

**PROPOSED ORDINANCE AMENDMENT  
IMPERVIOUS SURFACE AREA ON RESIDENTIAL LOTS  
AND SHORELAND OVERLAY DISTRICT**

Underlined Red Text is being added. ~~Strikeout Text~~ is being deleted.

CITY OF APPLE VALLEY  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF APPLE VALLEY, AMENDING CHAPTER  
155 OF THE CITY CODE RELATED TO IMPERVIOUS AND BUILDING  
COVERAGE ON ONE-FAMILY LOTS AND SHORELAND OVERLAY DISTRICT

The City Council of Apple Valley Ordains:

Section 1. Section 155.003 of the Apple Valley City Code is hereby amended to add the following definition:

**§ 155.003 DEFINITIONS**

**IMPERVIOUS SURFACE.** A constructed surface, generally made of brick, stone, concrete, asphalt, gravel or similar impermeable material, that either prevents water from naturally infiltrating directly or slows the natural infiltration of water into the soil or that water cannot easily penetrate for direct natural infiltration into the soil. Impervious surfaces include, but are not limited to: building roofs, walkways, patios, driveways, parking lots, concrete or asphalt paving, sport courts, tennis courts and swimming pools. Decks shall not be considered an impervious surface if (1) the surface under the deck is pervious; or (2) the surface water runoff from the deck surface is not controlled by a drainage system, such as gutters, diversion plates.

Section 2. Section 155.003 of the Apple Valley City Code is hereby amended to read the following:

**§ 155.003 DEFINITIONS**

**BUILDING COVERAGE.** The proportion of the square footage of a lot that is or may be covered by all existing and proposed building(s), including accessory buildings such as a shed, gazebo, or permanent pavilion at the time of the issuance of a building permit. The portion of the lot encumbered by any city or county easement not constituting public right-of-way as defined herein shall be included for purposes of ~~determining total~~ calculating the total square footage of the lot ~~area.~~

**LOT COVERAGE.** ~~The total area of a lot which, when viewed from directly above, is or would be covered by a building, structure, or impervious surface~~ The aggregate coverage area of building coverage and impervious surface area of a lot.

**PAVED SURFACE.** Any area covered by the following impervious materials consisting of: concrete, bituminous, or brick pavers.

Section 3. Section 155.350 is amended to add Section 155.350 (C), (D), and (E) to read as follows:

**§ 155.350 DRAINAGE REQUIREMENTS.**

\* \* \*

(C) The maximum impervious surface area on a lot or parcel with a one-family detached dwelling (house) or lots with two-family attached dwellings (twinhome) shall not exceed the following coverage:

<u>Lot Size<sup>1</sup></u>	<u>Maximum Impervious Coverage Allowed</u>
<u>9,000 sq. ft. or greater</u>	<u>35%</u>
<u>8,999 sq. ft. - 7,500 sq. ft.</u>	<u>40%</u>
<u>7,499 sq. ft. - 6,000 sq. ft.</u>	<u>45%</u>
<u>Less than 6,000 sq. ft.</u>	<u>50%</u>
<u>1. Actual lot area shall be rounded up to the nearest whole number for determination of its lot size hereunder.</u>	

Lots located within a “PD” (Planned Development) zoning district on which an one-family detached dwelling (house) or lots with two-family attached dwellings (twin home) is a ~~are~~ permitted uses shall comply with the requirements above, unless impervious surface coverage is specifically addressed in the ordinance establishing the PD zoning district.

Lots zoned for multi-family dwellings on which the dwelling units, attached or detached, comprises the lot of record and the open space or yard surrounding the unit is not exclusively owned by the dwelling unit owner and is instead owned as a CIC or other common property interests, are not subject to this Clause.

(D) The maximum impervious surface area allowed hereunder may be increased up to an additional 5% upon a showing of extraordinary circumstances supporting good cause for additional impervious surface area in excess of the limitations herein and upon the installation of a city approved on-site stormwater management facility.

(E) Any lot or parcel that has impervious surface area in excess of the maximum area allowed herein as of April 30, 2018, shall be deemed as legal nonconforming. The impervious surface area existing on a lot as of April 30, 21018, may be maintained, repaired or replaced, but may not be expanded. If the lot or parcel is redeveloped in its entirety, the impervious surface area restrictions set forth herein shall apply.

Section 4. Section 155.373(B)(3) is by revising Section 155.373 (B)(3) to read as follows::

**§ 155.373 PARKING IN RESIDENTIAL DISTRICTS.**

\* \* \*

(B) Parking in all residential districts shall be subject to the following requirements:

\* \* \*

(3) All motorized vehicles, regardless of type, method of propulsion, or placement on a trailer, and all Class II vehicles and trailers shall be parked or stored on a paved surface. A surface constructed of pervious material may be used if approved by the City;

\* \* \*

Section 5. Section 155.378 is amended by revising Section 155.378 (B)(1) & (2) to read as follows:

**§ 155.378 OFF-STREET PARKING; DESIGN AND MAINTENANCE.**

\* \* \*

(B) *Surfacing.*

(1) In single-family residential districts, any area intended to be used for parking spaces, driveways, storage of motor vehicles, or vehicle maneuvering areas shall be surfaced with concrete, asphalt or brick pavers. Pervious material may be permitted when approved by the City.

(2) In multi-family residential, commercial, industrial, or institutional districts, any area intended to be used for parking spaces, driveways, loading areas, open sales or storage lots, vehicle maneuvering, and the like, shall be surfaced with concrete or bituminous materials. Pervious material may be permitted when determined to be a low risk of contamination and approved by the City.

Section 6. Chapter 155, Appendix A is amended by revising the Maximum Impervious Surface Coverage requirements to read as follows:

**APPENDIX A: REQUIREMENTS FOR AGRICULTURAL AND SINGLE-ONE AND TWO-FAMILY DISTRICTS**

Agriculture and residential districts shall have the following lot area, height, frontage and yard requirements. The dimensions are measured in feet, unless directly stated otherwise.

Symbol	Use District	Lot Area	Lot Width (in feet)	Setback Requirements				Maximum Height (in feet)	Maximum Impervious Surface Coverage (percent of lot area)
				Front Yard Setback (in feet)	Side Yard Setback Interior Lot (in feet)	Side Yard Setback Corner Lot (in feet)	Rear Yard Setback (in feet)		
A*	Agricultural	5 acres	150	30	20	30	50	—	35% <a href="#">See § 155.350</a>
R-1*	One-family residential	40,000 sq. ft.	150	30	20	30	30	35	35% <a href="#">See § 155.350</a>
R-2*	One-family residential	18,000 sq. ft.	100	30	10	30	30	35	35% <a href="#">See § 155.350</a>
R-3*	One-family residential	Interior lot 11,000 sq. ft.	80	30	Dwelling Unit 10 Garage 5	—	30	35	35% <a href="#">See § 155.350</a>
		Corner lot 12,500 sq. ft.	90	30	—	Street side 20 Interior side same as interior lot setbacks	30	35	35% <a href="#">See § 155.350</a>
RCL**	—	—	—	—	—	—	—	—	—
R-5*	Two-family residential	15,000 sq. ft. (7,500 per unit)	100 (50 per unit)	30	Dwelling Unit 10 Garage 7.5	30	30	35	35% <a href="#">See § 155.350</a>

Section 7. Chapter 155, Appendix F, Article 3, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A3-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 138**

Standards	Zone 1	Zone 2		Zone 3	Zone 4	Zone 5	Zone 6			Zone 7
		One-Family*	Two-Family				One-Family*	Two-Family*	Multiple Residential	One-Family

\* \* \*

Maximum <del>Building</del> Lot Coverage										
<u>Building Coverage of Lot</u> (percentage)	20	20	20	25	20	35	20	20	20	35
<u>Impervious Surface Coverage</u>	See §155.350	See §155.350	See §155.350			See §155.350	See §155.350	See §155.350		See §155.350

Section 8. Chapter 155, Appendix F, Article 4, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A4-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 163**

Requirements	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
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\* \* \*

Maximum <del>Building</del> Lot Coverage							
<u>Building Coverage of Lot</u> (%)	20	20	20	20	20	25	25
<u>Impervious Surface Coverage</u>	See §155.350	See §155.350					See §155.350

Section 9. Chapter 155, Appendix F, Article 8, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A8-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 251**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>
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\* \* \*

<b>Maximum <a href="#">Building-Lot</a> Coverage</b>						
<a href="#">Building Coverage of lot</a> (percentage)	20	20	20	20	20	20
<a href="#">Impervious Surface Coverage</a>	See <a href="#">§155.350</a>	See <a href="#">§155.350</a>				

Section 10. Chapter 155, Appendix F, Article 11, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A11-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 144**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>		<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	
		<b>One-Family</b>	<b>Multiple Residential</b>			<b>Multiple Residential**</b>	

\* \* \*

<b>Maximum <a href="#">Building-Lot</a> Coverage</b>							
<a href="#">Lot-Building</a> coverage (percentage)	20	20	20	15	15		30
<a href="#">Impervious Surface Coverage</a>	See <a href="#">§155.350</a>	See <a href="#">§155.350</a>					

Section 11. Chapter 155, Appendix F, Article 12, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A12-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 315**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>
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\* \* \*

<b>Maximum <u>Building-Lot</u> Coverage</b>		
<a href="#">Building Coverage of lot</a> (percentage)	20	20
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>	<a href="#">See §155.350</a>

Section 12. Chapter 155, Appendix F, Article 13, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A13-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 341**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>		<b>Zone 4B</b>	<b>Zone 5</b>
				<b>Shopping Center</b>	<b>Free-Standing</b>		

\* \* \*

<b>Maximum <u>Building-Impervious Surface</u> Coverage</b>							
<a href="#">Building Coverage of lot</a> (percentage)	20	25	25	30	30	30	30
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>						

Section 13. Chapter 155, Appendix F, Article 14, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A14-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 342.**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
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<b>Maximum <a href="#">Building Lot</a> Coverage</b>			
<a href="#">Building Coverage of lot</a> (percentage)	20	20	20
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>		

Section 14. Chapter 155, Appendix F, Article 15 is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A15-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 400.**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
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\* \* \*

<b>Maximum <a href="#">Building Lot</a> Coverage</b>			
<a href="#">Building Coverage of lot</a> (percentage)	20	25	20
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>		



Section 15. Chapter 155, Appendix F, Article 17, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A17-5(A)(1) to read as follows:

**§ A17-5 MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 444.**

<i>Requirements</i>	<i>Zone 1</i>	<i>Zone 2</i>
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\* \* \*

<b>Maximum <a href="#">Building Lot</a> Coverage</b>		
<a href="#">Building Coverage of lot</a> (percentage)	20	25
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>	

Section 16. Chapter 155, Appendix F, Article 21, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A21-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 580.**

<i>Requirements</i>	<i>Zone 1</i>	<i>Zone 2</i>
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\* \* \*

<b>Maximum <a href="#">Building Lot</a> Coverage</b>		
<a href="#">Building Coverage of lot</a> (percentage)	30	30
<a href="#">Impervious Surface Coverage</a>		<a href="#">See §155.350</a>

Section 17. Chapter 155, Appendix F, Article 22, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A22-5(A)(1) to read as follows:

**MINIMUM AREA REQUIREMENTS FOR DESIGNATION NO. 629.**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>
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<b>Maximum <a href="#">Building-Lot Coverage</a></b>				
<a href="#">Building Coverage of lot</a> (percentage)	—	—	32	25
Maximum building footprint (square foot)	2,700	2,700	—	—
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>			

Section 18. Chapter 155, Appendix F, Article 23, is amended by revising the [Table relative to](#) maximum building coverage, in part, as set forth in § A23-5(A)(1) to read as follows:

**MINIMUM AREA STANDARDS AND REQUIREMENTS FOR DESIGNATION NO. 632.**

<b>Requirements</b>	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>	<b>Zone 4</b>	<b>Zone 5</b>	<b>Zone 6</b>	<b>Zone 7</b>
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\* \* \*

<b>Maximum <a href="#">Building-Lot Coverage</a></b>							
<a href="#">Building Coverage of lot</a> (percentage)	30	30	20	20	20	30	35
<a href="#">Impervious Surface Coverage</a>	<a href="#">See §155.350</a>	<a href="#">See §155.350</a>					

Section 19. Chapter 155, Appendix F, Article 33, is amended by revising the [Table relative to maximum building coverage](#), in part, as set forth in § A33-5(A)(1) to read as follows:

**MINIMUM AREA STANDARDS AND REQUIREMENTS FOR DESIGNATION NO. 856.**

<b>Specification</b>	<b>Zone 2</b>
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\* \* \*

<b>Maximum <a href="#">building-impervious surface</a> coverage (percent)</b>	<del>30</del> See § 155.350
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Section 20. Chapter 155, Chapter 155, Appendix H, is amended by revising the maximum total area covered by impervious surface, in part, as set forth, to read as follows:

**APPENDIX H: REQUIREMENTS FOR SHORELAND OVERLAY**

\* \* \*

Recreational development waters setback and area requirements shall be as follows. The measurements shall be in feet unless otherwise specified.

	<b><i>Sewered</i></b>	<b><i>Unsewered</i></b>
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\* \* \*

Total lot area covered by impervious surface with bonus, subsection	<del>30-25</del>	<del>30 25</del>
Section 155.309 (percentage):		
Waterfront lots	40	—
Other lots	50	—

Section 21. Summary approved. The City Council hereby determines that the text of the summary marked “Official Summary of Ordinance No. \_\_\_\_\_”, a copy of which is attached hereto, clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and summary will clearly inform the public of the intent and effect of the ordinance.

Section 22. Filing. The City Clerk shall file a copy of this ordinance in her office, which copy shall be available for inspection by any person during regular office hours.

Section 23. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk.

Section 24. Effective date. This ordinance shall take effect upon its passage and publication of its title and official summary.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mary Hamann-Roland, Mayor

ATTEST:

\_\_\_\_\_  
Pamela J. Gackstetter, City Clerk

DRAFT

CITY OF APPLE VALLEY  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF APPLE VALLEY, AMENDING CHAPTER  
155 OF THE CITY CODE RELATED TO IMPERVIOUS AND BUILDING  
COVERAGE ON ONE-FAMILY LOTS AND SHORELAND OVERLAY DISTRICT

The following is the official summary of Ordinance No. \_\_\_\_ approved by the City Council of Apple Valley on \_\_\_\_\_, 2018:

Chapter 155 of the City Code is amended to address maximum impervious surface area and building coverage area regulations. The amendments add the definition of impervious surface and amend definitions for building coverage, lot coverage and paved surface. The amendment adds maximum impervious surface area requirements for one-family detached and two-family dwellings properties. The building coverage regulations are amended to be replaced with maximum impervious surface area requirements in zoning districts for one-family detached and two-family dwellings. Shoreland Overlay District regulations are amended to reduce the allowed maximum impervious coverage to conform with State law.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk at the Apple Valley Municipal Center, 7100 West 147th Street, Apple Valley, Minnesota 55124.