

**ORDINANCE AMENDMENT 2013-01
AN ORDINANCE AMENDING THE CITY CODE AS IT RELATES TO
IMPERVIOUS SURFACE GUIDELINES
FOR THE CITY OF EAST GULL LAKE
COUNTY OF CASS, STATE OF MINNESOTA**

The City of East Gull Lake Ordains:

PURPOSE AND INTENT

The purpose and intent of this Ordinance is to amend the City of East Gull Lake City Code as it relates to impervious surface guidelines building standards.

AMENDMENTS

This ordinance will add Section 8.4-5.6 to the East Gull Lake City Code as follows:

PHILOSOPHY

Limitations of impervious surface were implemented to reduce and control runoff to water bodies and to preserve green space (trees, lawns, native vegetation, etc.). Implementation of a porous pavement ordinance is intended to do the following:

1. Reduce the runoff from parcels that already exceed the limitation on impervious surface.
2. Improve the treatment of runoff prior to reaching water bodies of the public.
3. Encourage owners of conforming lots to utilize modern technologies to treat runoff prior to it reaching the water bodies of the public.

EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on May 7, 2013.

SCOPE

This Ordinance regulates reduction in impervious coverage and requires storm water management on lakeshore properties with over 20% impervious coverage.

DEFINITIONS

Impervious Surface: The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking. (The intent of the ordinance is: all lot areas not impervious are to remain green space.)

Structure: Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide, stoops not exceeding 30 square feet, fenced, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.

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 bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

Green Space: Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal or similar uses. Public property permanently dedicated to park, vegetative buffer, and tree coverage or water courses.

VACANT LOTS OF RECORD: (Conforming or non-conforming to size requirements)

1. 20% Impervious will be changed to 80% Green Space
2. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

VACANT LOTS OF RECORD: (Conforming or non-conforming to size requirements – bisected by a road)

1. Lake side of road (riparian)
 - a. 20% Impervious will be changed to 80% Green Space
 - b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site
2. Portion across road from lake (non-riparian)
 - a. 20% Impervious will be changed to 80% Green Space
 - b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site

DEVELOPED LOTS OF RECORD (Riparian):

1. Lake side – (currently meeting impervious coverage requirements)
 - a. 20% Impervious will be changed to 80% Green Space
 - b. 25% Impervious will be changed to 75% Green Space with a storm water management plan handling 25-year/24-hour storm on site
2. Lake side – (currently do not meet impervious coverage requirements)
 - a. Existing impervious coverage must be reduced by 10% of the total ($41.6\% * 10\% = 4.16\%$).
 - b. Porous surfaces must be used to reduce total impervious remaining to 25% ($41.6\% - 4.16\% = 37.44\%$; $37.44\% - 25\% = 12.44\%$ must change to porous surfaces)
 - c. Storm water management plan must be implemented to retain runoff from a 25-year storm.

PROPOSED POROUS PAVING SURFACES ORDINANCE

1. Implementation of this ordinance will not alter the basic requirement to maintain a minimum of 80% green space (75% green space, with an approved storm water plan) on all lots that currently comply with the ordinance. This ordinance is primarily for those existing developed lots which do not conform to the current requirements and very special lots of record wherein strict compliance to the existing ordinance is impractical.
2. All plans for porous paving surfaces must be constructed in accordance with plans meeting the criteria outlined and designed by a registered engineer.
3. All porous paving surfaces plans must be submitted to, reviewed, and approved by the City. The submittal of plans shall include all calculations needed to verify the plans meet the ordinance requirements.
4. All owners of lots of record, with impervious surfaces in excess of the current requirements, who wish to redevelop the property (i.e. Make major alterations to the structure, remove and replace the structures, etc.) may utilize an approved plan for a porous paving system which captures the runoff from the impervious surfaces and treats it prior to discharge to the water bodies, OR they may reduce the impervious coverage to the current ordinance requirements as part of the redevelopment.
5. All owners of lots of record, with impervious surfaces which meet the current requirements, are encouraged to utilize best management practices (BMP's), including porous paving surfaces, but will not be allowed to decrease the percentage of green space below the requirements outlined in item 1 above, or conversely, increase the amount of impervious surface above that allowed under the current ordinance.
6. All owners of lots of record, that are non-conforming for size and undeveloped, must make every effort to conform to all requirements of the ordinances, are encouraged to utilize BMP's, including porous paving systems, and will be reviewed on a case by case basis. Such review will include the property physical characteristics, the neighborhood existing structures, size of the proposed structure, and anything else believed pertinent by the PC.

REQUIREMENTS OF THE POROUS PAVING SYSTEM PLAN/CONSTRUCTION

1. All plans for porous paving surfaces must be constructed in accordance with plans designed by a registered engineer.
2. Existing impervious coverage must be reduced by ten (10) percent of the total impervious surfaces existing (i.e. If a lot has 43% impervious, the reduction must be $43 * 10\% = 4.3\%$. This leaves 38.7% impervious, an excess of 13.7% over the current maximum of 25%).
3. The remaining excess impervious surface, plus a safety factor of 25%, must be converted to a porous paving system(s) capturing, and treating, all the runoff from all of the impervious surfaces (including building roofs) prior to discharge to a public water body (i.e. $[43\% - 4.3\% - 25\%] + 25\% * [43\% - 4.3\% - 25\%] = 17.125\%$).
4. The collection, storage, and treatment portion of the system(s) must have the capacity to address the runoff from a 25 year/24-hour storm frequency for all of the impervious surfaces (including building roofs).
5. The plan shall detail how runoff from the various slopes of a roof or separated structure will be captured and brought to the storage and treatment “chamber(s)”. A roof plan is required to verify drainage.
6. The plan shall provide for the surfaces to be sufficiently porous, or sloped to an inlet structure with the capacity, to accept the rainfall intensity of a 25-year/24-hour storm frequency (i.e. porous pavers may be sloped to an interior drain discharging to the storage “chamber”).
7. The plan shall include a maintenance program to ensure continued operation. Said maintenance plan shall include provisions to ensure the repairs are made in conformance to the original design of the system.
8. Approval of the plan shall be recorded with the property for the protection of the owners and future owners.
9. Upon completion of construction, the design engineer shall certify that construction was in accordance with the approved plan and the landowner shall provide an as-built survey of the construction, together with photos taken throughout the installation to verify compliance with the plan.

Passed by the City Council of the City of East Gull Lake, Minnesota this 5th day of May 2013, by a 5/5th vote of the Council.

Dave Kavanaugh, Mayor
City of East Gull Lake

Attest:

Rob Mason, City Administrator
City of East Gull Lake