:
 - a. Conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
 - b. Stabilize all exposed soils and soil stockpiles
 - c. Establish permanent vegetation
 - d. Prevent sediment damage to adjacent properties and other designated areas
 - e. Schedule of erosion and sediment control practices
 - f. Use temporary sedimentation basins

- g. Stabilization of steep slopes
 - h. Control the storm water leaving the site
 - i. Stabilize all waterways and outlets
 - j. Protect storm sewers from the entrance of sediment, debris and trash
 - k. Control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste that may adversely impact water quality
 - l. When working in or crossing water resources, take precautions to contain sediment.
 - m. Restabilize utility construction areas as soon as possible
 - n. Protect paved roads from sediment and mud brought in from access routes
 - o. Dispose of temporary erosion and sediment control measures
 - p. Maintain all temporary and permanent erosion and sediment control practices
 - q. Removal of sediment from streets at the end of each day
3. Contents of Plan: The erosion and sediment control plan shall include the following:
- a. Contact information for the Permittee
 - b. Project description: the nature and purpose of the land disturbance activity and the amount of grading involved
 - c. Phasing of construction: the nature and purpose of the land disturbance activity and the amount of grading, utilities, and building construction
 - d. Existing and proposed site conditions: existing and proposed topography, vegetation, and drainage
 - e. Adjacent areas, neighboring streams, lakes, wetlands, residential areas, roads, etc., which might be affected by the land disturbance activity
 - f. Soils: soil names, mapping units, erodibility
 - g. Critical erosion areas: areas on the site that have potential for serious erosion problems
 - h. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process
 - i. Temporary and Permanent stabilization: how the site will be stabilized during and after construction is completed, including specifications
 - j. Storm water management: how storm runoff will be managed, including methods to be used if the development will result in increased peak rates or volume of runoff
 - k. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures
 - l. Calculations: any that were made for the design of such items as sediment basins, diversions, waterways, and other applicable practices

E. Plan Review:

- 1. General: The City appoints the City Engineer to review the erosion and sediment control plan to ensure compliance with the City of Roseville Erosion and Sediment Control Standards.
- 2. Permit required: If the City determines that the erosion and sediment control plan meets the requirements of this article, the City shall issue a permit, valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the erosion and sediment control plan.
- 3. Denial: If the City determines that the erosion and sediment control plan does not meet the requirements of this article, the City shall not issue a permit for the land disturbance activity. The erosion and sediment control plan must be resubmitted for

approval before the land disturbance activity begins. No land use and building permits may be issued until the Permittee has an approved erosion and sediment control plan.

4. Permit suspension: If the City determines that the approved plan is not being implemented according to the schedule or the control measures are not being properly maintained, all land use and building permits must be suspended and stop work order issued until the Permittee has fully implemented and maintained the control measures identified in the approved erosion and sediment control plan.

F. Plan Implementation And Maintenance:

All storm water pollution controls noted on the approved erosion and sediment control plan shall be installed before commencing the land disturbance activity, and shall not be removed without City approval or issuance of a Certificate of Completion.

The Permittee shall be responsible for proper operation and maintenance of all stormwater pollution controls and soil stabilization measures in conformance with best management practices. The Permittee shall also be responsible for maintenance, clean-up and all damages caused by flooding of the site or surrounding area due to in-place erosion and sediment control. The foregoing responsibilities shall continue until a Certificate of Completion is issued to the Permittee by the City for the land disturbance activity.

G. Modification of Plan:

An approved erosion and sediment control plan may be modified on submission of an application for modification to the City and subsequent approval by the City Engineer. In reviewing such application, the City Engineer may require additional reports and data.

H. Escrow Requirement:

The City shall require the Permittee to escrow a sum of money sufficient to ensure the inspection, installation, maintenance, and completion of the erosion and sediment control plan and practices. Escrow amounts shall be set from time to time by the City Council. Upon project completion and the issuance of a Certificate of Completion any remaining amount held in escrow shall be returned to the Permittee.

I. Enforcement:

If the City determines the erosion and sedimentation control is not being implemented or maintained according to the approved plan, the Permittee will be notified and provided with a list of corrective work to be performed. The corrective work shall be completed by the Permittee within forty-eight (48) hours after notification by the City. Notification may be given by:

- a. Personal delivery upon the Permittee, or an officer, partner, manager or designated representative of the Permittee.
- b. E-mail or facsimile by sending such notice to the e-mail address or facsimile number provided by the Permittee.

1. Failure to Do Corrective Work: If a Permittee fails to perform any corrective work or otherwise fails to conform to any provision of this ordinance within the time stipulated, the City may take any one or more of the following actions:

- a. Issue a stop work order whereupon the Permittee shall cease all land disturbance activity on the site until such time as the City determines the corrective measures that are necessary to correct the conditions for which the stop work order was issued. Once the necessary corrective actions have been determined the Permittee shall perform the corrective work. All corrective work must be completed before further land disturbance activity will be allowed to resume.
- b. Complete the corrective work using City forces or by separate contract. The issuance of a land disturbance permit constitutes a right-of-entry for the City or

its contractor to enter upon the construction site for the purpose of completing the corrective work.

- c. Impose a monetary fine in an amount equal to twice the required permit fee.
- d. Charge the Permittee for all staff time expended and costs incurred by the City to:
 - i. perform any corrective work required by the City,
 - ii. perform such inspections and reinspections of the site on which the land disturbance activity is occurring as the City deems necessary, and/or
 - iii. coordinate and communicate with the Permittee regarding any corrective work, inspections, reinspections or other remedial actions which the City deems necessary to implement as a result of the failure of the Permittee to conform to the provisions of this ordinance, and
 - iv. remedy any other failure of the Permittee to conform to provisions of this ordinance.

The cost for staff time shall be determined by multiplying the staff member's hourly rate times 1.9 times the number of hours expended, for all staff members (including administrative employees) involved in such corrective work, communications, coordination of activities, inspections, reinspections and other remedial actions. All amounts charged shall be paid by the Permittee within 30 days of the delivery by the City of a written invoice which describes such charges.

- e. Draw on the escrow amount for all staff costs incurred, and payments due to the City as a result of the exercise by the City of any remedy available to the City pursuant to this ordinance.
- f. Assess that portion of any unpaid charges which are attributable to the removal or elimination of public health or safety hazards from private property pursuant to Minnesota Statutes Section § 429.101.
- g. Pursue any other legal equitable remedy which is available to the City.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. (Ord. 1416, 9-26-2011)

CHAPTER 1017
SHORELAND, WETLAND AND STORM WATER
MANAGEMENT

SECTION:

- 1017.01: Short Title
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- 1017.05: Definitions
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- 1017.13: Shoreland Classifications
- 1017.14: Water Management Overlay District Lot Standards
- 1017.15: Additional Lot Dimension Requirements
- 1017.16: Structure Design Standards
- 1017.17: General Design Criteria for Structures
- 1017.18: Design Criteria for Commercial, Industrial, Public and Semi-Public Uses
- 1017.19: Notifications to the Department of Natural Resources
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- 1017.22: Nonconformities
- 1017.23: Subdivision/Platting Provisions
- 1017.24: Planned Unit Development Requirements - Repealed (Ord. 1405, 2-28-2011)
- 1017.25: Grading, Filling and Land Alteration
- 1017.26: Storm Water Management
- 1017.27: Amendment

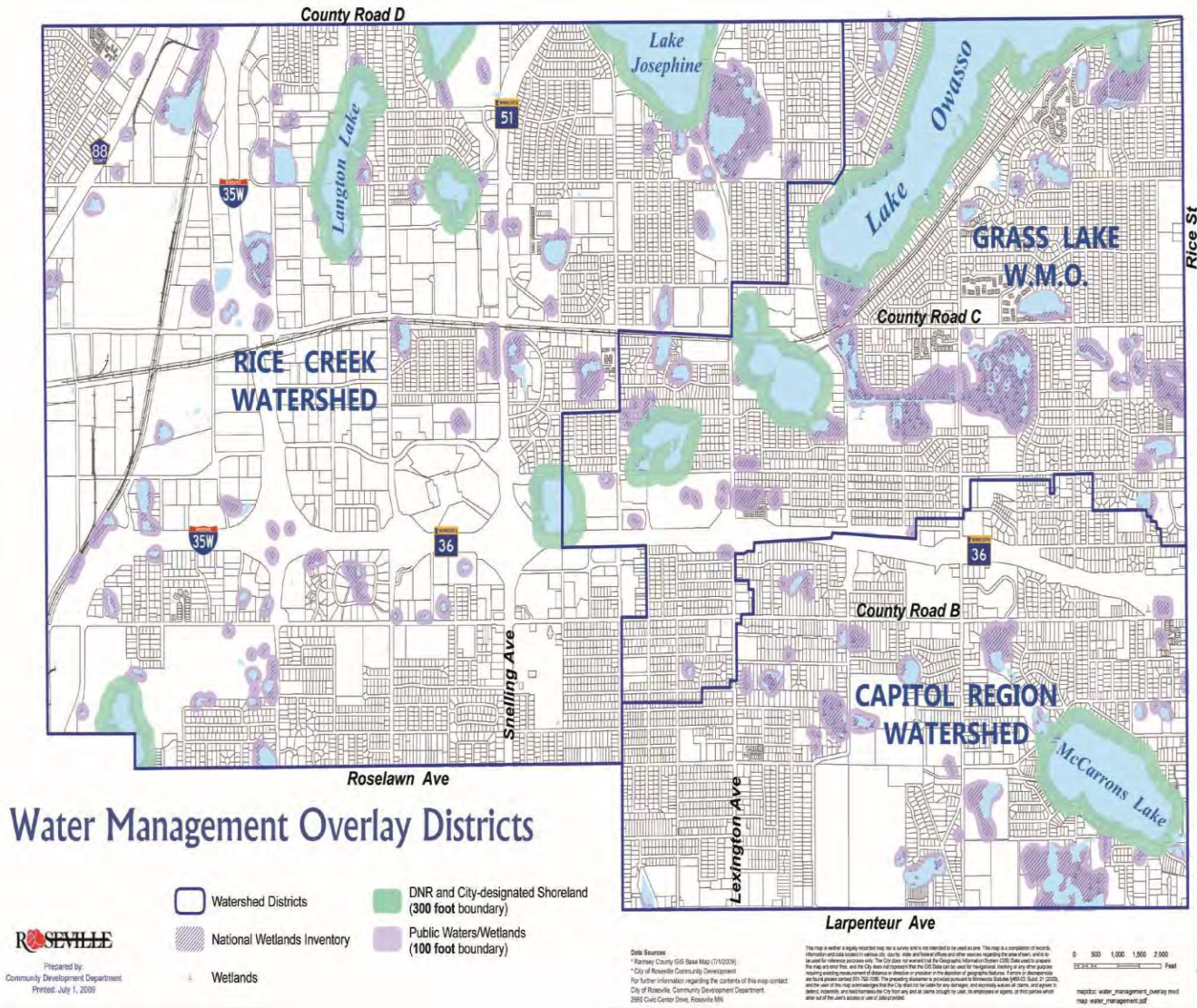
1017.01: SHORT TITLE:

The name of this Chapter shall be *THE CITY OF ROSEVILLE SHORELAND, WETLAND, AND STORM WATER MANAGEMENT ORDINANCE*. (Ord. 1156, 12-12-94)
(Ord. 1359, 1-28-2008)

1017.02: JURISDICTION:

The provisions of this Chapter shall apply to the shoreland, wetland and storm water

management overlay districts and the City in general as each section specifies. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)



(Ord. 1359, 1-28-2008)

1017.03: STATUTORY AUTHORIZATION:

This Shoreland, Wetland and Storm Water Management Chapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes chapters 103B, 105, 462 and 497; Minnesota Rules, parts 6120.2500 through 6120.3900; Minnesota Rules chapters 8410 and 8420. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.04: POLICY; STATEMENT OF PURPOSE:

A. Waters and Wetland Policy:

1. The City's Comprehensive Land Use Plan identifies specific goals and policies related to the proper management of its shoreland, lakes, wetlands, water and soil resources.
2. The City recognizes that the uncontrolled use of shorelands, wetlands, and land alteration activities in general in the City affects the public health, safety and general welfare not only by contributing to the pollution of surface and ground waters, but also

by impairing the local tax base.

3. Land development and use impact all receiving waters, especially lakes, by contributing to their impairment through point and nonpoint pollution sources.

4. The City has adopted a Surface Water Management Plan that recognizes that its storm water system is integrated with the management of its natural lakes and wetlands.

5. Therefore, the City has determined that it is in the best interests of the public to manage its Comprehensive Plan and Surface Water Management Plan by a consolidated approach with this Chapter to avoid conflict and duplication to the maximum practical extent.

B. Statement of Purpose: to achieve the policies described in the City Comprehensive Plan, State and Federal policies and statutes, the City intends to determine, control and guide future development within and surrounding those land areas which are contiguous to designated bodies of public water and areas of "natural environmental significance" as herein defined and regulated. Specifically, this Chapter purports to:

1. Regulate the placement of sanitary and storm water disposal facilities on lots;

2. Regulate the area of a lot and the length of water frontage suitable for a building site;

3. Regulate alteration of the shorelands and wetlands of public waters;

4. Control natural environment areas of ecological value to maintain existing aquatic, vegetation and wildlife conditions to the maximum extent possible;

5. Regulate the use and subdivision of land within the corporate limits as it relates to public waters, shorelands and storm water;

6. Provide variances from the minimum standards and criteria. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

1017.05: DEFINITIONS:

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ACCESSORY STRUCTURE OR FACILITY: Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks (such as a detached garage).

BLUFF: A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

A. Part or all of the feature is located in a shoreland area;

B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;

C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and

D. The slope must drain toward the waterbody.

BLUFF IMPACT ZONE: A bluff, and, only in shoreland districts, land located thirty (30) feet landward from the top of a bluff.

BOARD OF ADJUSTMENT AND APPEAL: The Roseville City Council and Mayor.

BOATHOUSE: A structure designed and used solely for the storage of water crafts, boats, boating or water craft equipment.

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.

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

COMMISSIONER: The Commissioner of the Department of Natural Resources.

CONDITIONAL USE: A "land use" or "development" as defined by City Code that may not be appropriate generally, but may be approved by the City Council with appropriate restrictions as provided by the City Code upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use, through the imposition of conditions, is compatible with the existing neighborhoods.

CONDITIONAL USE PERMIT: A permit specially and individually granted in accordance with this Code, by the City Council after review thereof by the Planning Commission as a flexibility device to enable the City Council to assign dimensions or conditions to a proposed use, after consideration of the impacts on or functions of adjacent and nearby properties and the special problems that the proposed use presents.

DECK: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

DOCK: A seasonal water-oriented accessory structure or walkway extended from the ordinary high water level into the bed of public waters for access to open water and anchorage of water craft.

DUPLEX, TRIPLEX AND QUAD: A dwelling structure on a single lot, having two (2), three (3), and four (4) units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

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

DWELLING UNIT: Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as hotel, and resort rooms and cabins.

EXTRACTIVE USE: The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

GAZEBO: A seasonal water-oriented accessory structure used as a detached nonheated shelter. It may have a roof, floor, screen walls, but has no sewer or water service.

GUEST COTTAGE: A structure used as a dwelling unit that may contain sleeping spaces and kitchens and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HARDSHIP: The same as that term is defined in Minnesota Statutes chapter 462 (for municipalities).

HEIGHT OF BUILDING: "Height of building" shall be as defined in the Minnesota State Building Code. It means the vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

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

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

LIFT: A mechanical device used to lift a boat from the water.

LOT: A parcel of land designated by plat, metes and bounds, registered land survey,

auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT WIDTH: The shortest distance between lot lines measured at the midpoint of the building line.

NONCONFORMING USE: A nonconforming use is any use or arrangement of land or structures legally existing prior to the enactment of a Code provision prohibiting such use.

NONCONFORMING USES: Any use of a building or premises which, on the effective date of this Chapter, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises is located (also see definition of Substandard Use).

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

PATIO: An inground surface of paving or wood materials, not attached to the main structure.

PORCH, SCREENED: A seasonal habitable addition to a residential structure, considered part of the structure.

PUBLIC WATERS: Any "waters" as defined in Minnesota statutes, section 103G.005, subdivisions 15 and 18.

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

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

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

SEWER SYSTEM: The combination of public and private pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal in a public sewage treatment facility.

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

SHORELAND: Land located within 1,000 feet from the ordinary high water level of the lakes classified in section 1017.13 of this chapter. The limits of the shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the MnDNR commissioner. (Ord. 1359, 1-28-2008)

SHORELAND MANAGEMENT DISTRICT: Land located within three hundred (300) feet from the ordinary high water level; or the first tier of riparian lots or the first tier of lots beyond a public street when the street is adjacent to a public water body, whichever is greater, of certain public waters as established by the City Council as established by this code. (Ord. 1405, 2-28-2011)

SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other

property that meets the criteria for eligibility to the National Register of Historic Places, 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. An 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: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STORM WATER POND: A manmade pond capable of holding water seasonally or permanently, the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.

STRUCTURE: Any building or appurtenance, including attached or detached decks and fences. "Structure" does not include aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, seasonal docks, and other supporting facilities such as at grade driveways and patios.

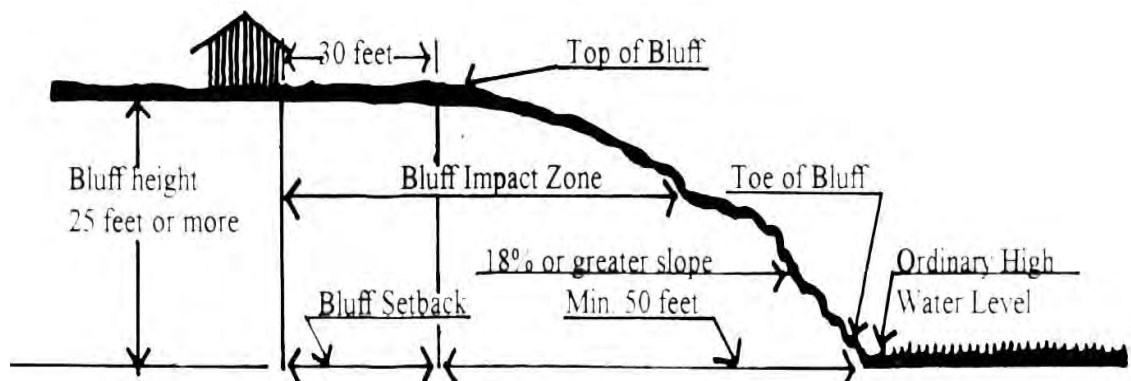
SUBDIVISION: Land that is divided for the purpose of sale, rent, or lease. (Ord. 1405, 2-28-2011)

SUBSTANDARD USE: Any use of shorelands existing prior to the date of enactment of any city ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

SURFACE WATER ORIENTED COMMERCIAL USE: The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

TOE OF THE BLUFF: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration following definition of Top of The Bluff.

TOP OF THE BLUFF: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen percent (18%) located in bluff impact zone. See illustration below.



VARIANCE: The same as that term is defined or described in Minnesota statutes, chapter 462 (for municipalities).

WATER ORIENTED ACCESSORY STRUCTURE OR FACILITY: A small, aboveground building or other improvement, (except stairways, fences, docks, and retaining walls), which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WETLAND: A land form that is transitional between "terrestrial" and "aquatic systems" as defined in Minnesota statutes, section 103G.005, subdivision 19.

WETLAND BOUNDARY: The boundary line between what is considered to be upland and wetland using the methodology for delineating wetlands as prescribed in Minnesota statutes, section 103G.2242, subdivision 2. (Ord. 1156, 12-12-1994; amd. Ord. 1270, 9-23-2002)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.06: ENFORCEMENT COMPLIANCE:

The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any shoreland area; the cutting of shoreland vegetation and the subdivision of lots shall be in full compliance with the terms of this chapter and other applicable regulations. Construction of buildings, water supply and city utility service systems and erection of signs shall require a permit, unless otherwise expressly excluded by the requirements of this chapter. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.07: DISCLAIMER:

This chapter does not imply that areas outside of the shoreland, wetland and storm water management overland district or land uses permitted within that district will be free from flooding or flood damages. This chapter does not create liability on the part of the city or its officers or employees for any flood damage that may result from reliance on this chapter or any administrative decisions made under it. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.08: INTERPRETATION:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.09: SEVERABILITY:

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.10: ABROGATION AND GREATER RESTRICTIONS:

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.11: ADMINISTRATION:

- A. Enforcement: The Community Development Department is responsible for the overall administration and enforcement of this chapter. Any violation of the provisions of this chapter, the provisions of any permit issued in accordance with this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be "punishable" as defined by law or as otherwise provided in this code.
- B. Permits Required:
 - 1. In addition to any permit requirements of an underlying district or specific shoreland or waterfront improvements, permits are required for the construction of retaining walls, driveways, parking lots, patios, fences, water related accessory structures, watercraft accessory devices and signs within the building setback area from the ordinary high water mark. Application for a permit shall be made to the Community Development Department on the forms provided. The application shall include the necessary information including visual displays, soil, slope and vegetation protection plans so that city staff can determine the site's suitability for the intended use.
 - 2. All permits within this chapter must specify a termination date, not to exceed 12 months from the date of issuance. A permit may be determined to be null and void by the Community Development Department if it is determined after issuance that false supporting information was filed with the permit application. As part of any such determination, the Director may issue a stop work order, post the same on site, send a copy by certified mail to the permittee and determine what other enforcement action is necessary.
- C. Certificate of Zoning Compliance: The Community Development Department shall issue a certificate of zoning compliance for each activity requiring a permit as specified in this chapter. This certificate shall specify that the use of land conforms to the requirements of this Chapter. (Ord. 1156, 12-12-1994)
(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.12: WATER MANAGEMENT OVERLAY DISTRICTS:

- A. Creation: The Water Management Overlay District hereby created and is divided into the following subdistricts as shown on the Official Zoning Map or an attachment thereto: the Shoreland District, the Wetland Protection District, and the Storm Water District.
 - 1. Shoreland District: All land meeting the definition of shoreland adjacent to the public waters listed in Section 1017.13 of this Chapter. (Ord. 1359, 1-28-2008)
 - 2. Wetland Protection District: All upland within one hundred (100) feet of the wetland boundary of wetlands and those public waters not specifically listed as shoreland.
 - 3. Storm Water District: All land either within one hundred (100) feet of the normal water level of constructed storm water ponds or wetlands managed for storm water quantity and quality management purposes, or all land below the 100-year flood elevation of such ponds or wetlands, whichever is most restrictive.
- B. Official Zoning Map: The amended Official Zoning Map, with Water Management Overlay Districts, is hereby adopted by reference and declared to be a part of this Chapter.
- C. Maintenance of Records: Said Official Zoning Map shall be on file in the office of the Community Development Department. The Community Development Department shall maintain the necessary records to maintain and display the Official Zoning Map as amended. (Ord. 1405, 2-28-2011)

- D. Boundaries: The boundaries of the overlay districts as shown on the Official Zoning Map are considered to be approximate and must be established on the ground at the time of any application for permit, variance, conditional use or subdivision of land. (Ord. 1405, 2-28-2011)
- E. Allowable Land Uses: The existing zoning on the site shall specify the allowable land uses but all such uses must additionally comply with any more restrictive standards and criteria of this Chapter.
- F. Private Sewer Systems Prohibited: Individual on-site sewage treatment systems are prohibited in all Water Management Overlay Districts. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008)

1017.13: SHORELAND CLASSIFICATIONS:

The following public waters of the City have been classified either consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Ramsey County, Minnesota, or classified by the City when no classification was available from the Minnesota Department of Natural Resources. The "shoreland area" for the water bodies listed in the table below shall be as defined in this Chapter and shown on the Official Zoning Map. "Wetland protection areas" shall be as defined in subsection 1017.12A2 of this Chapter. "Storm water protection areas" shall be as defined in subsection 1017.12A3 of this Chapter. (Ord. 1156, 12-12-1994)

Shoreland Classification Table			
	<u>Lake Name</u>	<u>MnDNR ID#</u>	<u>Classification</u>
MnDNR Designated Shoreland:	Lake Josephine	57P	GD
	Lake Owasso	56P	GD
	Little Lake Johanna	58P	RD
	North Bennett	207P	GD
	McCarrons	54P	
City Designate Shoreland:	Langton Lake	49P	GD
	Zimmerman Lake	53W	GD
	Bennett Lake	48W	GD
	Walsh Lake	214W	GD
	Willow Lake	210W	GD
	Oasis Pond	205W	GD
GD=General Development RD=Recreational Development			

(Ord. 1156, 12-12-1994; amd. Ord. 1216, 12-14-1998) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.14: WATER MANAGEMENT OVERLAY DISTRICT LOT STANDARDS:

- A. Additional Standards: The following development standards are in addition to any standards that apply specifically to the underlying zoning district. Where there is conflict between the underlying and overlying district standards, the most restrictive shall apply.
- B. Lot Area and Width Standards: The lot area (in square feet) and lot width standards (in feet) for single and duplex housing on residential lots created after the date of enactment

of this Chapter for the lake classifications are the following:

1. Shoreland Overlay District Lot Standards:

Underlying Zones	<u>Recreation Development Lakes</u>				<u>General Development Lakes</u>			
	Riparian Lots		Nonriparian Lots		Riparian Lots		Nonriparian Lots	
	Area*	Width*	Area*	Width*	Area*	Width*	Area*	Width*
R-1 (Single Family)	15,000	100	11,000	85	15,000	100	11,000	85
R-2 (Duplex)	35,000	135	26,000	135	26,000	135	17,500	135
* Area means land above the normal ordinary high water level. (Ord. 1405, 2-28-2011)								

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

3. Storm Water Overlay District Lot Standards: The minimum lot area, width and depth requirements of the underlying land use zoning district within this code shall apply provided that not more than 25% of the lot area may be included in any storm pond or wetland area (which is below the normal level of the adjacent storm water pond) to meet the minimum lot area dimension. (Ord. 1156, 12-12-1994)

(Ord. 1359, 1-28-2008)

1017.15: ADDITIONAL LOT DIMENSION REQUIREMENTS:

- A. Dwelling Unit Densities: Only land above the ordinary high water level of public waters may be used to meet lot area standards. Lot width standards shall be met at both the ordinary high water level and at the building line. Not more than 25% of the lot area of each lot may be included in any wetland, which is below the normal ordinary high water level. (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)
- B. Controlled Accesses: Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions shall be allowed only a conditional use and shall meet or exceed the following standards: (Ord. 1405, 2-28-2011)
 - 1. They shall be suitable in terms of physical access and potential slope erosion and vegetation damage for the intended uses of controlled access lots;
 - 2. They shall have a specific lot size not less than 170 feet (two 85-foot wide lots combined);
 - 3. They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
 - 4. Covenants or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of

normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)

1017.16: STRUCTURE DESIGN STANDARDS:

A. Placement of Structures on Lots: When more than one setback applies to a site, structures and facilities shall be located to meet the most restrictive setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the average setback of adjoining structures from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

STRUCTURE SETBACKS FROM WATER BODY				
Type of Water Body	Structure Setback from Water Body	Structure Setback from Bluff	Roads, Driveway, Parking and Other Impervious Surface or Setback	Maximum Bldg/Structure Height ⁴
MnDNR and City Public Waters	75 Ft. ^{1,3}	30 Ft.	30 Ft. ⁵	30 Ft.
Wetland	50 Ft. ^{2,3}	Not Applicable	30 Ft. ⁵	30 Ft.
Storm Pond	10 Ft. ^{2,3}	Not Applicable	10 Ft.	30 Ft.

1. Setback is measured from the normal ordinary high water level.

2. Setback is measured from the wetland or pond boundary.

3. One water- oriented accessory structure designed in accordance with subsection 1017.17C of this chapter may be set back a minimum distance of 10 feet from the ordinary high water level.

4. See subsection 1017.17G of this chapter.

5. A 30 foot setback from road or parking surfaces may include a combination of land within rights of way and adjacent to the right of way, as well as curb and gutter controlling runoff and sediment to a storm pond. Pedestrian trails shall be exempt from setback requirements.

All other structure setback requirements shall be as stated in the underlying zoning district for each parcel.
(Ord. 1405, 2-28-2011)

B. Additional Structure Standards for All Districts:

1. Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.
2. Commercial Or Industrial Land Uses: Commercial or industrial land uses without water oriented uses shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, the principal structure, accessory buildings and parking areas, shall either be set back 150 feet from the ordinary high water level or be set back one hundred (100) feet and be 50% screened by opaque vegetation from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-1994)
3. Fences: In bluff impact, shoreland, and wetland zones, fences shall be set back the same distance from the shoreline as required for the principal structure or attached deck on the lot, except that a fence on a lot with a preexisting principal structure and attached deck may extend to the same setback as the deck or the structure. Fences shall be of similar design, texture, and color as the principal structure or shall be of an earth tone or color and material.

Fences used for safety or containment may be set within 25 feet of the OHWL. Such fences shall be a maximum of 25% opaque, and no more than 42 inches in height.

Such fences shall be clad in earth tone coatings.

With the exception of regulations in this subsection, fences in bluff impact, shoreland, and wetland zones shall meet all height and setback requirements of section 1011.08 of this title. Fences placed on the road side of a lot with water or wetland frontage shall comply with front yard fence requirements of section 1011.08 of this title. (Ord. 1270, 9-23-2002) (Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.17: GENERAL DESIGN CRITERIA FOR STRUCTURES:

- A. Low Floor Elevations: All habitable structures constructed within the overlay district shall be built with their lowest floor, including basement, no lower than the following elevation criteria, whichever provides the greater degree of protection as determined by the city engineer:
 1. Two feet above the 100-year flood elevation, if known; or
 2. At least three feet above the highest known water level, or three 3 feet above the ordinary high water level, whichever is higher; or
 3. At least three 3 feet above the "wetland boundary" as defined in Section 1017.05 of this Chapter.The City Engineer shall develop and maintain a list of elevations of known 100-year flood levels, ordinary high water levels, highest known water levels and wetland boundary levels as they become available through special studies or the Minnesota Department of Natural Resources.
- B. Low Floor Elevations Exceptions: A variance may be granted from the elevation requirements specified in subsection A above only where a hardship is determined and provided the structure is flood-proofed according to State and Federal standards for floodplain areas.

Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in subsection A if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- C. Permitted Water-Oriented Accessory Structures: Each lot may have one water-oriented non-habitable accessory structure not meeting the normal structure setback in subsection 1017.16A of this Chapter if this water-oriented accessory structure complies

with the following provisions:

1. Water oriented accessory structure dimensional requirements:

- | | | |
|----|---|-----------------|
| a. | Maximum floor area: | 250 square feet |
| b. | Maximum width as viewed from water: | 12 feet |
| c. | Maximum height: | 10 feet |
| d. | Setback from ordinary high water: | * |
| e. | Boathouse setback from ordinary high water level: | 10 feet** |
| f. | Side yard setback from property line: | 20 feet |
| g. | Detached deck height above grade: | 8 feet |

* 50% of distance between ordinary high water mark and the structure setback from the water.

** Also permitted for docks, and off-season storage of ice fishing houses and docks.

2. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.

3. The structure shall be screened a minimum of 50% by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.

4. The roof shall not be used as a deck or used as a storage area.

5. The structure or facility shall not be designed or used for human habitation and shall not contain utility systems.

D. Stairways, Chair Lifts, and Stair and Deck Landings: Stairways and chair lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

1. Stairways and chair lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)

2. Stair and deck landings for stairways and chair lifts on residential lots shall not exceed 48 square feet in area. Landings larger than 48 square feet may be used for commercial properties, and public open-space recreational properties; (Ord. 1405, 2-28-2011)

3. Canopies or roofs shall not be permitted on stairways, chair lifts, or stair or deck landings;

4. Stairways, chair lifts, and stair or deck landings shall be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

5. Stairways, chair lifts, and stair or deck landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

6. Facilities such as ramps, chair lifts, or mobility paths for physically handicapped persons shall be permitted for achieving access to shore areas, provided that the dimensional and performance standards of subsections 1 through 5 are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

- E. 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.
- F. Steep Slopes, Visibility and Erosion: The Public Works and Community Development Directors shall evaluate possible soil erosion impacts and development visibility from public waters prior to issuance of a permit for construction of roads, driveways, structures, or other improvements on steep slopes. An erosion and sedimentation control plan shall be prepared as required by Section 803.04: Erosion and Sedimentation Control. When necessary, conditions shall be attached to the permit to preserve existing vegetation, screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)
- G. Height of Structures: All structures in residential districts, except steeples and chimneys from churches and institutional uses, shall not exceed 30 feet in height.
- H. Placement and Design of Roads, Driveways, and Parking Areas:
 1. Public and private roads and parking areas shall be designed to utilize natural vegetation and topography to achieve maximum screening from view of public waters. The Public Works Director shall review all roads and parking areas to ensure they are designed and constructed to minimize and control erosion, consistent with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)
 2. Roads, driveways, and parking areas shall meet structure setbacks outlined in subsection 1017.16A and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
 3. Public and private watercraft, canoe rack storage, access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subsection are met. For private facilities, the grading and filling provisions of Section 1017.25 of this Chapter shall be met. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008)

1017.18: DESIGN CRITERIA FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC USES:

- A. Uses With Water-Oriented Needs: Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet impervious coverage limits, setbacks, and other zoning standards in this Chapter. The uses shall also be designed to incorporate topographic and vegetative screening of parking areas and structures.
- B. Uses Without Water-Oriented Needs: Uses and surface parking without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must be set back double the normal ordinary high water level setback and shall be screened by fifty percent (50%) opaque or more screen from view from the water by vegetation or topography, assuming summer, leaf-on conditions. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

1017.19: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES:

- A. Notice of Public Hearings: Copies of all notices of any public hearings to consider

variances, ordinance amendments, or conditional uses affecting a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

- B. Notice of Approval: A copy of approved amendments and subdivisions/plats, and final decisions granting variances, or conditional uses in a MnDNR designated shoreland district shall be sent to the MnDNR, Division of Waters Regional Hydrologist and postmarked within ten (10) days of final action. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

(Ord. 1405, 2-28-2011)

1017.20: VARIANCES:

- A. Procedure: Variances in these overlay districts may only be granted in accordance with Minnesota Statutes, Chapter 462 and Section 1009.04 of this Title. A variance shall not circumvent the general purposes and intent of this Chapter. No variance shall be granted for a use that is prohibited within the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest.

- B. Notice of Approval: When a variance is approved in a MnDNR designated shoreland district after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in subsection 1017.19B shall also include the official summary of the public record/testimony, the findings of facts, and conclusions which supported the issuance of the variance. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

(Ord. 1405, 2-28-2011)

1017.21: CONDITIONAL USES:

Conditional uses allowable within shoreland areas shall be subject to all of the review and approval procedures of this Section 1009.02 of this Title. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. Evaluation Criteria: A thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions on the site shall be made to ensure:
 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 2. The visibility of structures and other facilities as viewed from public waters is limited;
 3. The types, uses, and numbers of watercraft that the project will generate can be safely accommodated on the site;
 4. The impact the proposed use may have on the water quality of the water body is not excessive.
- B. Conditions Attached to Conditional Use Approvals: The City Council, upon consideration of the criteria listed above and the purposes of this Chapter may attach such conditions to Conditional Use approvals as it deems necessary. Such conditions may include, but are not limited to, the following:
 1. Increased setbacks from the ordinary high water level;
 2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 3. Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas. (Ord. 1156, 12-12-94)

(Ord. 1359, 1-28-2008) (Ord. 1405, 2-28-2011)

1017.22: NONCONFORMITIES:

All legally established nonconformities as of the date of this Code amendment may continue, but they shall be managed according to applicable State statutes and the requirements of Section 1002.04 of this Title for the subjects of alterations and additions, repair after damage, discontinuance of use and intensification of use. (Ord. 1405, 2-28-2011) The following standards apply to nonconforming lots and uses in the shoreland management areas:

- A. Construction on Nonconforming Lots of Record:
 - 1. Lots of record in the office on the County Recorder on the date of enactment of the City shoreland controls (March 27, 1974) that do not meet the requirements of this Chapter may be allowed as building sites without variances from lot size requirements provided; the use is permitted in the zoning district; all sanitary requirements of the City Code are complied with insofar as practical; and the minimum lot size and length of water frontage shall be not less than seventy percent (70%) of standard lot water frontage requirements; the lot has been in separate ownership from abutting lands since the original adoption of the City shoreland controls (March 27, 1974).
 - 2. A variance from setback requirements shall be obtained before any use or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider, in addition to the requirements of Section 1017.20, public utilities available to the lot and shall deny the variance if adequate facilities cannot be provided. (Ord. 1359, 1-28-2008)
 - 3. If, in a group of two or more contiguous lots under one ownership since the original adoption of the City shoreland controls (March 27, 1974), any individual lot does not meet the requirements of Section 1017.17, the lot shall not be considered as a separate parcel of land for the purposes of development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Sections 1017.14 through 1017.16 of this Chapter. (Ord. 1359, 1-28-2008)
- B. Additions/Expansions to Nonconforming Structures: All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 1017.14 through 1017.16. Any deviation from these requirements may only be authorized by a variance pursuant to Section 1017.20.
- C. Deck Additions: Deck additions may be allowed, without a variance, to a structure which does not meet the required setback from the ordinary high water level, if all of the following criteria and standards are met:
 - 1. The structure existed prior to the date the City's original shoreland structure setbacks were established on March 27, 1974.
 - 2. 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.
 - 3. The new deck encroachment toward the ordinary high water level does not exceed 15% of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and the deck shall be constructed of materials similar to the materials of the principal structure, wood, or earth tone; and the new deck shall not be roofed or screened.
- D. Existing Decks: Existing decks, at the date of adoption of this Chapter, which meet the required setbacks and have had valid building permits, may be enclosed as part of the structure. Deck extensions beyond and from a nonconforming, enclosed deck which would increase the nonconforming setback, shall not be permitted. (Ord. 1156, 12-12-

1017.23: SUBDIVISION/PLATTING PROVISIONS:

- A. Land Suitability: Each lot created through subdivision shall be suitable for the proposed use as defined by the suitability analysis. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, availability of City sewer and water, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. (Ord. 1405, 2-28-2011)
- B. Consistency With Other Controls: Subdivisions shall conform to all official controls of this community. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. Each lot shall meet the minimum lot size and dimensional requirements of Sections 1017.14 through 1017.16.
- C. Information Requirements: Sufficient information shall be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
 - 1. Topographic contours at two (2) foot intervals or less from City public works maps or more accurate sources, showing limiting site characteristics;
 - 2. The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - 3. Adequate soil information to determine suitability for building and public utilities for every lot from the most current existing sources or from field investigations such as soil borings or other methods;
 - 4. Information regarding adequacy of domestic City water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities;
 - 5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - 6. A line or contour representing ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- D. Dedications: When an on-site storm water ponding area is required by a project to store surface water runoff, the City may require easements over natural drainage or ponding areas for future maintenance of storm water and significant wetlands.
- E. Platting: All subdivisions that create three or more lots or parcels that are two and one-half acres or less in size shall be processed as a plat in accordance with City Subdivision Regulations¹. (Ord. 1156, 12-12-94) (Ord. 1359, 1-28-2008)

**1017.24: PLANNED UNIT DEVELOPMENT REQUIREMENTS-
REPEALED** (Ord. 1405, 2-28-2011)

1017.25: GRADING, FILLING AND LAND ALTERATION:

¹ Title 11 of this Code.

- A. Permit Required: No person, firm or corporation may engage in any excavation, grading, surfacing or filling of land in the City without first securing a permit as set forth in this Section.
1. Permit from City Engineer/Public Works Director: A permit is required from the City Engineer/Public Works Director or designee, for any of the following activities:
 - a. Placement of or grading of more than ten cubic yards of material on steep slopes adjacent to lakes and wetlands or within the shore or bluff impact zones.
 - b. Placement of or grading of more than 50 cubic yards of earthen material anywhere in the City.
 - c. Where filling or grading occurs within ten feet of a property line or when such activity alters the drainage patterns of adjacent properties.
 2. Permit from City Council: A permit from the City Council is required for any projects meeting the following criteria:
 - a. Any fill, grading, or drainage of a public water or a wetland, provided the City Council first determines that the project is either exempt from the 1991 Wetlands Conservation Act or certifies the replacement of any loss of wetland area, values and functions in accordance with Minnesota Rules, Chapter 8420 as amended. Questions relating to wetland type, location, area, functions and values must be referred to the technical advisory panel established by Minnesota Statutes section 103G.2242 as amended.
 - b. For any filling or excavating on developed land zoned LDR-1 or LDR-2 where the site is less than one acre and the fill or excavation exceeds 500 cubic yards. (Ord. 1405, 2-28-2011)
 - c. For any filling or excavating on developed land zoned LDR-1 or LDR-2 where the site is one acre or greater and the proposed fill/excavation exceeds 1,000 cubic yards. (Ord. 1405, 2-28-2011)
 - d. For any filling or excavating on undeveloped land zoned LDR-1 or LDR-2 where the site is less than one acre and the proposed fill/excavation exceeds 2,000 cubic yards. (Ord. 1405, 2-28-2011)
 - e. For any filling or excavating on undeveloped land zoned LDR-1 or LDR-2 where the site is greater than one acre and the proposed fill/excavation exceeds 4,000 cubic yards. (Ord. 1405, 2-28-2011)
 - f. For any filling or excavating on developed commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 2,500 cubic yards.
 - g. For any filling or excavating on developed commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.
 - h. For any filling or excavating on undeveloped commercial/industrial property where the site is less than two and one-half acres and the proposed fill/excavation exceeds 5,000 cubic yards.
 - i. For any filling or excavating on undeveloped commercial/industrial property where the site is greater than two and one-half acres and the proposed fill/excavation exceeds 10,000 cubic yards.
- B. Applications For Permits, Additional Information: All applications for permits for grading and filling activities or land disturbances within the overlay district shall be accompanied by plans, specifications, and completion schedules in conformance with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)
- C. Building Permits, Special Provisions: All building permits involving any excavation, fill or grading shall contain special provisions that specify:

1. That the permittee is responsible for the cleanup and any damages resulting from soil eroded from the building site onto public streets, into the storm sewer system and onto any adjoining private property as required in Section 803.04: Erosion and Sedimentation Control; and(Ord. 1342, 11-13-2006)
 2. That the permittee shall install and maintain erosion control as required in Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1416, 9-26-2011)
- D. Shoreland Alterations: Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Fill and grading activities within shoreland shall comply with subsections 1017.24A2a through A2i and 1017.24B. Erosion control measures shall comply with Section 803.04: Erosion and Sedimentation Control. (Ord. 1342, 11-13-2006) (Ord. 1405, 2-28-2011) (Ord. 1416, 9-26-2011)
- E. Vegetation Alterations in Shoreland Areas:
1. Exemption: Vegetation alteration necessary for the construction of structures and roads and parking areas regulated by Sections 1017.14 through 1017.16 of this Chapter are exempt from the vegetation alteration standards that follow.
 2. Vegetation Alteration Standards: Removal or alteration of vegetation is allowed subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of the impact zones is allowable as a conditional use if an erosion control and sedimentation plan is developed per the requirements of Section803.04: Erosion and Sedimentation Control. (Ord.1342, 11-13-2006) (Ord. 1359, 1-28-2008) (Ord. 1416, 9-26-2011)
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees may be allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of lawns and new vegetation, stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced; and
 - c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
 3. Connections to Public Waters: Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by subsections A through D of this section. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters and other needed approvals have been obtained. (Ord. 1156, 12-12-1994) (Ord. 1359, 1-28-2008) 1416, 9-26-2011)

1017.26: STORM WATER MANAGEMENT:

The following general and specific standards shall apply to all developments within the city:

A. General Standards:

1. Existing Natural Drainageways: When possible, existing natural drainageways, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. Minimum Disturbance: Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as

soon as possible and facilities or methods used to retain sediment on the site.

3. Constructed Facilities: When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B. Specific Standards:

1. Impervious Surface Coverage: Impervious surface coverage of a site shall not exceed 25% of the site area in a shoreland or wetland overlay district unless storm water is conveyed to an approved, on-site or regional storm water ponding/retention facility designed to accommodate the increased runoff prior to discharge from the site into public waters or wetlands.

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

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

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

b. Within the development, provide for settling chambers, sumps, dry ponds or other devices to provide for the filtering or settling of fine sands prior to discharge into the city's storm water system.

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

5. Inventory of Private Storm Water Facilities: Upon adoption of this chapter, the city engineer shall inventory and maintain a data base for all private storm water facilities requiring maintenance to assure compliance with this section. (Ord. 1239, 4-24-2000)

(Ord. 1359, 1-28-2008)

1017.27: AMENDMENT:

This chapter may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in Section 1009.06 of this Code.

(Ord. 1405, 2-28-2011)

CHAPTER 1021

FLOODPLAIN REGULATIONS

SECTION:

- 1021.01: Statutory Authorization, Findings of Fact and Purpose
- 1021.02: General Provisions
- 1021.03: Establishment of Zoning Districts
- 1021.04: Floodway District (FW)
- 1021.05: Floodfringe District (FF)
- 1021.06: Procedures for Determining 1% Annual Chance Flood Elevations (100-YR flood elevations) in Zone A
- 1021.07: Subdivisions
- 1021.08: Public Utilities, Railroads, and Bridges
- 1021.09: Placement of Recreation Vehicles
- 1021.10: Administration
- 1021.11: Nonconformities
- 1021.12: Penalties for Violation
- 1021.13: Amendments

1021.01: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- A. Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Roseville, Minnesota does ordain as follows:
- B. Findings of Fact:
 - 1. The flood hazard areas of the City of Roseville, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - 2. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
 - 3. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- C. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section B-1 by provisions contained herein.

1021.02: GENERAL PROVISIONS

- A. Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the

- jurisdiction of the City of Roseville shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
- B. Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the Ramsey County, Minnesota (All Jurisdictions); Flood Insurance Rate Map panels therein numbered 27123C0012G, 27123C0015G, 27123C0016G, 27123C0020G, 27123C0036G, 27123C0038G, 27123C0080G, 27123C0085G and 27123C0101G; and the Flood Insurance Rate Map Index (Map Number 27123CIND0B), all dated June 4, 2010 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of Community Development
- C. Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- D. Interpretation:
1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- E. Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Roseville or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- G. Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- H. Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
3. Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - a. Certain conditions as detailed in the zoning ordinance exist.
 - b. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
4. Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
5. Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
6. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
7. Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Ramsey County, Minnesota (All Jurisdictions).
8. Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
9. Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
10. Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
11. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
12. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
13. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
14. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
15. Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
16. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or

less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

17. Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood", 1-percent annual chance flood or 100-year flood elevation.
 18. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
 19. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 1021.09A1 of this Ordinance and other similar items.
 20. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
 21. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.
 22. Variance - means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.
- I. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section B above may include floodplain areas that lie outside of the corporate boundaries of the City of Roseville at the time of adoption of this ordinance. If any of these floodplain land area are annexed into the City of Roseville after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Roseville.

1021.03: ESTABLISHMENT OF ZONING DISTRICTS

- A. Districts:
1. Floodway District: The Floodway District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 2. Flood Fringe District: The Flood Fringe District shall include those areas designated as Zone AE and Zone A on the Flood Insurance Rate Map panels adopted in Section B that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14. See Section 1021.06 for procedures to determine the 1% annual chance flood elevation (100-year flood elevation).
- B. Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 1021.04 and 1021.05 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:
1. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 1021.11.
 2. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 1021.10 of this Ordinance.

1021.04: FLOODWAY DISTRICT (FW)

The permitted and conditional uses listed below are only allowable in the floodway if not prohibited by any other underlying zoning district classifications of the City of Roseville and if not prohibited by any applicable state or federal law.

- A. Permitted Uses:
1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild crop harvesting.
 2. Boat launching ramps, swimming areas, parks, wildlife and nature preserves, and fishing areas.
 3. Residential lawns, gardens and play areas.
- B. Standards for Floodway Permitted Uses:
1. The use shall have a low flood damage potential.
 2. The use shall be permissible in the underlying zoning district if one exists.
 3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- C. Conditional Uses:
1. Extraction and storage of sand, gravel, and other materials.
 2. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 3. Railroads, streets, bridges, utility transmission lines, and pipelines.
 4. Placement of fill.
- D. Standards for Floodway Conditional Uses:
1. All Uses. No fill (including fill for roads and levees), deposit, obstruction, or other

use may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2. All floodway conditional uses shall be subject to the procedures and standards contained in Section 1021.10D of this Ordinance.
3. The conditional use shall be permissible in the underlying zoning district if one exists.
4. Fill:
 - a. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use must be title registered with the property in the Office of the County Recorder.
5. Storage of Materials and Equipment. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
6. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

1021.05: FLOOD FRINGE DISTRICT (FF)

- A. Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 1021.05B.
- B. Standards for Flood Fringe Permitted Uses:
 1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
 2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be flood proofed in accordance with the following standards:
 - a. Accessory structures shall not be designed for human habitation.
 - b. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to

the FP-3 or FP-4 flood proofing classification in the State Building Code and, for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. Flood proofed accessory structures must meet the following additional standards:

- (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
 - (3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
3. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- C. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 1021.05B1-B2 and or any use of land that does not comply with the standards in Section 1021.05B3 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 1021.05D-E and 1021.10D of this Ordinance.
1. Standards for Flood Fringe Conditional Uses:
 - a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - (2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (a) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all

openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
 - b. Basements, as defined by Section 1021.02H2 of this Ordinance, shall be subject to the following:
 - (1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - (2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 1021.05C1c of this Ordinance.
 - c. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
 - d. Storage of Materials and Equipment:
 - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
 - e. The provisions of Section 1021.05C2 of this Ordinance shall also apply.
2. Standards for All Flood Fringe Uses:
- a. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
 - b. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 1021.05C2a above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires

- that it be located in flood plain areas.
- c. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
 - d. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
 - e. Standards for recreational vehicles are contained in Section 1021.09A.
 - f. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

1021.06: Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) in Zone A

A. Reserved for Future Use

B. Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) in Zone A:

1. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
3. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Section 1021.04 and 1021.05 of this Ordinance.

1021.07: SUBDIVISIONS

A. Review Criteria: No land shall be subdivided which is unsuitable for the reason of

flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

- B. Procedures for determining 1% annual chance flood elevation (100-YR flood elevation) in Zone A: In a designated Zone-A area, applicants shall provide the information required in Section 1021.06B of this Ordinance to determine the 1% annual chance flood elevation (100-year flood elevation) and the regulatory flood protection elevation for the subdivision site.
- C. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 1% annual chance flood elevation (100-year flood elevation). FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

1021.08: PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

- A. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- B. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 1021.04 and 1021.05 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- C. On-Site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

1021.09: PLACEMENT OF RECREATIONAL VEHICLES.

- A. Recreational vehicles that do not meet the exemption criteria specified in Section 1021.09A1 below shall be subject to the provisions of this Ordinance and as specifically

spelled out in Sections 1021.09A3 and A4 below.

1. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 1021.09A2 below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
2. Areas Exempted For Placement of Recreational Vehicles:
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
3. Recreational vehicles exempted in Section 1021.09A1 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 1021.04 and 1021.05 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - a. All new or replacement vehicles and related contents that are not elevated above the regulatory flood protection elevation or are not placed over properly elevated road access in the Floodway or Flood Fringe District, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 1021.10D of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 1021.09A1 (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 1021.08C of this Ordinance.

1021.10: ADMINISTRATION

- A. Community Development Department: The Community Development Department shall administer and enforce this Ordinance. If the Community Development Department finds a violation of the provisions of this Ordinance the Community Development Department shall notify the person responsible for such violation in accordance with the procedures stated in Section 1021.12 of the Ordinance.
- B. Permit Requirements:

1. **Permit Required.** A Permit issued by the Community Development Department in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
2. **Application for Permit.** Application for a permit shall be made in duplicate to the Community Development Department and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. **State and Federal Permits.** Prior to granting a permit or processing an application for a conditional use permit or variance, the Community Development Department shall determine that the applicant has obtained all necessary state and federal permits.
4. **Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.** It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Community Development Department stating that the use of the building or land conforms to the requirements of this Ordinance.
5. **Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance.** Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 1021.12 of this Ordinance.
6. **Certification.** The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
7. **Record of First Floor Elevation.** The Community Development Department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Community Development Department shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
8. **Notifications for Watercourse Alterations.** The Community Development Department shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

9. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Community Development Department shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.
- C. Variance Board:
1. Overview: Variance applications will be reviewed by City staff and discussed in a public hearing by the Variance Board, which meets on the first Wednesday of each month, as necessary. Minnesota State Law requires that a decision be issued for each application within 60 days of the application submission date. Sixty-day extensions may be obtained if more time is needed to resolve outstanding issues.
 2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Variance Board meeting of the following month. The Variance process takes about 6 weeks from the application deadline.
 3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
 4. Initial Review: Applications will be reviewed for completeness by Community Development Department staff, and a determination of completeness will be provided to the applicant in the form of a letter within about 10 days of the application submittal date. A letter in response to an *incomplete* application will identify the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will restart. A letter in response to a complete application will outline the schedule for the formal review and approval process described below.
 5. Formal Review: Variance applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Variance Board.
 6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Variance Board. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Variance Board meeting.
 7. Notice of Public Hearing:
 - a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed variance application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days notice of the public hearing.
 - b. Posted Signs: Variance applications also require a "Notice of Land Use Application" sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.
 8. Variance Board Meeting: Applicants are encouraged to attend and participate in the

public hearing in order to respond to questions from the Variance Board and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other proposed variance application. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.

9. At the Public Hearing: The Variance Board Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Variance Board may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Board Members will discuss the application and take action.
10. Variance Board Action: The Variance Board has the authority to approve or deny an application and its decision is final. The Variance Board will provide the rationale for its decision and adopt a motion approving or denying the variance request. If the decision is not appealed within the time allowed, the variance becomes effective, and any necessary building permits may be issued; at this time the Variance Board resolution will be sent to Ramsey County to be recorded against the property. The Variance Board decision shall not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. A copy of all decisions granting variances shall be forwarded to the Commissioner of Natural Resources, within 10-days of such action. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
11. Appeals: The decision of the Variance Board may be appealed by the applicant or by any other Roseville property owner within 10 days of the decision. Appeals are heard by the City Council which acts as the Board of Zoning Adjustments and Appeals. An appeal is a matter of public record, but it does not require a public hearing and no new information will be reviewed as part of the appeal; the Board of Zoning Adjustments and Appeals will simply review the Variance Board's

decision-making process to determine whether it complied with City Ordinances and State Statutes.

12. Flood Insurance Notice and Record Keeping. The Community Development Department shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

D. Conditional Use:

1. Overview: Conditional Use applications will be reviewed by City staff and discussed in a public hearing by the Planning Commission, which meets on the first Wednesday of each month, before a decision to approve or deny the application is made by the City Council at its regular meeting on the fourth Monday later that month.
2. Application Deadline: Applications must be received by the close-of-business on the first Friday of each month; applications received after this date cannot be heard at the Planning Commission meeting of the following month. Minnesota State Law requires that a decision be issued for each application within 60 days of the submission of a complete application.
3. Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.
4. Escrow Deposit: Because commercial uses can involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit \$1,000 in escrow in addition to the commercial application fee for a Conditional Use. If the escrow is drawn down to \$500, the applicant will be required to replenish the account; unused escrow funds will be returned to the applicant at the conclusion of the Conditional Use process.
5. Formal Review: Conditional Use applications may be discussed by a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience; a summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Planning Commission.
6. Staff Report: Community Development staff will prepare a report summarizing the application, reviewing it against the City's Codes, Ordinances, and policies, and providing a recommendation for the Planning Commission. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Planning Commission meeting.
7. Notice of Public Hearing:
 - a. Published and Mailed Notices: Minnesota State Law requires published notice in a City's legal newspaper a minimum of ten (10) days prior to a public hearing. City policy further requires that notices be mailed to property owners within 500 feet of the affected property. Both of these notices are prepared and sent by the City of Roseville. A copy of the proposed conditional use application shall be mailed sufficiently in advance so that the Commissioner of Natural Resources will receive at least 10-days notice of the public hearing.
 - b. Posted Signs: Conditional Use applications also require a "Notice of Land Use

Application” sign to be posted on the subject property by the applicant/property owner at least ten (10) days prior to the date of the public hearing; larger sites may require additional signs. These signs may be obtained at the Community Development counter in City Hall; to ensure that it is ready, please call 651-792-7005 to arrange a time to pick up the sign.

8. Planning Commission Meeting: Applicants are encouraged to attend and participate in the public hearing in order to respond to questions from the Planning Commission and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, video, or other materials. Because the hearing will be televised and recorded, applicants should be prepared to speak into the microphone at the presentation table.
9. At the Public Hearing: The Planning Commission Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce the application and City staff will review the issues and recommendations detailed in the staff report. Members of the Planning Commission may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Commissioners will discuss the application and take action.
10. Planning Commission Action: The Planning Commission does not approve or deny an application; instead, it makes a recommendation of approval or denial to the City Council and provides the rationale for its recommendation. The application, along with the recommendation of the Planning Commission, is then brought to the City Council which has authority to approve or deny the application.
11. City Council: At the scheduled time, the Mayor will call the meeting to order and it will progress similar to the Planning Commission meeting. Based on the recommendation from the Planning Commission in addition to its own review, the City Council will approve or deny the proposed Conditional Use as an item on the “Consent Agenda”. At their discretion, however, the City Council may choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
12. Procedures for Approving a Conditional Use: The following procedures shall be followed when considering/approving a Conditional Use within all Flood Plain Districts.
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Roseville Community Development Department for determining the suitability of the particular site for the proposed use:
 - (1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
 - (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection “a” to a

- designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- c. Based upon the technical evaluation of the designated engineer or expert, the Community Development Department shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
13. Factors upon which the Conditional Use shall be based: In approving a Conditional Use the City shall consider all relevant factors specified in other sections of this Ordinance, and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this Ordinance.
14. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

1021.11: NONCONFORMITIES

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1021.02H21 of this Ordinance, shall be subject to the provisions of Sections 1021.11A1 – A5 of this Ordinance.
1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
 2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1021.11A3-A6 below.
 3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 1021.04 or 1021.05 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
 4. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
 5. If any nonconforming use or structure is substantially damaged, as defined in Section 1021.02H20 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 1021.04 and 1021.05 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
 6. If a substantial improvement occurs, as defined in Section 1021.02H21 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 1021.04 or 1021.05 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

1021.12: PENALTIES FOR VIOLATION

- A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- B. Nothing herein contained shall prevent the City of Roseville from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
1. In responding to a suspected Ordinance violation, the Zoning Administrator and

Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

1021.13: AMENDMENTS

- A. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.
- B. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

(Ord. 1394, 5-17-2010)