

# Florence Township PUD/CR Ad-hoc Committee

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## Planned Unit Development (PUD) Recommendation

To: Florence Township Planning Commission  
From: PUD/CR Ad-hoc Committee – Jim Anderson, Bob Carlson, Kristen Eide-Tollefson, Tom Johnson, Nathan Oppedahl  
Date: February 28, 2025

### Background

The PUD/CR Ad-hoc Committee was formed November 14, 2024, by the Florence Township Planning Commission (FTPC) to “address the PUD possibility” and “further study the [PUD] issue, potentially hold a public workshop, and bring recommendations back to the commission for action.” (source: FTPC minutes) This was precipitated by Villa Maria property owner John Rupp proposing amendments to Goodhue County zoning ordinances to allow PUDs in Commercial Recreational zones (CR). Although the county rejected the amendments, the committee continued its work to lay the groundwork for presenting to the commission considerations regarding the potential for PUDs.

A public workshop was held by the committee on December 14, 2024, which provided information on PUDs in general, reviewed the Florence Township Comprehensive Plan priorities which ultimately govern development and land use, gauged sentiment on conditional uses in Commercial Recreational (CR) districts, and provided an update on Villa Maria proposed development. See [Workshop Summary](#) (link).

This memo outlines the committee’s recommendations to the Planning Commission regarding potential future PUDs and alternatives.

### Intent

PUDs are a tool for development of master planned communities which can avoid a cookie-cutter approach and the disadvantages of conventional lot-by-lot development (e.g. rigid

uses and blanket standards such as setbacks). Each PUD is unique and the result of detailed and often laborious negotiations between developers and local government. They can be helpful to focus development and density. (*The Commissioner*, American Planning Association, February 2015 – see appendix) The only approved use of PUDs in Goodhue County is for development in Shoreland overlay zones, where they are mandated by state statute. Chateau Frontenac is an example in Florence Township.

Interestingly, the proposed PUD provisions for Goodhue County Commercial Recreational zones did not allow for residential occupancy, a major drawback as viewed by the county and township. This was principally due to CR zones being for commercial use only. Dwellings could be used as a part-time residence (less than 180 days per year) and/or vacation or short-term rentals, but not full-time residences. This was a significant reason the county rejected the PUD amendments. Note, any future potential residential use of the Villa Maria property, or portions thereof, currently zoned CR, will need to be rezoned.

Florence Township (FT) is primarily a rural agricultural area with numerous sensitive natural features (e.g. bluffs, wetlands, karst) and historical sites – all important to making the township what it is. Preserving, protecting and supporting these characteristics have been enshrined in the Florence Township Comprehensive Plan as priorities. Any development and growth must be balanced with these priorities in both principle and practice.

This has been evident over the past two decades with the

- adoption of the Florence Township Zoning Ordinance
- its careful updating to include sensitive natural feature as well as mining and excavation provisions
- adoption of the Mixed-Use Hamlet district (MXH) for Frontenac Station
- and adoption in 2011 of the Florence Township Regulatory Assessment process promoting more stringent rezoning application information (e.g. soil maps, CERs, environmental impact statements). (see appendix)

Supporting a balance of future growth with the priorities and goals of the township, as outlined in the comprehensive plan, and borne out of recent history regarding the above zoning issues, the following questions come to mind in terms of PUDs:

- Should PUDs be part of an overall growth “calculation” and approach for the township? If so, how?

- Or are there better approaches, alternatives, or options than PUDs (which can be overly complex and burdensome to both the township and developers) to balance future growth opportunities with township priorities?
- If so, how can Florence Township steer future development away from PUD approaches and towards options which better represent the values and priorities of the township, and which are perhaps more palatable to property owners and developers?

## Recommendation

The committee believes the Conservation Subdivision District (CS) as found in the current Goodhue County Zoning Ordinance is a good place to start as it best balances potential development growth with township priorities and values. We recommend updating the Florence Township Zoning Ordinance to include the CS District as a valid zoning district and engage our consultant, Hometown Planning, LLC, to review this recommendation, address questions and concerns outlined herein, and support the FTPC in determining next steps and a course of action. Specifically, Hometown Planning should facilitate exploration of considerations for potential restrictions which could strengthen the alignment with township priorities and goals. These may include:

- Prohibit mining and related activities per current Florence Township Zoning Ordinance for A-1, etc.
- Include impervious surface minimums such as 25% or less even if not impacted by bluff land provisions.
- Include buffer minimums (e.g. 100 or 200 ft) between open spaces and lots.

Further, the following concerns should be addressed:

- Is allowing CS congruent with Sensitive Natural Features provisions of current FT ordinance? Would those still be enforceable?
- What are potential challenges or risks to adopting CS as a valid district in FT?
- Does CS adequately address ownership and ongoing management and maintenance of mandated open spaces? (the district requires a conservation easement governed by MN Statute 84C.01-84C.05)
- Can FT restrict higher density development by mandating rezoning to CS as opposed to R-1?

Regardless of the answer to this final question, we recommend positioning CS Districts as the preferred approach to future larger scale residential development. This would represent a move away from the use of R-1 districts which have been the dominant approach for residential growth and expansion over the years (see FT Subdivision Map in appendix). This move may be justified given current density levels in both A-2 and A-1 districts across the township: approximately one-third of A-2 zoning is 75% or over the allowable capacity, and fully 80% of A-1 zoning is actually over the allowable capacity (see FT Density Map in appendix). Adopting and promoting CS Districts for future larger scale development would help limit density and preserve open spaces while supporting growth.

Finally, we recommend the FTPC reaffirm and adopt the rezoning considerations and process as outlined in Florence Township Regulatory Assessment and leverage the tools and outlined process. (see appendix)

## Rationale

The committee reviewed a handful of zoning approaches to larger scale residential development, comparing and contrasting features, and assessing general alignment with FT priorities. Specifically, we reviewed

- Last Fall's proposed county ordinance PUD amendments
- Goodhue County's Conservation Subdivision District (CS)
- City of Afton's Preservation and Land Conservation Developments (PLCD)
- Florence Township's proposed 2007 Conservation Subdivision (not adopted)

Note, this was not a fully comprehensive analysis but rather a basic review focusing on primary characteristics and objectives of selected features. (see appendix for comparison chart)

PUDs generally are pursued for higher density and flexibility in development, often accommodating smaller lots than typically allowed. They also allow for mixed uses such as businesses, services, and recreation in addition to residential and rental dwellings.

The county not allowing PUDs in Commercial Recreational districts actually helps maintain distinction between residential uses and commercial uses. This clarity better enables the township in ensuring development is aligned with its land use priorities and goals. The touted benefits of PUDs, including mixed uses, flexibility, and higher density, combined with increased complexity and planning, create a potentially problematic formula for the

township. As a result, we believe PUDs are simply not congruent with FT's rural, residential, preservationist characteristics and priorities.

The Goodhue County Conservation Subdivision District (CS) seems less complex and involved than PUDs and therefore potentially more attractive to developers. Whereas the CS District does not allow for commercial uses, it does support more clustered development (though not as dense as PUDs and R-1). It also ensures open spaces are set aside, preserved and protected. The CS District balances the potential of greater density with township priorities, providing additional development options for landowners while also allowing FT to steer development to support comprehensive plan priorities.

The county recognized these issues when it created the CS District in 2019:

"In 2017 Goodhue County amended the zoning ordinance adding language requiring requests for increased dwelling density to be pursued through the change of zone process and not through the variance process. The Conservation Subdivision (CS) District was approved by the County Board in August 2019 as a new option for increasing density in the rural areas with a focus on conservation and natural resource preservation. The CS District requires a potential Applicant to Plat the property in conformance with the Goodhue County Subdivision Controls Ordinance and place a minimum of 50% of the total acreage under a permanent Conservation Easement conforming to Minnesota Statute Chapter 84C. The CS District is a separate zone that would replace the existing A2 zoning designation. The allowable building density within the Conservation Subdivision is determined through the review process (maximum of 6). It should be noted the dwelling density within a CS District does not count against the overall section density for A1 or A2 districts." (Goodhue County Land Use Management Report to the Goodhue County Planning Advisory Committee, October 9, 2020).

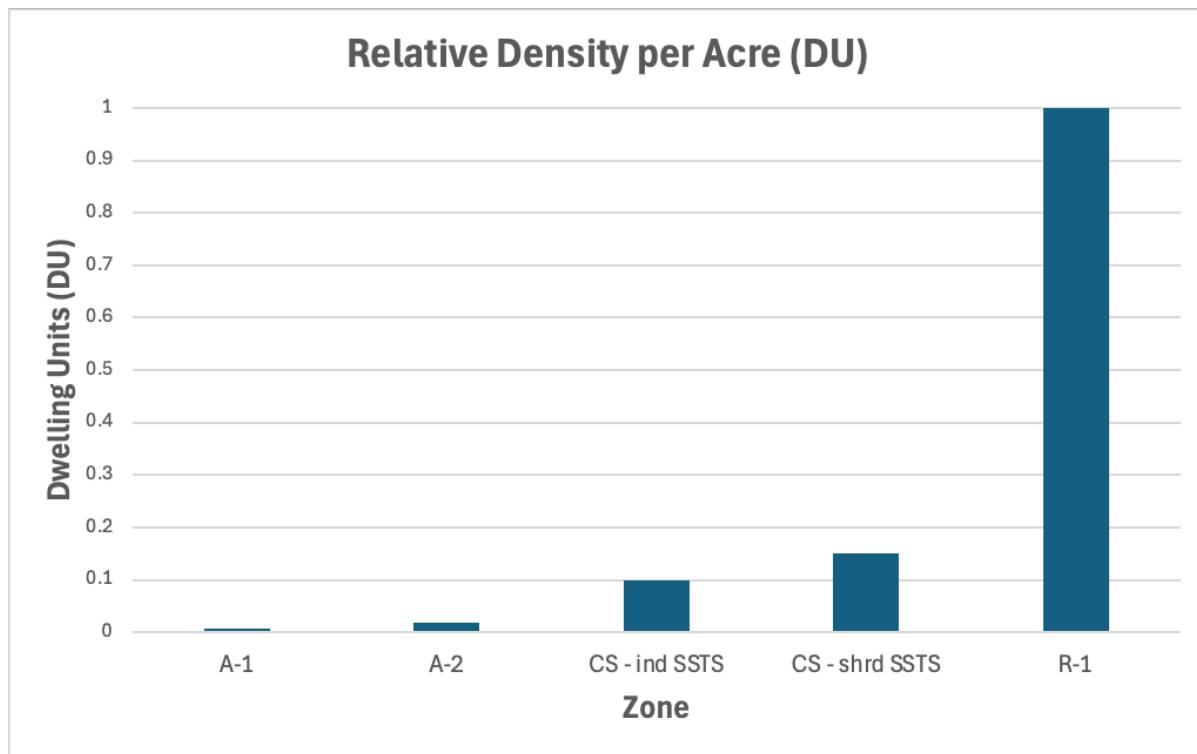
As landowners look to develop property, they naturally look to maximize their investment, often seeking development which increases density, but which may not align well with township goals. If a landowner wants to develop parcels for single-family dwellings and the township wants to limit expansion of R-1 zones, a CS District may be an agreeable option.

That is, it would help the township maintain and support its priorities balanced with growth and future opportunities to strengthen and expand the tax-base. It would support growth beyond what's allowed in agricultural zones with less density than developing subdivisions

and rezoning to R-1 with its dramatically increased density potential. It's an alternative to expanding R-1 zones across the township.

For example, a property owner who wants to develop A-2 zoned property is limited to only one single-family dwelling per  $\frac{1}{4}$ ,  $\frac{1}{4}$  section (40 acres) with up to 12 per section (640 acres). Rezoning to CS would allow for up to 6 single-family dwellings per 40 acres (with shared SSTS), or an increased density of 5-8 times balanced with mandated open conservation spaces. Currently, without a CS District, the landowner is left to rezone to R-1, without any open space requirements and a potential density increase of over 40 times, as one dwelling is allowed per acre. This has been the approach for most if not all subdivision developments in the township (see FT Subdivision Map in appendix). Note, the committee only focused on single-family dwellings as FT does not allow any multi-family dwellings other than in the Mixed-Use Hamlet District (MXH) (Frontenac Station along Highway 61) or duplexes in R-1.

The following chart highlights the differences in allowable densities:



The City of Afton's Preservation and Land Conservation Developments (PLCD) and Florence Township's proposed 2007 Conservation Subdivision both contain features and elements already embedded in the CS District zoning. This includes like objectives, uses, density, and open spaces and associated management. In addition, provisions concerning sensitive

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natural features and associated setbacks and protocols, as proposed in the 2007 Conservation Subdivision, are now included in the Florence Township Zoning Ordinance. (see the comparison chart in the appendix for further detail)

In the end, adopting the CS District and updating the Florence Township Zoning Ordinance will help ensure the ordinance and FT's governance processes remain aligned with and support balanced growth principles and objectives. These were originally outlined in the FT Regulatory Assessment, drafted with the Community Growth Institute and 1000 Friends of Minnesota in 2007, later adopted into FTPC processes, and used to guide subsequent review and decision-making.

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# APPENDIX

Florence Township Zoning Map

Florence Township Subdivision Map

Florence Township Density Map

Comparison Chart – Conservation District Examples

Article 35 – CS, Conservation Subdivision District, Goodhue County Zoning Ordinance

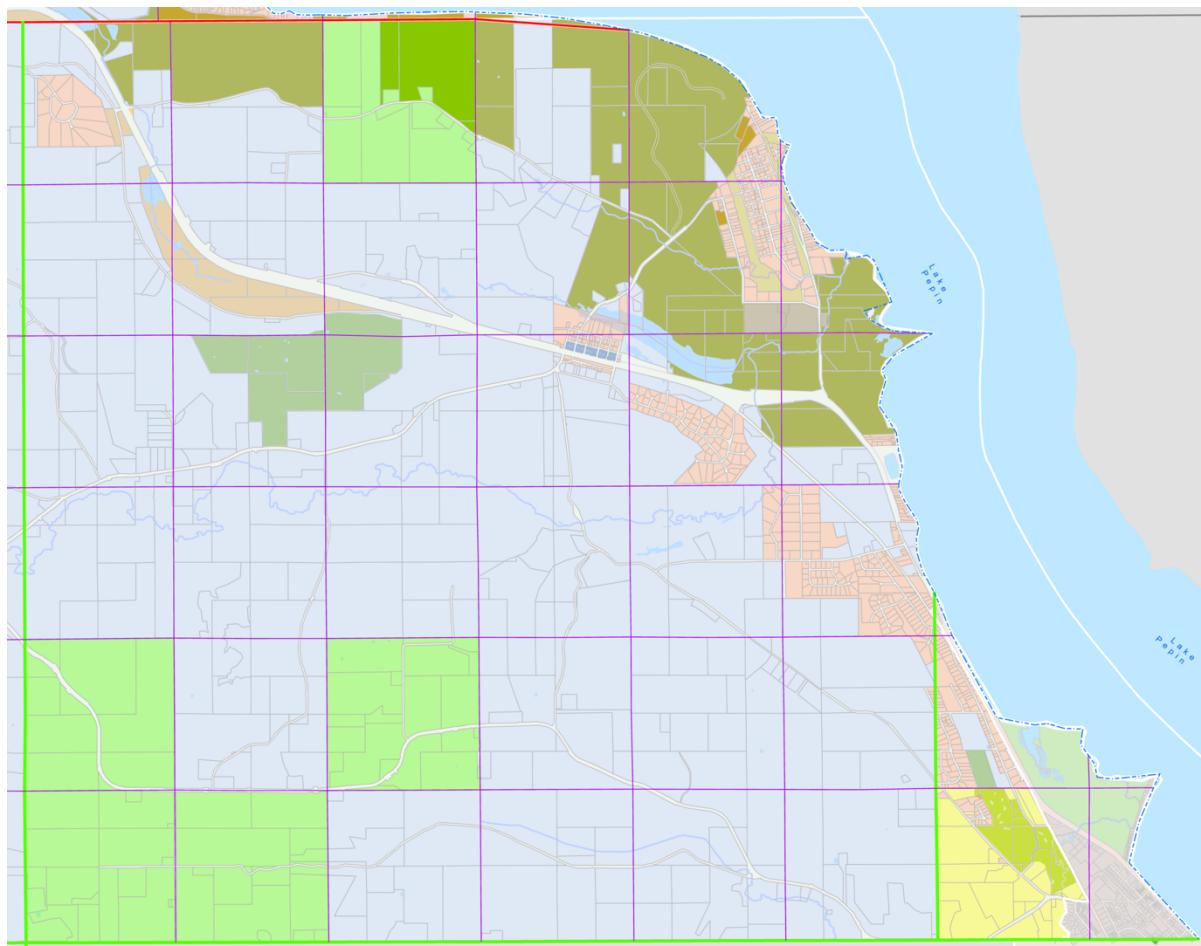
“PUDs and Master Planned Communities” – *The Commissioner*, American Planning Association, February 2015

Florence Township Regulatory Assessment, Community Growth Institute and 1000 Friends of Minnesota, July 25, 2007

City of Afton’s Preservation and Land Conservation Developments (PLCD)

Florence Township’s proposed 2007 Conservation Subdivision (not adopted)

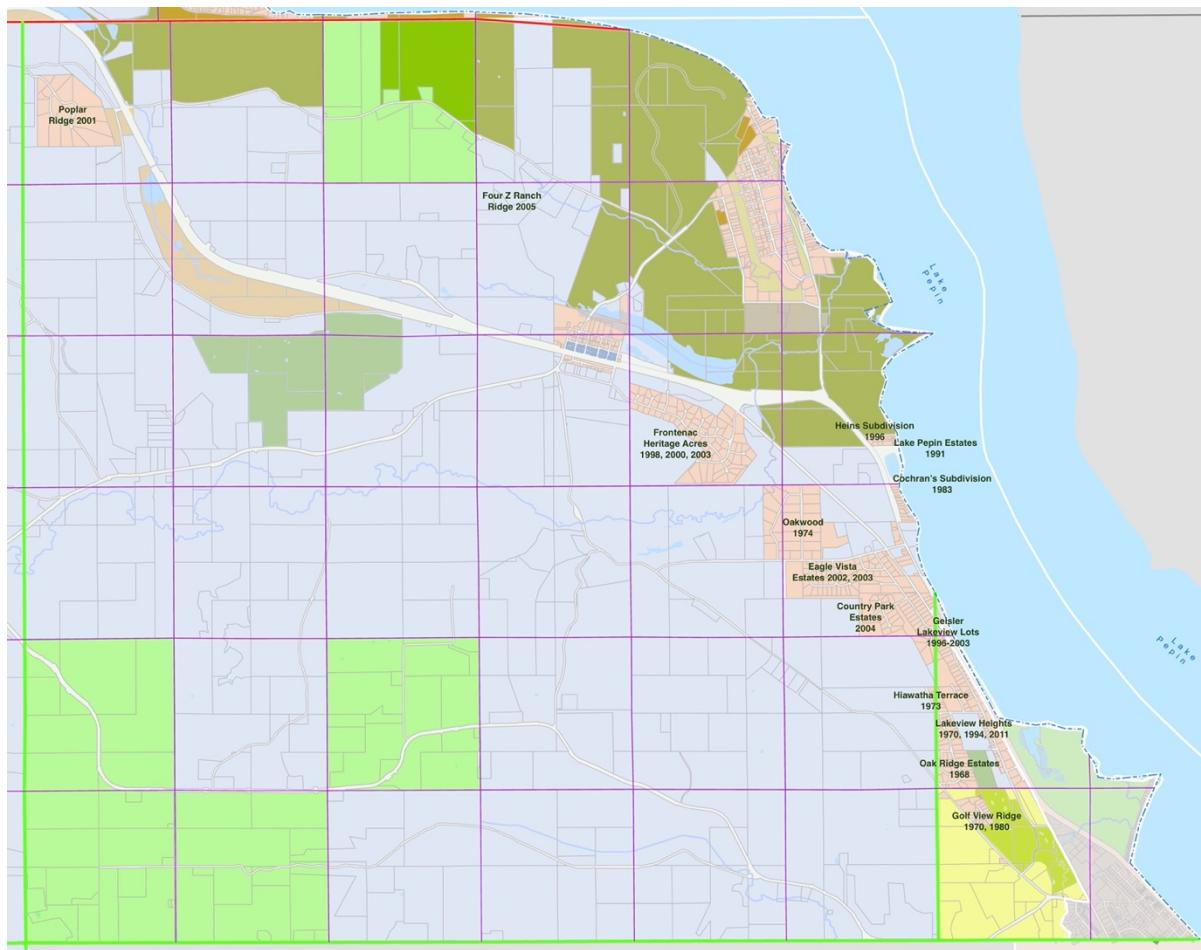
## Florence Township Zoning Map



PLS Lines	GLO Plats	
— Standard Parallel	A2 - Agricultural	R1 - Suburban Residential
— Township	A3 - Urban Fringe	SCN - Cannon River Scenic
— Section	I - Industry	Within City Limits
— Meander	MXH - Mixed Use	
	A1 - Agricultural Protection	

Note: Goodhue County map version – A-3 Urban  
Fringe not recognized by FT, substitute A-2

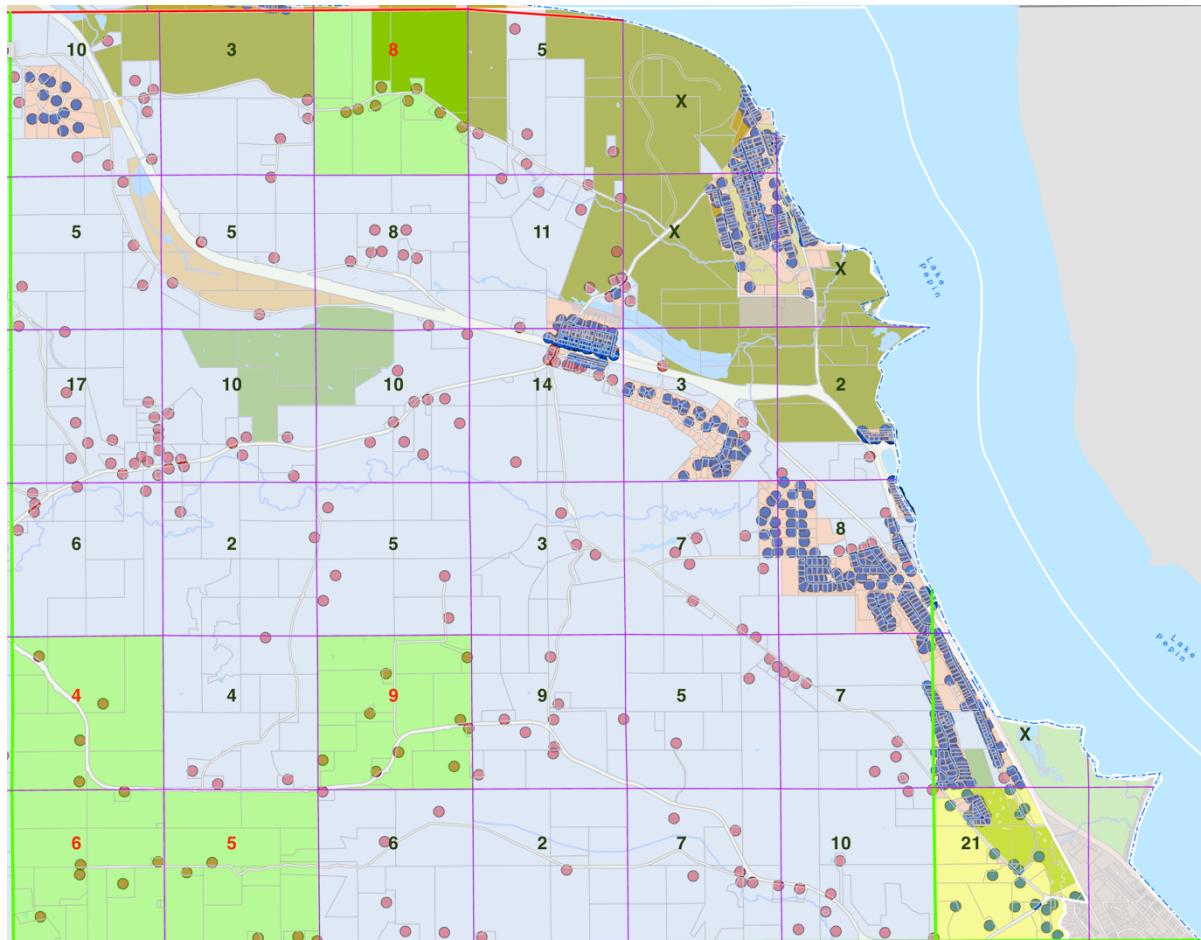
## Florence Township Subdivision Map



PLS Lines	GLO Plats	
Standard Parallel	Township-Range-Section	A2 - Agricultural
Township	Township Boundaries	A3 - Urban Fringe
Section	Goodhue County Zoning	I - Industry
Meander	A1 - Agricultural Protection	MXH - Mixed Use
		R1 - Suburban Residential
		SCN - Cannon River Scenic
		Within City Limits

Note: Goodhue County map version – A-3 Urban  
Fringe not recognized by FT, substitute A-2

## Florence Township Density Map



PLS Lines	GLO Plats	
Standard Parallel	Township-Range-Section	A2 - Agricultural
Township	Township Boundaries	A3 - Urban Fringe
Section	Goodhue County Zoning	R1 - Suburban Residential
Meander		SCN - Cannon River Scenic
		I - Industry
		MXH - Mixed Use
	A1 - Agricultural Protection	Within City Limits

5 Single-family dwellings and counts in underlying non-R1 district

### A2 Districts – Max Density: 12 Dwellings

# Dwellings	# Sections	
0 – 3	5	18%
4 – 8	15	52%
9 – 12	6	20%
12+	3	10%

### A1 Districts – Max Density: 4 Dwellings

# Dwellings	# Sections	
0 – 4	1	20%
4+	4	80%

Note: Goodhue County map version – A-3 Urban Fringe not recognized by FT, substitute A-2

## Comparison Chart – Conservation District Examples

	<b>Proposed PUD</b>	<b>GC CS District</b>	<b>Afton PLCD</b>	<b>Proposed 2007 FT CS District</b>
<b>Purpose</b>	Planned Unit Developments are a type of development that allows for separately owned units that can be for sale, rent, or lease. Each unit is its own property that does not need to meet minimum parcel size or setback requirements. These developments are commonly referred to as Common Interest Communities (CICs) which must comply with Minnesota Statutes 515B.	to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services.	to preserve prime agricultural land, woodland, wildlife habitat, vistas, groundwater recharge areas, areas with sensitive soils or geological limitations	to preserve the rural character of Florence Township through the permanent preservation of meaningful open space and sensitive natural resources; preserve scenic views by minimizing views of new development from existing roads; preserve prime agricultural land in the Township by directing development toward on lands which have comparatively low agricultural use or potential, without sacrificing the other purposes contained herein; provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community; provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups; provide buffering between higher density development and non-residential uses; protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, preserve the community's bluffs, and maintain environmental corridors; preserve significant archaeological sites, historic buildings, and their settings; meet the demand for housing in a rural setting.
	Conditional use on Commercial Recreational (CR) zones only.	Standalone district	Overlay to agricultural district	Standalone district
<b>Uses</b>	Separately owned units that can be for sale, rent, or lease. No residential dwellings allowed. Additional commercial and recreational uses may be permissible.	Single family dwellings (no multi-family) – also ag, feedlots, wineries, nurseries, churches, parks, antennas	Single family dwellings (no multi-family) – also assumes Ag district uses (e.g. ag, feedlots, B&Bs, wineries, nurseries, churches, parks, antennas, ag retail, veterinary)	Unclear. Focus is on residential dwellings, but agricultural and potential other uses referenced. Multi-family dwellings may be permissible.
<b>Size Minimum</b>	None	Min 40 acres 3 acre lots (2 acres w/shared SSTS)	Min 80-acre tract 10 acre lots or 4 lots per qtr-qtr (40 acres)	None – originally 10 acres considered (July 2007)?

<b>Density</b>	Inside living space restricted to 3,000 sq ft per acre w/50% open space in development, or up to 4,500 sq ft w/60% open space.	4 dwellings per subdivision (6 w/shared SSTS)	1 dwelling per 10-acre lot	2 dwellings per acre
<b>Open Space</b>	50% to 60% of total acreage	50% of total acreage	50% of total acreage	45% of total acreage
<b>Notable Restrictions</b>	<ul style="list-style-type: none"> <li>Residential homesteaded dwellings not allowed</li> <li>Design standards dictate structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from lakes, roads, and adjacent shoreland by vegetation, topography, increased setbacks, or other means, assuming summer leaf-on conditions. The development shall be visually unobtrusive to the natural environment or surrounding properties.</li> <li>HOA required for management of property and open spaces.</li> </ul>	Conservation Easement required for open space which includes maintenance plan	<ul style="list-style-type: none"> <li>Covenants requiring min of 60% of each lot preserved for natural habitat (native plants, etc.)</li> <li>Appears a homeowner's association is required for management and support of open space</li> </ul>	<ul style="list-style-type: none"> <li>District envisioned to "only be applied in the areas designated as Conservation Development Study District in the Florence Township Future Land Use Map."</li> <li>Incorporates floodplain, bluff lands, drainageway restrictions.</li> <li>Open space may consist of no more than 50% water bodies, flood plain, wetlands.</li> <li>Requires some sort of ownership and management entity for maintenance of open spaces (e.g. HOA, easement), with a documented management plan.</li> </ul>
<b>Other Observations</b>	<ul style="list-style-type: none"> <li>Amendments primarily drafted with Villa Maria development in mind.</li> </ul>	<ul style="list-style-type: none"> <li>Open space developed around a "theme"</li> <li>Small feedlots permissible</li> </ul>	PLCD is an overlay option for agricultural districts	<ul style="list-style-type: none"> <li>Allows for increased density if certain conditions included such as historic restoration, public access to trails, etc. (see Section 3.A.2.b).</li> <li>Seems to promote somewhat higher "clustered" density (see Section 3.C).</li> <li>Contains very specific design and siting provisions (see Section 3.B).</li> <li>Provides options for how open spaces could be managed: HOA, conservation easement, non-profit, govt entity (Section 4).</li> </ul>
<b>Considerations</b>		<ul style="list-style-type: none"> <li>Prohibit mining and related activities per current FT ordinance for Ag-1, etc.</li> <li>Include impervious surface minimums such as 25% or less even if not impacted</li> </ul>		<ul style="list-style-type: none"> <li>Proposal would need redrafting to align with current FT and GC ordinances (e.g. sensitive area provisions could be removed).</li> </ul>

		<p>by bluff land provisions?</p> <ul style="list-style-type: none"><li>• Would want to ensure sensitive features provisions in FT ordinance apply.</li><li>• Include buffer minimums (e.g. 100 or 200 ft) between open spaces and lots?</li></ul>		

# **ARTICLE 35 CS, CONSERVATION SUBDIVISION DISTRICT**

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## **SECTION 1. PURPOSE**

The Conservation Subdivision (CS) District is intended to provide a residential development option that supports the rural character and residential development goals of Goodhue County, while permanently preserving open space, agriculture, and natural resource areas, beyond planned future extension of urban services.

## **Section 2. PERMITTED USES**

All permitted uses are subject to zoning and building permits. Permitted uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, "Table of Uses". See table below.

## **Section 3. CONDITIONAL USES AND INTERIM USES**

All conditional uses and interim uses are subject to zoning and building permits. Conditional and interim uses allowed in the CS Zoning District shall be as shown in Article 20, Section 7, "Table of Uses."

## **Section 4. ACCESSORY STRUCTURES AND USES**

Accessory buildings in the CS district may be permitted when located on the same parcel as the principal building and shall comply with the following standards:

- Subd. 1. No accessory buildings shall be permitted on a parcel prior to the establishment of the principal building.
- Subd. 2. Detached accessory buildings shall be limited in size to 7,200 square feet in area.
- Subd. 3. Greenhouses, conservatories, swimming pools, tennis courts or similar non-commercial recreational facilities for the private enjoyment and convenience of the residents of the principal use and their guests shall be allowed.
- Subd. 4. Livestock shall be permissible as an accessory use provided no parcel exceeds 9 Animal Units.
- Subd. 5. Any temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of such construction work.

## **Section 5. DIMENSIONAL REQUIREMENTS**

- Subd. 1 Minimum Subdivision Size. The minimum area required for a Conservation Subdivision shall be 40 contiguous acres.
- Subd. 2. Density. The maximum density of Conservation Subdivisions without a shared SSTS shall be 4 dwellings. The maximum density of Conservation Subdivisions with a shared SSTS shall be 6 dwellings.

Subd. 3 Lot Size. Any lot on which a single-family dwelling unit is to be erected shall contain a minimum of 3 acres of Buildable Area. Lots with a shared SSTS shall be a minimum of 2 acres of Buildable Area.

Subd. 4 Yard Requirements. Every building shall meet the following Yard requirements:

- A. Front Yard.
  1. There shall be a minimum setback of 40 feet from the right-of-way line of any public road or highway.
  2. There shall be a minimum setback of 25 feet from the right-of-way line any private road.
- B. Side and Rear Yards. Every building shall have a minimum setback of 40 feet.
- C. Buffer zones. All dwellings and accessory structures shall have a minimum setback of 100 feet from surrounding agricultural uses.

Subd. 5 Height Requirements. Every building shall have a maximum height of 35 feet.

Subd. 6 Open Space Requirements. Conservation Subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to, forest, water quality, farmland, or view-shed preservation. The conservation theme shall guide the location and use of the designated Open Space.

- A. A minimum of 50% of the total acreage in the Conservation Subdivision shall be designated as Open Space.
- B. Where practical, designated Open Space shall be contiguous with adjacent agriculture, wildlife corridors, forestry, natural habitats, preserves, or trails.

## **SECTION 6. GENERAL DISTRICT REGULATIONS**

Subd. 1 A proposed Minnesota Statute 505 plat shall accompany all Conservation Subdivision change of zone requests and shall be considered part of the application. The plat must obtain the approval of the Township in which it is located in order to be recorded. No buildings or development may occur on the site until the plat is recorded.

Subd. 2 Open Space Ownership and Management. All lands and improvements in designated Open Spaces shall be established, managed and maintained in accordance with the following:

- A. Conservation Easement. A permanent Conservation Easement that encompasses the entire Open Space area must be recorded prior to, or at the time of platting.
- B. Conservation Easements shall be governed by Minnesota Statute 84C.01-84C.05, and include:
  1. The entity to maintain the designated Open Space;
  2. The purposes of the Conservation Easement;

3. The legal description of the land within the easement;
4. The restrictions on the use of the land;
5. A restriction from future dwelling development of the easement;
6. The standards under which the Open Space will be maintained; and
7. Who will have access to the Open Space.

C. All structures located within the designated Open Space must obtain appropriate permits. As part of the permit application, structures must demonstrate they are in harmony with the associated Open Space theme. Shared SSTS and shared wells within the Conservation Subdivision may be located within the Open Space designated parcels if allowed by the Conservation Easement restrictions.

Subd. 3. Public Road Frontage or Road Access Easements Standards:

- A. Each Parcel shall include a minimum 33 feet of frontage on a public road right-of-way line extending to the building line. As an alternative, a single parcel that does not front on a public road may be permitted upon the recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Access for two or more lots shall follow the Road Design Standards in the Goodhue County Subdivision Controls Ordinance.

Florence Township Uses	Residential (R-1) /SC Use	Old Frontier (R-FHD-1) /SC Use	Agricultural Protection (A-1)	Agricultural (A-2)	Conservation/Subdivision (CS)
<b>Residential</b>					
Single-Family Dwelling	P	P	P	P	P
Two Family Dwellings	P	NP	NP	NP	NP
Three Or Four Family dwellings	NP (P)	NP	NP	NP	NP
Accessory Dwelling Unit (ADU) ( Art. 11 § 31)	C/I (P)	NP	P	P	P
Residential Accessory Buildings $\geq$ 7,200ft <sup>2</sup> ( Art. 11 § 6)	NP	NP	C/I	C/I	C/I
Mobile Home Park ( Art. 16)	NP (C/I)	NP	NP	NP	NP
<b>Agricultural</b>					
Feedlots ( Art.13)	NP	NP			
New Feedlot ( Art.13)	NP	NP	P	P	NP
New Feedlot outside of Farmyard ( Art.13)	NP	NP	C/I	C/I	NP
Feedlot expansion up to $\leq$ 100 Animal Units ( Art.13)	NP	NP	P	P	NP
Feedlot expansion to $\geq$ 300 Animal Units ( Art.13)	NP	NP	P	C/I	NP
Feedlot expansion to $\geq$ 500 Animal Units ( Art.13)	NP	NP	C/I	C/I	NP
Animal waste storage structure $\geq$ 500,000 gallons	NP	NP	C/I	C/I	NP
Agricultural Operations (including tree farms) ( Art.11 § 24)	NP	NP	P	P	P
Farm Market/On-farm market/Roadside Stand $<$ 2400ft <sup>2</sup> ( Art. 11 § 29)	NP	NP	P	P	NP
Farm Market/On-farm market/Roadside Stand $\geq$ 2400ft <sup>2</sup> ( Art. 11 § 29)	NP	NP	C/I	C/I	NP
Plant Nurseries & Sales	NP	NP	P	P	P
Farm Wineries $<$ 10,000ft <sup>2</sup> ( Art. 11 § 27)	NP	NP	P	P	P
Farm Wineries $\geq$ 10,000ft <sup>2</sup> ( Art. 11 § 27)	NP	NP	C/I	C/I	C/I
Temporary/Seasonal Off-Site Roadside Produce Stands	NP	NP	C/I	C/I	C/I
Non-Agricultural Uses Associated W/Agritourism ( Art. 11 § 30)	NP	NP	P	P	NP
1 Animal Unit per acre on a minimum 1-acre parcel	I	I			
General Gardening	P	P			
<b>Commercial</b>					
Home Businesses - Tier 1 ( Art.11 § 12)	P	P	P	P	P
Home Businesses - Tier 2 ( Art.11 § 12)	C/I (I)	C/I	P	P	I
Home Businesses - Tier 3 ( Art.11 § 12)	NP	NP	I	I	NP
Commercial Kennel/Raising of fur-bearing animals ( Art.11 § 26)	NP	NP	C/I	C/I	NP
Commercial/Industrial Uses primarily intended to serve Ag. Community	NP	NP	C/I	C/I	NP
Boarding or Rooming Houses as an accessory use	NP (C/I)	NP	C/I	C/I	NP
Bed and Breakfast Inn (Art.11 § 13)	C/I	C/I	C/I	C/I	NP
Rural Tourism Facilities	(NP)		C/I	C/I	NP
Contractors Yard (Art.11 § 33)	NP	NP	C/I	C/I	NP
Veterinary Clinic	NP	NP	C/I	C/I	NP
<b>Industrial</b>					
Mining, Quarrying, Excavating/Filing ( Art.14)	NP	NP	NP (I)	NP (I)	
Junk/Salvage Reclamation Yard ( Art.11 § 10)	NP	NP			
<b>Recreational</b>					
Public Stable	NP	NP	C/I	C/I	NP
Park/Recreational Area (operated by a governmental agency)	NP	NP	C/I	C/I	NP
Park/Recreational Area	C/I	C/I	NP	NP	C/I
Hunting Club/Shooting Preserve	NP	NP	C/I	C/I	NP
Campground &/or RV Site ( Art.16 § 7)	NP	NP	C/I	C/I	NP
Park Manager's Residence (1 per campground/RV park w/ $\geq$ 30 campsites)	NP	NP	NP	C/I	NP
Commercial Outdoor Recreation Facilities (including, but not limited to, Golf Courses/Driving Ranges, Tennis Courts, Skiing, Swimming Pools, Park Facilities)					
Commercial Outdoor Recreation Health Facilities	NP	NP	C/I	C/I	NP
Commercial Outdoor Recreation Storage Structure (size & location to be approved by the Planning Advisory Commission)	NP	NP	NP	NP	NP
Retreat Centers (Art.11 § 25)	NP	NP	NP	C/I	NP
<b>Institutional</b>					
Community Building	C/I	C/I	C/I	C/I	C/I
Church	C/I	C/I	C/I	C/I	C/I
Cemetery	NP	NP	C/I	C/I	NP
Memorial Garden	NP	NP	C/I	C/I	NP
Public School	C/I	C/I	C/I	C/I	NP
Private School	NP	NP	C/I	C/I	NP
Nursery School	NP	NP	C/I	C/I	NP
Funeral Home	NP	NP	NP	NP	NP
Hospital, Sanitarium, Philanthropic/Eleemosynary Institutions (except correctional institutions, animal hospitals)	NP	NP	NP	NP	NP
<b>Miscellaneous</b>					
WECS (Non-Commercial Micro) ( Art. 18)	NP (P)	NP	P	P	P
WECS (Non-Commercial) (Art. 18)	NP	NP	P	P	NP
WECS (Commercial) ( Art. 18)	NP	NP	C/I	C/I	NP
WECS (Meteorological Tower) ( Art. 18)	NP	NP	P	P	NP
SES (Utility Scale) ( Art. 19)	NP	NP	C/I	C/I	NP
SES (Commercial Scale) (Art. 19)	NP (P)	NP	P	P	P
SES (Residential Scale) ( Art. 19)	P	P	P	P	P
Aircraft Landing Fields & Facilities	NP	NP	C/I	C/I	NP
Sanitary Landfills/Sewage Disposal Works	NP	NP	C/I	NP	NP
Non-agricultural Lagoons (In accordance w/ MPCA regulations)	NP	NP	C/I	NP	NP
Migratory Labor Camp	NP	NP	C/I	C/I	NP
Commercial Radio Towers/TV Towers/Transmitters	NP	NP	C/I	C/I	C/I
Solid Waste Transfer Facilities	(NP)		C/I	C/I	NP



PHOTOS BY CAROLYN TORMA

# PUDs and Master Planned Communities

## PLANNING TOOLS

A MODERN ZONING CODE INCLUDES AN OFTEN COMPLEX array of standards and processes. These include use, setback, building height, and coverage requirements for zoning districts, with more progressive codes featuring building and site design standards. A development that complies with these standards can be approved "by right" or through a discretionary process such as a conditional use permit. These can work well for individual lots where the development can feasibly integrate the standards, and variance processes can allow exceptions where the standards create an individual hardship. The trend in modern codes is to expand the range of by-right approvals, with development outcomes described with precise detail.

But what about projects that break the mold? What if an applicant has a better idea? What about large, integrated developments where the community's zoning (or even form-based) rules don't work—but that achieve other, important comprehensive planning policies? Many communities have an option for planned unit developments that allow for a negotiated approval process.

The Glen is a PUD developed by the village of Glenview, Illinois, on the site of a former naval air base. It incorporates a mix of housing, recreation, and commercial uses.

### Why do communities have PUDs?

PUDs emerged from the desire for developers of master planned communities to avoid the cookie-cutter metrics of conventional zoning. Relief from rigid use, setback, height, parking, and similar restrictions would open communities to more creative master planning. Accordingly, communities developed PUDs to negotiate development approvals with very general, flexible standards. The result was a design outcome produced by negotiations between the applicant and the community, rather than the strict limits of zoning.

These negotiated development approvals were thought to yield the following benefits.

**FLEXIBILITY.** By negotiating alternative standards, applicants may calibrate their projects more closely to current market conditions, financing demands, topography, and their development program than the existing zoning standards—which may have been written years ago.

**COMPATIBILITY.** A better designed project is likely to provide a better fit for the neighborhood, with standards suited to current conditions rather than an outdated code.

**INTEGRATION.** PUDs often allow the negotiation of all facets of a development, from permitted uses to site design to infrastructure. This can ensure that buildings, sites, and streets are integrated, creating a more successful outcome from both a community design and market perspective.

Of course, another cure for many of the issues mentioned above is to update the development code. Putting good, plan- and market-friendly standards in place can obviate the need to negotiate better developments. Form-based codes can effectively integrate lot, building, and site design.

with infrastructure. Modern building, site, landscaping, and sustainable development standards can answer many questions about development parameters without resorting to lengthy negotiations.

### How are PUDs codified, approved, and enforced?

PUDs are often codified as a separate zoning district, and approval requires rezoning. In most states, this is a legislative decision. If the decision is quasi-judicial, it requires standards—albeit very general ones. Typical standards may include “compatibility with the surrounding area,” “harmony with neighborhood character,” and that “streets are suitable and adequate to carry anticipated traffic. . . .” Some communities also require that exceptions granted through the PUD process are offset by the project’s design and amenities.

Some communities also codify PUDs as a form of discretionary approval, such as a conditional use permit. In states where rezoning is considered legislative, this gives property owners some protection in court if the decision-making body acts in an arbitrary manner. But it offers little advantage in terms of the cost, certainty, or timing of the development approval process.

PUDs are often enforced through staged development approvals (typical of master planned development), zoning con-

ditions followed by traditional enforcement mechanisms, or development agreements. Development agreements are an increasingly popular tool, locking in the developer’s rights on a long-term basis while giving communities contractual remedies that are not available through traditional zoning enforcement.

### What are the problems with PUDs?

PUDs are, almost by definition, the exception rather than the rule. Unfortunately, for many communities, PUD approval is the norm.

This can tie up planning commissions, legislative bodies (such as city councils and county commissions), staff, and the general public in endless negotiations. This reduces certainty in the approval process, drives up development costs, and absorbs an inordinate amount of staff time. It also diverts legislative bodies from legislation and planning commissions from planning, involving them in administration. Legislative officials often respond to the immediate gripes of surrounding neighborhoods (i.e., their voters) rather than long-range, comprehensive planning goals. While the PUD projects often demonstrate a high level of design quality, this could come at a cost—from increased expenses to the failure of good projects that die the death of a thousand cuts.

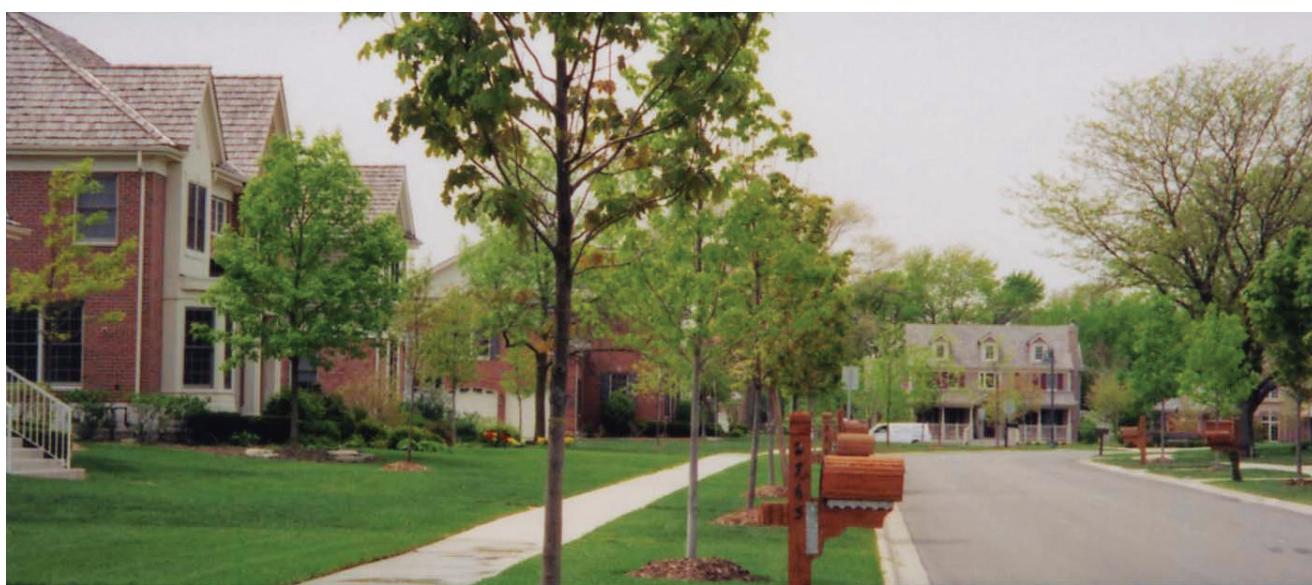
If this scenario doesn’t sound like good planning to you, there are ways to tame the PUD process. First, update your zoning code. Clear, workable standards are usually a better alternative for all parties than the uncertainty of negotiation. Second, build conditions that are routinely negotiated into the development standards. Finally, clarify in the PUD standards or findings that the PUD is only available when the other standards cannot work for the development—assuming that the existing standards reflect best practices for the community.

### Use PUDs with caution

PUDs are a useful tool to process unusual or large developments, and can even produce better design outcomes than traditional zoning standards. However, there are better tools for communities to provide desired outcomes—such as performance- or form-based zoning. Even with a well-designed code, there is always room for unusual developments—those that provide offsetting public benefits and creative master planning. PUDs can also bridge the transition from an old to a new code. In their proper context they are a useful—but costly—tool.

—Mark White, AICP

*White is a principal in the firm of White & Smith, LLC, Planning and Law Group.*



The Glen, in Glenview, Illinois, planned in the mid-1990s, provides both single-family homes and multifamily housing.

# Florence Township → REGULATORY ASSESSMENT

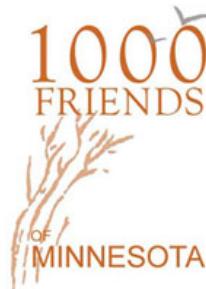
Goodhue County, Minnesota

Prepared July 25, 2007

For Florence Township, Goodhue County, Minnesota

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In Cooperation with 1000 Friends of Minnesota

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## Introduction

Florence Township has actively sought to plan for their community. Having completed a Comprehensive Plan and an Implementation Project with 1000 Friends of Minnesota, the Township has completed a significant amount of good planning work, setting the stage for the next step in the process.

The Township has been working cooperatively with Goodhue County in reviewing land use applications, by providing recommendations to the County Board on rezoning and subdivision applications. The Township has also established a Zoning Ordinance, pursuant to Minnesota Statute Chapter 462, for the Frontenac Station area. This Ordinance requires review by the Old Frontenac Heritage Preservation Commission and sets minimum standards for building and lot size.

The Township applied to the Balanced Growth Implementation Project, sponsored by 1000 Friends of Minnesota, to receive assistance in ensuring that balanced growth principles and objectives are implemented in day-to-day zoning decisions.

Working with 1000 Friends of Minnesota, the project staff at the Community Growth Institute reviewed and assessed the Township's planning-related documents including:

- The Township Zoning Ordinance, dated Nov. 20, 2002, and updated November 27, 2006
- An Ordinance Relating to the Florence Township Heritage Preservation Commission
- An Ordinance establishing a Planning Commission
- Florence Township Comprehensive Plan, 2003
- Goodhue County Zoning Ordinance
- Florence Township: An Exploration of a Vision, An Implementation of a Plan by 1000 Friends of Minnesota
- Land Use Suitability Analysis for Florence Township, Goodhue County, southeast Minnesota, by Beth Knudsen

In review of these documents, the project staff concentrated on implementation steps that have been identified by the community in the Exploration document and the Township's Comprehensive Plan. This assessment provides suggestions for new language and changes to existing language to consider. This document also provides suggestions for modifications to the review processes that would assist the Township in achieving their goals and implementing balanced growth.

## Frontenac Station

### → Consider rezoning Frontenac Station to “Mixed Use Hamlet”.

The Township's Comprehensive Plan, states as a goal to “Preserve historic sites and landscapes.” (Chapter 5, Section III, D) Goodhue County recently amended their Zoning Ordinance to include a new district called the Mixed Use Hamlet (MXH) Zone District (See

Appendix for full Ordinance Article). This district , detailed in Article 14A, establishes a new zoning district that would be only applied to “historic” areas in Goodhue County, where homes, apartments, commercial buildings, and public land uses are currently present. The Ordinance specifically limits the eligibility to be rezoned to this classification to existing historical communities, including Frontenac Station (in section 15, T112N R13W).

The Mixed Use Hamlet provisions are similar to those adopted by the Township in the Township’s Zoning Ordinance, but the new provisions are considerably simpler to administer. Rather than having separate zoning designations for different properties identified in the Old Frontenac area, the Mixed Use Hamlet (MXH) designation would apply to all properties in this area. The purpose of this district is to better recognize the mix of uses that have historically co-existed in that area and to ensure the on-going ability to exist.

As such, no uses within the MXH district are permitted; rather, any change in land use from those documented at the original rezoning to MXH shall require a conditional use permit. This extra review process ensures that neighboring property owners have the opportunity to have input in the process and to ensure that any impacts resulting from the change are avoided or mitigated.

The lot size and dimension standards established for the MXH district are considerably flexible, recognizing the historic subdivision that exists in the area. The setbacks required in this district are similar to those contained in Section 6, Subdivision F of the Township’s Zoning Ordinance. Front yard setbacks are set at forty (40) feet from the right-of-way line of any public road or highway, with exception for properties abutting public roads classified as minor streets, and with flexibility in areas where the setback has been historically smaller. The side yard setbacks had been reduced from fifteen (15) feet to eight (8), with the rear yard setback being the same.

The extended review process required for the MXH district would integrate well with the Township’s review by the Old Frontenac Heritage Preservation Commission as well, and would certainly not supplant the role of this Committee.

## Rezoning Applications



In the report titled Florence Township: An Exploration of a Vision, An Implementation of a Plan by 1000 Friends of Minnesota, the Township identified the need to keep A-1 and A-2 Zoning strong as an important implementation strategy (p. 10). This strategy was identified as being important because residents felt that these zoning classifications were best in maintaining agricultural uses and rural character in the Township. The biggest problem, however, is keeping those designations in place, as re-zoning to other classifications has been historically easy to do.

Because the Township does not contain any formally designated R-1 districts, rezoning applications are required by the property owner to request a change to this district, and any property owner has the ability to apply for such a change. To best prevent scattered development and to maintain the community’s character, the Township should consider the following suggestions detailed below.

→ **Consider a more stringent rezoning application review process.**

The Goodhue County Zoning Ordinance contains provisions for the review of zoning amendments and changes in Article 24, specifically directing the County to base its recommendation upon consideration of the elements contained in Section 2, Subdivision 5 of this Article. The elements are as follows:

Subd. 5. Required information accompanying applications to change district boundaries shall contain the following:

- A. The names and addresses of the petitioner or petitioners and their signatures to the petition.
- B. If the parcel(s) requesting zoning change cannot be described as an aliquot part of a Public Land Survey Section, (the minimum division being described as a Quarter Quarter of a Section), a Certificate of Survey prepared and signed by a Minnesota Licensed Surveyor shall contain the following information:
  1. A boundary survey (drawn to scale) and the description of the area proposed to be rezoned.
  2. A statement indicating the parcel identification numbers which are affected by rezone request; indicate if the proposed area is a split or combination of parcels; (any splits must be accompanied by a description of the remainder)
  3. Any improvements such as buildings, fences, roads, driveways, etc. within 200 feet of the proposed boundary of the area to be rezoned
  4. Vicinity map
- C. The current district classification of the area and the proposed district classifications.
- D. The current use and the proposed use of the land (a statement of the type, extent, area, etc.).
- E. The reason for the requested change of zoning district.
- F. A copy of the soil map showing the soils types within the proposed boundary and the surrounding area.
- G. The Crop Equivalent Ratings (CER) of the soil types in F.
- H. A statement of how the requested change is compatible with the Goodhue County Comprehensive Plan including but not limited to the following:
  1. The environmental impacts of the proposed use of land on the:
    - a. Groundwater
    - b. natural plant and animal communities
    - c. existing trees and vegetation
    - d. bluffland stability
    - e. shoreland stability
  2. The compatibility with surrounding land uses
  3. The physical and visual impacts on any scenic or historic amenities within or surrounding the proposed parcel.
  4. The housing density of the affected Section
  5. The impact on any surrounding agricultural uses
  6. The impact on the existing transportation infrastructure
  7. The impact on surrounding zoning districts
- I. A statement concerning the cumulative effect and compatibility of the requested zoning change on the affected Township and any cities located within 2 miles of

the proposed parcel.

J. Additional information as may be requested by the Planning Commission or zoning staff.

The information required in the above-listed Ordinance certainly can be useful, but the actual zone change itself is not required to meet any specific standards for approval. Consider adopting the following questions to use when evaluating rezoning requests:

1. Is the change in the zoning compatible with the growth policy set forth in the Township's Future Land Use Map? How? *The change in zoning should be consistent with the Township's Future Land Use Map.*
2. Will the change in zoning lessen or increase traffic and congestion in the streets? *The zoning change should not overburden the existing roads in the immediate vicinity or require unplanned upgrades to existing infrastructure at public cost.*
3. Does the change in zoning have the potential to be detrimental to the public health, safety, or general welfare? If so, how? *The change in zoning should not create adverse impacts to public health, safety, or welfare.*
4. Does the change in zoning facilitate the adequate provision of public services? *The change in zoning should be near existing public facilities to ensure adequate and cost-efficient provision of those services. Rezoning to higher densities in areas that do not have access to the provision of public services would not be in the Township's best interest and would go against stated community goals.*
5. Is the change in zoning compatible with the existing surrounding neighborhood? If so, how? *The change in zoning should not result in potential new uses creating conflict with predominantly existing uses in the area.*
6. Does the change in zoning result in the reduction of prime farmland in the community? *The Township has stated as a goal that agricultural areas should be preserved and protected, particularly those that have high Crop Equivalency Ratings and have been identified by the Township as important for agriculture.*
7. Is the property in question suitable in its natural state for any potential uses that may result from the proposed change in zoning? *The property should not require significant alterations to accommodate any potential uses that would be permitted with the change in zoning. Properties that contain environmentally sensitive areas, bluffs, and other significant features may not be suitable for certain types of development.*
8. Does the change in zoning encourage the most appropriate use of land and efficient use of public resources throughout the community? *The change in zoning should support the goals and policies developed in the Comprehensive Plan as well as reduce the use of public resources*

In evaluating the request for a change in zoning, the Township should base their recommendation to the County on their answers to the above questions, as well as information and data contained in the Township's planning documents. A solid basis for approval or denial of rezoning requests should be provided with the Township's recommendation to the County. This basis should assist the Township in seeing the desired results in upholding the goals and policies of their Comprehensive Plan.

→ **Consider the adoption of Conservation Development subdivision standards.**

The Township has established a Future Land Use Map, which does not contain R-1 districts, but it does contain areas that are designated as Conservation Development Districts. As the Township has experienced, there is a demand for development in the community as applications for rezoning to R-1 have been made and new development have been built over the last couple of years. In the Comprehensive Plan, the community has expressed a number of goals related to the protection of natural areas, open spaces, and scenic vistas, as well as the need to direct development along existing infrastructure corridor. In addition, the Township has identified the need to explore open space development strategies and apply it to specific areas within the community.

The adoption of conservation development subdivision standards in a specific, concentrated portion of the Township would help to balance the goals of the community with the pressures for development within the Township. These standards should be considered in lieu of rezoning to the standard R-1 district in those areas appropriate for such use and as identified by the Township.

### **Conservation Subdivision**

- A. Purpose. This Ordinance is adopted for the following purposes:
  1. To guide the future growth and development of the community consistent with the Florence Township Comprehensive Plan.
  2. To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
  3. To preserve the rural character of Florence Township through the permanent preservation of meaningful open space and sensitive natural resources.
  4. To preserve scenic views by minimizing views of new development from existing roads.
  5. To preserve prime agricultural land in the Township by concentrating housing on lands which have low agricultural potential.
  6. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community.
  7. To provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
  8. To provide buffering between higher density development and non-residential uses.
  9. To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, preserve the community's bluffs, and maintain environmental corridors.
  10. To preserve significant archaeological sites, historic buildings, and their settings.
  11. To meet the demand for housing in a rural setting.
- B. Applicability and General Requirements. The Conservation Subdivision shall only be applied in the areas designated as Conservation Development Study District in the Florence Township Future Land Use Map.
- C. Minimum Parcel Size. The development parcel shall have a minimum size of ten (10) acres in order to have enough space to allow for creative site design and the protection of open space and natural resources.

D. Land Development. All Conservation Subdivisions shall meet or exceed the following standards:

1. Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space, but shall not be included in the development yield analysis. Areas identified as being environmentally sensitive include, but are not limited to:
  - a. All areas designated as 100-year floodplain by the Federal Emergency Management Agency (FEMA).
  - b. All wetlands as defined by Minnesota Rules, Part 8420.0110, subpart 52, including a 30-foot buffer.
  - c. All areas within 75 feet of the Ordinary High Water Mark (OHW) of protected water bodies, as set forth in Minnesota Statutes, Section 103G.201.
  - d. All areas having slopes greater than twelve (12) percent slope.
  - e. All areas within 30 feet of the top or toe of a bluff, as defined in Goodhue County Zoning Ordinance, Article 4, Section 2, Subdivision 1.
  - f. Known critical habitats of rare, threatened, or endangered species.
  - g. Drainage ways that contain running water during spring runoff, during storm events, generally during any rainfall. A 30-foot buffer from the both edges of the drainageway shall be included.
2. Development Yield.
  - a. The applicant shall submit a table showing the maximum number of dwelling units that would be permitted under the R-1 Zoning classification, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the Zoning Ordinance. Land that is considered undevelopable, as described in D(1) contained herein, shall be excluded from the development yield analysis.
  - b. The base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of 5% of the base development yield, with a maximum bonus of 20%.
    - i. Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.).
    - ii. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
    - iii. Providing affordable housing, to include a minimum of 25% of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
    - iv. Reusing/restoring historical buildings and structures.
    - v. [Other]

E. Design Criteria.

1. Minimum Lot Size. None, subject to compliance with applicable standards for sewage disposal and provision of water.
2. Setbacks. All structures within the development shall maintain a 60-foot buffer along the perimeter of the development parcel, so as to provide screening and buffering of the residential development on the development parcel. Side setbacks on individual lots within the development shall be waived to allow for flexibility in

design, however:

- a. Individual dwellings shall be separated by a minimum of twenty (20) feet between dwellings, and a distance of ten (10) feet shall be maintained between dwellings and accessory buildings.
- b. The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry and water-use activities from residential uses.
3. Maximum Building Height. All building shall not exceed a maximum height of 35 feet, except for agricultural buildings, which are exempt from this provision.
4. Maximum Impervious Coverage. The development shall be configured so as to minimize the amount of impervious surfaces. The maximum lot coverage allowed, as measured across the whole of the development, is 25% of the total area.
5. Lots shall be configured to minimize the amount of road length required for the development.
6. Individual lots and the overall development envelope shall be configured to minimize the loss of woodlands and other natural habitats.
7. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
8. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
9. Lots shall be oriented around one or more of the following:
  - a. A central green or square.
  - b. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
10. Development envelopes should not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
11. Residential structures shall be oriented to maximize solar gain in the winter months.
12. A 30-foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.

**F. Residential Siting Standards.**

1. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than ten (10) dwelling units and no less than four (4) dwelling units.
2. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and to avoid or minimize conflicts between incompatible uses.
3. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
5. Residential clusters should be sited to achieve the following goals, to the extent practicable.
  - a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - b. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.
  - c. Prevent downstream impacts due to runoff through adequate on-site

stormwater management practices.

- d. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
- e. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

6. The Planning Commission may require landscaping around the cluster to reduce off-site views of residences.

G. Conservation Parcel Design Standards. A conservation parcel shall be designated as part of the development. Each development shall contain a contiguous conservation parcel comprising 45% of the land area to be subdivided.

- 1. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required conservation parcel shall be undivided and restricted in perpetuity from future development.
- 2. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
  - a. parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
  - b. privately-held buildings or structures provided they are accessory to the use of the open space.
  - c. Shared septic systems and shared potable water systems.
- 3. Road rights of way shall not be counted towards the required minimum open space.
- 4. No more than 50% of the required conservation parcel size may consist of water bodies, flood plain, or wetlands.
- 5. Any portion of the conservation parcel designed to provide plant and animal habitat shall be kept as intact as possible, and enhanced or restored as appropriate. Trails and roads shall be designed to avoid fragmenting these habitat areas.
- 6. Accessible open space in the upland portion of the conservation parcel may be made available for recreational uses such as trails, play fields, or community gardens, but shall be designed and located so as to avoid impacts on sensitive natural and cultural resources.
- 7. Where appropriate, a pathway system connecting open space areas to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be required and identified in the development plan.

H. Ownership and Maintenance of the Conservation Parcel and Common Facilities

- 1. Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
  - a. A homeowners' association.
  - b. A nonprofit conservation organization.
  - c. Florence Township, Goodhue County, or another governmental body empowered to hold an interest in real property.
  - d. An individual who will use the land for open space purposes as provided by a conservation easement.
- 2. Homeowners' Association. A homeowners association shall be established if the

common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- a. The legal description of the common land;
- b. A description of common facilities;
- c. The restrictions placed upon the use and enjoyment of the lands or facilities;
- d. Persons or entities entitled to enforce the restrictions;
- e. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
- f. A mechanism for resolving disputes among the owners or association members;
- g. The conditions and timing of the transfer of ownership and control of land facilities to the association;
- h. Any other matter the developer deems appropriate.

3. A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be approved by Florence Township and Goodhue County. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
4. Public Dedication of Open Space and Streets.
  - a. The County may accept the dedication of fee title or dedication of a conservation easement to the common open space. The County may accept the common open space provided:
    - i. The common open space is accessible to the residents of the Florence Township and Goodhue County;
    - ii. The County or Township agrees to and has access to maintain the common open space.
    - iii. Streets or other public ways which have been designated on a duly adopted official map or element of the Township or County comprehensive plan shall be dedicated or reserved by the subdivider to the appropriate governing body. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.
5. Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.
6. Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation parcel in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved prior to final plat approval. The plan shall do the following:

- a. Designate the ownership of the open space and common facilities in accordance with the provisions contained herein.
- b. Establish necessary regular and periodic operation and maintenance responsibilities.
- c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in this Article, describing:
  - i. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
  - ii. The proposed end state for each common open space area; and the measures proposed for achieving the end state.
  - iii. Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
  - iv. The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the Township's or County's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- e. Management plans can be amended by the owner with the approval of the Township and the County.

## Land Use Checklist & Scoring



Florence Township has completed work on a sensitivity model for the land within the community. This model rates the relative sensitivity of individual parcels based on a combination of several different factors. The Township has identified as an implementation strategy the need to determine how the model could best be used in development and land use review. Members of the Township have also expressed the need to be able to apply the conceptual and visioning framework that the community has worked to develop.

This section provides options for the use of a land use checklist and a method to rate subdivision proposals. It can be difficult to properly assess a development proposal when not all of the information is on hand. This can lead to improper decisions and generate conflict with residents and developers. When more information is supplied to review a proposed development and the review process is clear, controversy is often reduced and review is often smoother for both the applicant and the review body.

→ **Consider adopting the following land use checklist for use in the review of subdivision applications.** The following checklist was developed using information from the community's planning documents and draws from the requirements in ordinances from other communities. The checklist may need to be modified to ensure that all of the Township's goals and priorities are addressed.

The applicant shall complete the following resource inventory during the concept review phase, prior to the official submission for preliminary plat. This would allow the applicant and the Township to have a thorough discussion regarding the layout and design of the proposed development prior to the applicant having invested significant amounts of money and time into the project.

In addition to the required submittal items for a subdivision application, a Resource Inventory is required to be submitted at a pre-application meeting, mapped at a scale of no less than one (1) inch to (100) feet, and should include:

— Topographic contours at two (2) foot intervals showing slopes of more than twelve percent and delineating bluff areas.

— Soil type locations and identification of soil type characteristics such as hydric soils, depth to bedrock, and suitability for wastewater disposal systems. The Crop Equivalency Rating (CER) of the soils shall also be indicated.

— Hydrologic characteristics including surface water courses, floodplains, delineated wetlands, natural swales, and drainage ways.

Existing site vegetation including:

- Cover type (pasture, woodland, etc.)
- Boundaries of different cover types, especially woodland edges
- The locations of individual trees having a diameter at breast height of eighteen or more inches.
- Vegetative type descriptions (deciduous, coniferous, mixed, prairies) by plant community, relative age, and condition.

— All buildings, structures, coverages, and encumbrances on the land, such as easements or covenants.

Transportation systems, including:

- Adjoining streets.
- Functional classifications.
- Current and project traffic volumes.
- General road conditions.

— Visual resources (i.e. photographs) showing views onto the tract from surrounding roads and public areas, as well as views within the tract.

— Cultural resources. A brief description of the land, buildings, structures, historically important landscapes, and any archaeological features associated with the development parcel.

— Neighborhood context. General outlines of existing neighborhoods, land uses, buildings, streets, and natural features such as water bodies or wooded areas, roads, driveways, and property boundaries within three hundred (300) feet of the tract. This information shall be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.

→ **Consider adopting a land use scoring model to assess the development proposals.** This scoring model would be intimately tied into pre-application process and use data already created and developed by the Township (updated as needed) in the sensitivity model. The following is a scoring model that may be modified by the Township to best support their goals and reflect their priorities. This scoring system would be tied to the Resource Inventory

discussed above and be reviewed in conjunction with that inventory to modify the development proposal to protect the sensitive areas.

**Land Sensitivity Scoring.** The development parcel shall be assessed using the sensitivity model developed by Florence Township. Please indicate the total acreage, distance, or yes/no answer, in addition to the point for each criterion.

Agricultural Resources				
Total Agricultural Score (Out of 4)	Acres Tilled (Greater than $\frac{1}{2}$ acre = 1 pt.)	Acres with CER > 60 (Greater than $\frac{1}{2}$ acre = 1 pt.)	Presence of Feedlot (Yes = 1 pt.)	Presence of Specialty Ag (Yes = 1 pt.)
Natural Resources				
Total Natural Resources Score (Out of 4)	Acres in County Biological Survey (Greater than $\frac{1}{2}$ acre = 1 pt.)	Riparian Acres (Greater than $\frac{1}{2}$ acre = 1 pt)	Presence of or Adjacent to Easements or Publicly Owned Lands (Yes = 1 pt.)	Acres of High Value Natural Resource Land (Greater than $\frac{1}{2}$ acre = 1 pt.)
Water Resources				
Total Water Resource Score (Out of 4)	Acres in 100-year Floodplain (Greater than $\frac{1}{2}$ acre = 1 pt.)	Acres with Stream or Wetland Buffer (Greater than $\frac{1}{2}$ acre = 1 pt.)	Any Soils With Groundwater Contamination Susceptibility? (Yes = 1 pt.)	Acres of Steep Slopes Greater than 12% (Greater than $\frac{1}{2}$ acre = 1 pt.)
Infrastructure Resources				
Total Infrastructure Score (Out of 4)	More than 500 feet from existing road? (Yes = 1 pt.)	Within 500 feet of Special Place? (Yes = 1 pt.)	Within 500 feet of Historic District? (Yes = 1 pt.)	Within 500 feet of State Park? (Yes = 1 pt.)
	<b>= TOTAL SENSITIVITY SCORE</b>			

- Parcels with a total score of 4 or above shall not be developed using standard lot-block subdivision procedures resulting in development with lots smaller than that typically permitted in the A-1 zoning district.
- Parcels with a total score between 4 and 11 shall utilize the conservation subdivision standards for proposed subdivision.
- Development shall be directed away from parcels with a score of 12.

To be successfully implemented, information from the sensitivity model must be easily obtained and incorporated into the development review process. The hosting of the model in an online system, if possible, is encouraged, in order to provide access to the information for the general public and any potential developer.

## Appendix

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This appendix contains the full language for the Mixed Use Hamlet District, as contained in the Goodhue County Zoning Ordinance.

## **ARTICLE 14A MIXED USE HAMLET (MXH) ZONE DISTRICT**

### **SECTION 1. PURPOSE**

The Mixed Use Hamlet Zone District establishes a zoning district to allow a mix of residential, public and commercial land uses to co-exist within the same zone district. This district is intended to be applied to "historic" hamlets in the rural areas of Goodhue County where homes, apartments, condominiums, commercial buildings and public land uses are currently present. This District establishes regulations that better recognize the mix of land uses that have historically co-existed in hamlets throughout the County. It is not the intent of this District to create new areas to be developed as hamlets where a rural settlement does not currently exist.

The following areas that will be considered eligible for this zone are the existing historical communities of: Welch (in Section 28, T113N, R16W); Vasa (in Section 15, T112N R16W); White Rock (in Section 32, T112N R16W); Stanton (in Section 30, T112N R18W); and Frontenac Station (in Section 15, T112N R13W).

### **SECTION 2. Initiating Zoning Map Amendments to the MXH DISTRICT**

The ability to implement a more flexible approach in regulating land use as established in this Article will require cooperation between Townships where MXH Districts may be established and Goodhue County. It is essential that Township and County Officials work closely to identify hamlets or portions of hamlets that lend themselves to the establishment of an MXH District.

- Subd. 1. The initial application to consider an amendment to the Goodhue County Zoning Map for a change of zone of property to the MXH District may be initiated only by a Goodhue County Township or by the County.
- Subd. 2. Prior to establishment of an MXH District, existing land use for each parcel of property to be included in the MXH District must be documented. Documentation of existing land use shall include a listing of land use(s) for each tax parcel, which include a description of the use, a map, and photographs which identify existing buildings along with a description of how each building is currently being used. The purpose of documenting existing land use of property and buildings is to ensure there is understanding of how properties within a proposed MXH Zone District are being used at the time of change of zone.
- Subd. 3. Change in the use of land and/or building(s) to a different use as established by Section 3 of this Article shall require a Conditional Use Permit (CUP).

### **SECTION 3. PERMITTED USES**

- Subd. 1. None.

### **SECTION 4. CONDITIONAL USES**

Residential, business and/or public land uses may be permitted on the same parcel of property in separate buildings or in the same building subject to compliance with the State Building Code. Any change in land use from those documented in the initial establishment of the MXH District shall be required to obtain a Conditional Use Permit (CUP). The intent of requiring issuance of a CUP for any change in land use on a given parcel(s) within the MXH District is to ensure that abutting and nearby property owners have an opportunity to hear about a proposed change in use and to offer comments that may impact conditions for approval or establish a basis for denial.

In the MXH, Mixed Use Hamlet District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with all of the pertinent provisions of this Ordinance.

- Subd. 1. Any boarding and rooming houses or bed & breakfast inn.
- Subd. 2. Any church.
- Subd. 3. Any community building including but not limited to Township Halls, Post Offices, Community Centers and Libraries.
- Subd. 4. Any park or recreational area.
- Subd. 5. Any public school.
- Subd. 6. Entertainment and recreation establishments.
  - A. Any theater, dance hall, bowling alley, pool or billiard hall.
- Subd. 7. Any single, two, three, or four family dwelling, or residential subdivision subject to the provisions of Section 7, of this Article.
- Subd. 8. Retail uses, professional offices, and personal or professional services in buildings. See Section 7 and 8 of this Article for development standards.
- Subd. 9. Any home occupation.

## **SECTION 5. COMMERCIAL DEVELOPMENT STANDARDS**

Uses established in the MXH (Mixed Use Hamlet) District shall be operated subject to the following conditions:

- Subd. 1. Any store or business shall be conducted entirely within a building.
- Subd. 2. Requirements as listed in Article 3, Section 23.
- Subd. 3. The size of commercial or mixed use buildings shall be determined during the conditional use review process based upon the following criteria:
  - a. Amount of available site area;
  - b. Size of structures located on nearby properties;
  - c. Compatibility of design of proposed structure(s) with other structures located within the hamlet.

## **SECTION 6. ACCESSORY USES**

In the MXH, Mixed Use Hamlet District, any following accessory use, building or structure customarily incidental to the conditionally permitted use shall be allowed, provided that such accessory use, building or structure shall be located on the same tax parcel.

- Subd. 1. Any home occupation.
- Subd. 2. Any private garages either separated or in connected groups, having common un-pierced dividing walls between contiguous private garages.
- Subd. 3. Any temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of such construction work.

Subd. 4. Any other accessory building, structure or use customarily incidental to the conditionally permitted uses of this Article.

Subd. 5. Any such accessory building or use must not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

## **SECTION 7. LOT SIZE, SETBACK, YARD AND HEIGHT REQUIREMENTS**

Any lot in an MXH, Mixed Use Hamlet District on which any conditionally permitted use is erected shall meet the following minimum standards:

Subd. 1. Lot Size, Width and Depth.

- A. Any lot used as a business, residential or for public use shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by standards required by State or County Health Regulations
- B. Lot size, depth and width requirements for business, residential or public uses shall be determined during the conditional use permit review process and shall be based on the following criteria:
  - a. Relationship to the size and width of nearby properties.
  - b. Ability to meet parking, access, open space and storm water management needs.

Subd. 2. Yard Requirements. Every conditionally permitted, or accessory building shall meet the following yard requirements:

- A. Front Yard.
  1. There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or highway; except that, this setback may be reduced to twenty-five (25) feet when such public road is a minor street serving only a residential subdivision. In situations where the setbacks of structures on abutting properties and/or on the same block are less than the above referenced standards, the front yard setback may be determined based upon an average setback distance as determined by the Zoning Administrator.
  2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
- B. Side Yard. Every building shall have two (2) side yards, except attached residential dwelling units or attached commercial buildings which may be permitted at zero lot line. Each side yard shall have a minimum width of eight (8) feet.
- C. Rear Yard. Every building shall have a rear yard. The rear yard shall have a minimum depth of eight (8) feet.

Subd. 3. Bluff Impact Zone. For any use or structure in the MXH District, the setback from the bluff impact zone shall be no less than thirty (30) feet.

Subd. 4. Height Requirements. Every conditionally permitted or accessory building shall meet the following height requirements:

- A. All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.
- B. Accessory buildings shall comply with regulations set forth in Article 3, Section 5 of this Ordinance.

Subd. 5. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building.

Subd. 6. Lot Coverage.

- A. No principal building for a residential land use together with its accessory buildings shall occupy more than twenty (20) percent of the total lot area.
- B. No principal building together with its accessory buildings for a commercial or public land use shall occupy more than eight (80) percent of the total lot area.

Subd. 7. Substandard Lots of Record. When contiguous and under identical ownership, must be combined to meet minimum standards of this Ordinance in order that any permitted or conditionally permitted use is allowed on such lot or lots.

Subd. 8. Exceptions. Certain uses are exempted from meeting the lot's size, yard and height requirements. These exceptions are listed in Article 3 Section 22.

Subd. 9. Distance from Confined Feedlots. No residential use including residential subdivisions shall be sited within one-quarter (1/4) mile of an existing confined feeding operation of less than three hundred (300) animal units, or within one-half (1/2) mile of an existing confined feeding operation of more than three hundred (300) animal units.

## **SECTION 8. GENERAL REGULATIONS**

Subd. 1. Additional requirements for parking regulations in the MXH, Mixed Use Hamlet District are set forth in Article 3 of this Ordinance.

## **SECTION 9. ESSENTIAL SERVICES REGULATIONS**

Essential service facilities may be allowed in any MXH, Mixed Use Hamlet District in accordance with the provisions of Article 7 of this Ordinance.

# CHAPTER 166: PRESERVATION AND LAND CONSERVATION DEVELOPMENTS

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## Section

- 166.01 Scope
- 166.02 General provisions
- 166.03 Purpose
- 166.04 Permitted uses
- 166.05 General standards for approval
- 166.06 Density, frontage on a public street and length of cul-de-sac requirements
- 166.07 Coordination with subdivision regulations
- 166.08 Pre-application meeting
- 166.09 General development plan
- 166.10 Final development plan
- 166.11 Enforcement of development schedule
- 166.12 Conveyance and maintenance of undeveloped parcel
- 166.13 Standards for undeveloped parcel
- 166.14 Review and amendments

### **§ 166.01 SCOPE.**

This chapter applies to Preservation and Land Conservation Developments (PLCD) in the Agricultural (AG) Zoning District.

(Prior Code, § 12-2371) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014)

### **§ 166.02 GENERAL PROVISIONS.**

A PLCD is a tract of land that is developed as a unit under single or unified ownership or controls. A Preservation and Land Conservation Development may be allowed in the AG Zoning District to preserve prime agricultural land, woodland, wildlife habitat, vistas, groundwater recharge areas, areas with sensitive soils or geological limitations and areas identified in the Comprehensive Plan. Uses not otherwise allowed in the zoning district are prohibited within a planned development unless specifically permitted by provisions of this chapter.

(Prior Code, § 12-2372) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014) Penalty, see § 10.99

### **§ 166.03 PURPOSE.**

The purposes of this chapter are:

- (A) To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street;
- (B) To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety and welfare of the citizens of the city;
- (C) To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors;
- (D) To facilitate the economical provision of streets and public utilities; and
- (E) To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

(Prior Code, § 12-2373) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014)

### **§ 166.04 PERMITTED USES.**

The permitted uses are:

- (A) Those uses that are permitted in the underlying zoning district; and
- (B) Subdivisions that require the construction of a new public street in the AG Zoning District.

(Prior Code, § 12-2374) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014)

## § 166.05 GENERAL STANDARDS FOR APPROVAL.

(A) A conditional use permit shall be required for all preservation and land conservation developments. The city may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards.

- (1) The preservation and land conservation development is consistent with the Comprehensive Plan of the city.
- (2) The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.
- (3) The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. This includes working with the city regarding the layout of the open space parcel to protect sensitive natural resources and natural features and to make connections with adjacent open space with significant natural features, which could include natural and wildlife corridors.
- (4) Pre-development seeding with a native prairie grass/wildflower mix shall be provided on all lots and on the undeveloped parcel.
- (5) The developer shall enter into a developer's agreement with the city regarding the installation of required improvements, and shall provide financial guarantees as required in Ch. 160 of this code, including § 160.100 of this code. The developer's agreement shall include sufficient authority to enable the city to take timely enforcement action, such as an immediate cease and desist order, in addition to, or as part of, a declaration of default with default remedies.
- (6) The homeowner's association restrictive covenants shall contain a provision that in the event the homeowner's association becomes insolvent or ceases operating control shall at its option be transferred to the city or another method of succession shall be dictated by the city.
- (7) The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the city.
- (8) Any provisions in the homeowner's association restrictive covenants allowing changes in lots shall be in compliance with the city's requirements.
- (9) Any covenant amendment provisions in the homeowner's restrictive covenants permitting changes after a certain number of years have passed shall be in compliance with restrictions on future subdivision of PLCD lots and other provisions of the city's ordinances.
- (10) Any public walking paths shall be included in the final development plan.
- (11) The city shall be a named insured on the homeowner association insurance policy and the policy shall cover those risks identified by the city, including but not limited to coverage for personal injuries and any other losses occurring as a result of the public use of the walking trails on the conservation area.
- (12) The homeowner's association shall be required to indemnify and hold the city harmless from all losses incurred as a result of the public's use of the conservation area walking trails.
- (13) Residential lots shall be subject to restrictive covenants in favor of the other lot owners in the development and the city requiring that 60% of each lot remain planted in native mural prairie, and forbs, shrubs and trees that fit the local eco-type, and appropriate language shall be inserted in the homeowners association documents to ensure enforcement of the maintenance of the lots in accordance with these requirements.
- (14) The final plat application shall include estimated initial costs including but not limited to grading, surface water controls and roads and also a final cost estimate, both of which shall be subject to approval by the city's engineers.
- (15) No final plat approval shall occur until both the developer's agreement and the tri-party conservation easement agreement between the developer, the city and the state's land trust has been executed by all parties.
- (16) All new streets shall be named in accordance with the county's street naming conventions.

(B) The tract is a minimum of 80 contiguous acres in size and that all of the following conditions exist.

- (1) The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
- (2) The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
- (3) The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
- (4) The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.

(C) At least 50% of the total tract is preserved as an undeveloped parcel.

(D) A mandatory environmental assessment worksheet is required to be filed with the city.

(Prior Code, § 12-2375) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.06 DENSITY, FRONTEAGE ON A PUBLIC STREET AND LENGTH OF CUL-DE-SAC REQUIREMENTS.**

(A) The average density over the proposed PLCD shall not exceed the maximum density permitted in the underlying zoning district. Although a PLCD allows a maximum of four lots per quarter-quarter section, a developer cannot independently include a portion of a quarter-quarter section in a PLCD unless the developer owns a minimum of 30 acres in the quarter-quarter section. Otherwise, either all property owners in a quarter-quarter section are required to make application for and sign an approved plat, or the developer is required to obtain and record a release from the other owner(s) allowing the subdivision of the developer's portion of the quarter-quarter section.

(B) The maximum length of cul-de-sacs may be exceeded to accommodate curvilinear streets and other design elements that tend to preserve the rural character or other resources within the PLCD. This language does not allow a proportional addition to the number of lots allowed on a longer cul-de-sac.

(C) Reference § 160.006 of this code for the definition of a cul-de-sac street.

(Prior Code, § 12-2376) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.07 COORDINATION WITH SUBDIVISION REGULATIONS.**

(A) It is the intent of this chapter that subdivision review be carried out simultaneously with the review of a planned development under this chapter.

(B) The plans required under this chapter must be submitted in a form that will satisfy the requirements of §§160.035 through 160.041 of this code for the preliminary and final plats.

(C) Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may be included in a PLCD but may not be included in density calculations or land preservation minimum requirements. Parcels may be included in the PLCD if they allow for the best conservation design for the PLCD as determined by the city.

(D) Park dedication requirements shall be in addition to and not in lieu of the preservation of at least 50% of the total tract as an undeveloped parcel. The city may waive all or a portion of the park dedication requirement if the city finds that the waiver is in the city's interest.

(Prior Code, § 12-2377) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.08 PRE-APPLICATION MEETING.**

(A) Prior to the submission of any plan to the Planning Commission, the potential applicant is encouraged to meet with the City Administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit and a preliminary plat.

(B) The potential applicant may submit a simple sketch plan at this stage for informal review and discussion. The potential applicant is urged to seek the advice and assistance of the city staff to facilitate the informal review of the simple sketch plan.

(C) The pre-application meeting process is entirely optional for the potential applicant and does not constitute an application within the meaning of this section.

(Prior Code, § 12-2378) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.09 GENERAL DEVELOPMENT PLAN.**

(A) An applicant shall make an application for a conditional use permit following the procedural steps as set forth in § 153.027 of this code.

(B) In addition to the criteria and standards set forth in §153.027 of this code for the granting of conditional use permits, the following additional findings shall be made before the approval of the outline development plan.

(1) The proposed PLCD is in conformance with the Comprehensive Plan.

(2) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

(3) Each phase of the proposed development, as it is proposed to be completed, is of sufficient size, composition and arrangement that its construction, marketing and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.

(4) The PLCD will not create an excessive burden on parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the district.

(5) The proposed total development is designed in a manner as to form a desirable and unified environment within its own boundaries.

(C) The following exhibits shall be submitted to the City Administrator by the proposed developer as a part of the application for a conditional use permit:

(1) An explanation of the character of the proposed preservation and land conservation development and the manner in which it has been planned to take advantage of the preservation and land conservation development regulations;

(2) A statement of the present ownership of all the land included within the proposed preservation and land conservation development and a list of property owners within 500 feet of the outer boundaries of the property;

(3) A general indication of the expected schedule of development including progressive phasing and time schedule;

(4) A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street rights-of-way, utilities, buildings and use for the property and for the area 500 feet beyond;

(5) Natural features maps or maps of the property and area 500 feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil conditions;

(6) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation and open space uses;

(7) Full description as to how all necessary governmental services will be provided to the development;

(8) An engineering report presenting results of percolation tests and soil analysis of the site;

(9) Any additional information requested by the City Administrator, Planning Commission and City Council that might be required for clarification of the proposed project; and

(10) Twenty-five copies of all required information, as well as an electronic copy, shall be submitted.

(D) The applicant shall also submit a preliminary plat and all the necessary documentation as required under Ch. 160 of this code for all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be combined into one hearing or may be held concurrently.

(Prior Code, § 12-2379) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.10 FINAL DEVELOPMENT PLAN.**

(A) Within 90 days following the approval of the general development plan with recommended modifications, if any, and the preliminary plat, the applicant shall file with the City Administrator a final development plan containing in final form the information required in the general development plan plus any changes recommended by the Planning Commission and the City Council as a result of the public hearing. The applicant shall also submit a final plat for that entire portion to be platted.

(B) The City Administrator shall submit the final development plan and the final plat to the Planning Commission for review.

(C) The final development plan and the final plat shall conform to the general development plan and preliminary plat plus any recommended changes by the Planning Commission or City Council to the general development plan and preliminary plat.

(D) The City Council shall review the final development plan and final plat. If the final development plan is approved by the City Council, the City Administrator shall issue a conditional use permit to the applicant.

(E) The applicant(s) shall grant a conservation easement which shall run with the land in perpetuity to the city, and the state's land trust (or similar independent third party approved by the city), which restricts the development rights on the undeveloped parcel(s), within the PLCD and the land cover and use approved by the city as a part of this PLCD.

(1) The conservation easement shall include the following elements:

(a) The identification of the natural, scenic and open space qualities of the protected property that are to be protected as "conservation values";

(b) A description of the conservation purpose of the easement;

(c) A listing of specific restrictions on the use of the property; and

(d) Habitat management according to a habitat management plan.

(2) The state's land trust (or similar independent third party approved by the city) shall review and approve the HOA covenants as they relate to the undeveloped parcel and shall provide a written statement that they will agree to the conservation easement over the land prior to final PLCD approval.

(Prior Code, § 12-2380) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.11 ENFORCEMENT OF DEVELOPMENT SCHEDULE.**

The construction and provisions of all of the common open spaces and public and recreational facilities that are shown on the final development plan must proceed at the same phase as the construction of dwelling units. At least once every six months following the approval of the final development plan, the City Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he or she shall find that the rate of construction of dwelling units is greater than the rate at which common open space and public and recreational facilities have been constructed and provided, he or she shall forward this information to the City Council, which may revoke the PLCD permit.

(Prior Code, § 12-2381) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014)

## **§ 166.12 CONVEYANCE AND MAINTENANCE OF UNDEVELOPED PARCEL.**

(A) All land shown on the final development plan as an undeveloped parcel must be conveyed to a homeowners association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The undeveloped parcel must be conveyed to the homeowners association or similar organization subject to covenants to be approved by the City Council which restrict the undeveloped parcel to the uses specified on the final development plan and which provide for the maintenance of the undeveloped parcel in a manner which assures its continuing use for its intended purpose. The undeveloped parcel shall also be subject to a conservation easement as described in § 166.10(E) of this code.

(B) If a homeowners association is created, the applicant shall submit plans at the time of final plan of development and documents which explain:

- (1) Ownership and membership requirements;
- (2) Articles of incorporation and bylaws;
- (3) Time at which the developer turns the association over to the homeowners; and
- (4) Specific listing of items owned in common including items as roads, recreation facilities, parking, common open space grounds and utilities.

(Prior Code, § 12-2382) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

## **§ 166.13 STANDARDS FOR UNDEVELOPED PARCEL.**

No open area may be approved as common undeveloped parcel under the provisions of this chapter unless it meets the following standards.

- (A) The location, shape, size and character of the undeveloped parcel must be suitable for the planned development.
- (B) The undeveloped parcel must be used for amenity or recreational purposes. The uses authorized for the undeveloped parcel must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.
- (C) The undeveloped parcel must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the undeveloped parcel must be appropriate to the uses which are authorized for the undeveloped parcel and must conserve and enhance the amenities of the undeveloped parcel having regard to its topography and unimproved condition.
- (D) Outlots are not permitted in subdivisions having cul-de-sac streets, with the exception of the undeveloped parcel required by a PLCD that is made subject to a conservation easement.

(Prior Code, § 12-2383) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020) Penalty, see § 10.99

## **§ 166.14 REVIEW AND AMENDMENTS.**

(A) The City Administrator shall review all PLCDs within the city at least once each year and shall make a report to the City Council on the status of the development in each of the PLCD Districts. If the City Administrator finds that the development has not commenced within one year after the original approval of the conditional use for the PLCD, the City Administrator may recommend that the City Council revoke the conditional use permit as set forth in § 153.027 of this code. Prior to cancellation or revocation of this permit, the City Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

(B) For additional phases of the PLCD, if within two years of completion of the prior phase, the project has not progressed, the City Administrator may recommend that the City Council determine what action will be taken with the remainder of the project. Prior to determining the outcome of the PLCD, the Planning Commission shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

(C) Minor changes in the location, placement and heights of the buildings or structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved.

(D) Approval of the Planning Commission and City Council shall be required for other changes such as rearrangement of lots, blocks and building tracts. Those changes shall be consistent with the purpose and intent of the approved final development plan.

(E) Any amendment to the PLCD shall require the same procedures as for the application for an Conditional use permit as set forth in this chapter.

(F) The ordinance codified in this chapter shall be in full force and effect from the date of publication.

(Prior Code, § 12-2384) (Ord. 06-2008, passed 4-15-2008; Ord. 02-2014, passed 5-20-2014; Ord. 01-2020, passed 1-21-2020)

# Florence Township

## Conservation Subdivision Ordinance

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## SECTION 1. GENERAL PROVISIONS

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- A. Title. The regulations contained in this document shall be officially known, cited, and referred to as the Conservation Subdivision Ordinance of Florence Township, Minnesota (hereinafter referred to as "Ordinance").
- B. Purpose. This Ordinance is adopted for the following purposes:
  - 1. To guide the future growth and development of the community consistent with the Florence Township Comprehensive Plan.
  - 2. To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
  - 3. To preserve the rural character of Florence Township through the permanent preservation of meaningful open space and sensitive natural resources.
  - 4. To preserve scenic views by minimizing views of new development from existing roads.
  - 5. To preserve prime agricultural land in the Township by directing development toward lands which have comparatively low agricultural use or potential, without sacrificing the other purposes contained herein.
  - 6. To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community.
  - 7. To provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
  - 8. To provide buffering between higher density development and non-residential uses.
  - 9. To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, preserve the community's bluffs, and maintain environmental corridors.
  - 10. To preserve significant archaeological sites, historic buildings, and their settings.
  - 11. To meet the demand for housing in a rural setting.
- C. Statutory Authorization. This Ordinance is established pursuant to the authority granted by Minnesota Statutes, Section 462.358.
- D. Jurisdiction. Jurisdiction of this Ordinance shall include all lands within the boundaries of Florence Township, Minnesota.
- E. Applicability and General Requirements. The Conservation Subdivision shall only be applied in the areas designated as Conservation Development Study District in the Florence Township Future Land Use Map.
  - 1. No person shall divide any land under the provisions of this Ordinance without compliance with all requirements of this Ordinance and the following:
    - a. The Comprehensive Plan adopted by Goodhue County.
    - b. The Comprehensive Plan adopted by Florence Township.
    - c. All applicable Federal, State, local, and County regulations, including zoning, sanitary provisions, building, and official mapping ordinances.
- F. Interpretation. The provisions of this Ordinance shall be held to be the minimum requirements for the maintenance of the public health, safety, and welfare. Ambiguities in this Ordinance shall be resolved by interpretation of Florence Township, or designee thereof. These regulations shall be construed broadly in favor of Florence Township to promote the purposes for which they are adopted.

G. **Separability.** Every section, provision, or part of this Ordinance, or any permit issued pursuant to this Ordinance, is declared separable from every other section, provision, or part thereof to the extent that should any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

H. **Supremacy.** When any condition implied by this Ordinance on the use of land or buildings is more restrictive than applicable conditions imposed by statute, rules, regulations, or other Township or County ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restrictions, or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable provision of this Ordinance, the Ordinance shall prevail.

I. **Violations, Enforcement, and Penalties.**

1. **Violations.** It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Ordinance or State law, and no person shall be issued a building permit by Florence Township which authorizes the building on or improvement of any subdivision within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the requirement of this Ordinance have been fully met. Florence Township may institute appropriate action or proceedings to enjoin violations of this Ordinance or applicable State law.
2. **Penalties.** Penalties for violation of this Ordinance shall be as follows:
  - a. Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes. The violation, in either case, shall also be responsible for the costs incurred by the Township in pursuit of prosecution.
  - b. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues to occur shall constitute a separate offense.
3. **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat under this Ordinance may appeal through the appropriate Minnesota District Court System within 30 days of notification of rejection of the plat. Were failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

J. **Fees.** The Town Board may, by resolution, establish reasonable fees for the administration of this Ordinance.

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## SECTION 2. DEFINITIONS

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A. **Rules.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes

the present.

5. The word "may" is permissive. The word "shall" is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words "lot," "plot," "piece," and "parcel" of land are interchangeable.
8. The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "improved for," "maintained for," and "occupied for."

B. **Definitions.** The following words shall be defined as follows for the purpose of this Ordinance:

1. **Common Open Space.** Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by the residents of the development. Common Open Space shall not be included as parts of individual residential lots. The Common Open Space shall be substantially free of structures, but may contain historic structures and archaeological sites including Native American mounds and/or such recreational facilities for residents as indicated on the approved development plan.
2. **Conservation Easement.** A Conservation Easement is a legally binding agreement that imposes any limitation or affirmative obligation on any holder's interest in real property. The easement is typically held by a party other than the property owner. The purpose of such an easement can include retaining or protecting natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
3. **Conservation Subdivision.** A residential development that is characterized by compact lots and the retention of common open space, where the natural features of the land are maintained to the greatest extent possible.
4. **Development Envelope.** Designated area in which grading, lawns, pavement, and buildings are planned to be located.
5. **Drainageway.** A watercourse, gully, dry stream, creek or ditch which concentrates and carries storm/rain water runoff from the land in a manner which creates the potential for significant erosion, siltation, flooding or ponding. A drainageway may be fed by natural overland flow or by constructed means, such as culverts, road ditches, outlets of storm water treatment ponds, or other similar facilities.
6. **Gross Acreage.** The total area of a parcel.
7. **Homeowners Association (HOA).** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property and/or facilities.
8. **Non-profit Conservation Organization.** Any charitable corporation, charitable association, or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhance air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
9. **Parent Parcel.** The existing parcel of record, as identified by individual parcel

numbers, as of the effective date of this Ordinance, that is proposed to be developed.

10. **Subdivider.** Any person, corporation, partnership, association, individual, firm, trust, or agent dividing or proposing to divide land resulting in a conservation subdivision.

### SECTION 3. DESIGN AND IMPROVEMENTS STANDARDS

A. Land Development. All Conservation Subdivisions shall meet or exceed the following standards:

1. Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas determined to be environmentally sensitive may be included as common open space, but shall not be included in the development yield analysis. Areas identified as being environmentally sensitive include, but are not limited to:
  - a. All areas designated as 100-year floodplain by the Federal Emergency Management Agency (FEMA).
  - b. All wetlands as defined by Minnesota Rules, Part 8420.0110, subpart 52, including a ~~30200~~-foot buffer.
  - c. All areas within ~~75-200~~ feet of the Ordinary High Water Mark (OHW) of protected water bodies, as set forth in Minnesota Statutes, Section 103G.201.
  - d. All areas having slopes greater than twelve (12) percent.
  - e. All areas within ~~30-200~~ feet of the top or toe of a bluff, as defined in Goodhue County Zoning Ordinance, Article 4, Section 2, Subdivision 1.
  - f. ~~All areas within 30 feet of either edge of a drainageway, as defined by this ordinance. Drainage ways that contain running water during spring runoff, during storm events, generally during any rainfall. A 30 foot buffer from the both edges of the drainageway shall be included. If the edges of a drainageway cannot be clearly established, the area defined as environmentally sensitive shall include all areas within 200 feet of the centerline of the drainageway.~~

CGI Comment: A clarification was made here regarding measurement of the buffer when the "edges" are not clear.

2. Development Yield.

- a. The applicant shall submit a table showing the maximum number of dwelling units that would be permitted under the R-1 Zoning classification, consistent with the minimum lot size, lot widths, setbacks, and other provisions of the Zoning Ordinance. Land that is considered undevelopable, as described in A(1) contained herein, shall be excluded from the development yield analysis.
- b. The base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of 5% of the base development yield, with a maximum bonus of 20% and a maximum density of two (2) dwelling units per acre as measured on the developable portion of the property.
  - i. Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.). Plans for maintenance and management of the conservation easement are required for all developments as contained in Subdivision G6 of this Section.
  - ii. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses, contained within the development.
  - iii. ~~Providing affordable housing to include a minimum of 25% of all~~

Comment: Should golf courses not be excluded?

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- ~~units that would be affordable to moderate income households, as defined by the U.S. Department of Housing and Urban Development.~~
- iii. Utilizing best available design for low water use septic and water systems.
- iv. Using (LEED Certified?) energy efficient building materials and appliances.
- v. Reusing/restoring historical buildings and structures.
- vi. Including specialty agricultural uses within the development, including, but not limited to vineyards, orchards, and hobby farms.
- vii. Innovative design in on-site septic systems, LEED certification, green building design, and other similar innovative solutions to support energy efficiency and green standards as determined by the Township.

CGI Comment: Need to discuss what we mean by "low water use septic and water systems" and how use of building materials would be enforced

Comment: Would hobby farms include having horses?

**B. Design Criteria.** The following design criteria shall apply to all Conservation Developments.

1. Minimum Lot Size. None, subject to compliance with applicable standards for sewage disposal and the provision of water.
2. Setbacks. All structures within the development shall maintain, at a minimum, a 60-foot buffer along the perimeter of the development parcel, so as to provide screening and buffering of the residential development on the development parcel. Side setbacks on individual lots within the development shall be waived to allow for flexibility in design, however:
  - a. Individual dwellings shall be separated by a minimum of twenty (20) feet between dwellings, and a distance of ten (10) feet shall be maintained between dwellings and accessory buildings.
  - b. The Planning Commission may establish setbacks, as necessary to buffer agricultural, forestry, and water-use activities from residential uses.
  - c. Larger setbacks may be required to provide safe distances between highways and development on the parcel.
3. Maximum Building Height. All building shall not exceed a maximum height of 35 feet from existing grade, except for agricultural buildings, which are exempt from this provision.
4. Maximum Impervious Coverage. The development shall be configured so as to minimize the amount of impervious surfaces. The maximum lot coverage allowed, as measured across the whole of the development, is 25% of the total area.
5. Lots shall be configured to minimize the amount of road length required for the development.
6. Individual lots and the overall development envelope shall be configured to minimize the loss of woodlands and other natural habitats.
7. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
8. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
9. Lots shall be oriented around a key feature, including one or more of the following:
  - a. A central green or square that is landscaped and/or has a functional purpose for the residents living nearby, including, but not limited to, shared mailboxes, a small park, a gazebo, or benches.
  - b. A physical amenity such as a meadow, a stand of trees, or some other

CGI Comment: At our last meeting, there was discussion regarding the maximum height of buildings that is currently allowed by the Goodhue County Zoning Ordinance. In all Ag districts and in the R-1 district, 35 feet is the maximum height that is allowed, with exceptions for agricultural buildings.

Comment: Should allowed impervious surface be less than 25%?

natural or restored feature.

10. Development envelopes should not be located on ridges, hilltops, bluffs, along peripheral public roads, or in other visually prominent areas.
11. Residential structures shall be oriented to maximize solar gain in the winter months.
12. A ~~30200~~-foot vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified. The vegetation buffer shall be maintained in a natural state and use plants that are native to Minnesota wetlands.
13. Florence Township community septic design standards shall be implemented.

C. Residential Siting Standards. All conservation subdivisions shall conform to the following standards for residential siting:

1. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than ten (10) dwelling units and no less than four (4) dwelling units, while maintaining at least fifteen (15) feet between clusters.
2. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources ~~ef-on and adjacent to~~ the site and to avoid or minimize conflicts between incompatible uses.
3. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
5. Residential clusters should be sited to achieve the following goals, to the extent practicable.
  - a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - b. Minimize disturbance to woodlands, wetlands, grasslands, ~~steep slopes, bluffs,~~ and mature trees.
  - c. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
  - d. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
  - e. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
6. The Planning Commission may require landscaping around the cluster to reduce off-site views of residences.

D. Conservation Parcel Design Standards. A conservation parcel shall be designated as part of the development. Each development shall contain a contiguous conservation parcel comprising 45% of the land area to be subdivided.

1. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required conservation parcel shall be undivided and restricted in perpetuity from future development.
2. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
  - a. parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
  - b. privately-held buildings or structures provided they are accessory to the use of the open space.
  - c. Shared septic systems and shared potable water systems.
3. Road rights of way shall not be counted towards the required minimum open space.

4. No more than 50% of the required conservation parcel size may consist of water bodies, flood plain, or wetlands.
5. Any portion of the conservation parcel designed to provide plant and animal habitat shall be kept as intact as possible, and enhanced or restored as appropriate. Trails and roads shall be designed to avoid fragmenting these habitat areas.
6. Accessible open space in the upland portion of the conservation parcel may be made available for recreational uses such as trails, play fields, or community gardens, but shall be designed and located so as to avoid impacts on sensitive natural and cultural resources.
7. Where appropriate, a pathway system connecting open space areas to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be required and identified in the development plan.

## **SECTION 4. OWNERSHIP AND MAINTENANCE OF COMMON FACILITIES**

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- A. Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following described in this Subdivision. The Township may require any one, or a combination of the following, to ensure the long-term maintenance of the conservation parcel and any common facilities.
  1. A homeowners' association.
  2. A nonprofit conservation organization.
  3. Florence Township, Goodhue County, or another governmental body empowered to hold an interest in real property.
  4. An individual who will use the land for open space purposes as provided by a conservation easement.
- B. Homeowner's Association. A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners association shall contain the following information:
  1. The legal description of the common land;
  2. A description of common facilities;
  3. The restrictions placed upon the use and enjoyment of the lands or facilities;
  4. Persons or entities entitled to enforce the restrictions;
  5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
  6. A mechanism for resolving disputes among the owners or association members;
  7. The conditions and timing of the transfer of ownership and control of land facilities to the association;
  8. Any other matter the developer deems appropriate.
- C. A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be approved by Florence

Township and Goodhue County. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

D. **Public Dedication of Open Space and Streets.** The County may accept the dedication of fee title or dedication of a conservation easement to the common open space. The County may accept the common open space provided:

1. The common open space is accessible to the residents of the Florence Township and Goodhue County;
2. The County or Township agrees to and has access to maintain the common open space.
3. Streets or other public ways which have been designated on a duly adopted official map or element of the Township or County comprehensive plan shall be dedicated or reserved by the subdivider to the appropriate governing body. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

E. **Individual Ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

F. **Maintenance Plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation parcel in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be submitted and approved prior to final plat approval. The plan shall do the following:

1. Designate the ownership of the open space and common facilities in accordance with the provisions contained herein.
2. Identify a timeframe for adoption and implementation of the maintenance plan by the designated ownership group(s).
3. Establish necessary regular and periodic operation and maintenance responsibilities.
4. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
5. Include a timeline any interim use allowances and timelines for the ending or renewal of those uses.
6. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in this Article, describing:
  - a. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
  - b. The proposed end state for each common open space area; and the measures proposed for achieving the end state.
  - c. Proposed restoration measures, including: Measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
  - d. The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup; at the Township's or County's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year. Projected cost estimates for the long-term maintenance operations shall also be included.

- e. A method for regular review and performance evaluation to ensure the long-term quality of the conservation parcel.
7. Management plans can be amended by the owner with the approval of the Township and the County.

## **SECTION 5. APPLICATION PROCEDURE AND APPROVAL PROCESS**

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- A. Initial Meeting. Before submitting an application for a Conservation Subdivision, the subdivider shall schedule an appointment to meet with the Township, or designee thereof, to discuss the procedure for approval of a Conservation Subdivision, including submittal requirements and design standards.
- B. Concept Review. After the initial meeting, the subdivider shall submit Resource Inventory, as described on the Township's Land Use Checklist form, a Land Sensitivity Scoring form, and a Concept Plan. These items shall be submitted as part of the Concept Review with the Township Planning Commission, during which meeting, the Planning Commission shall discuss with the applicant issues with the site and possibilities for development in order to inform the process.
  1. The Concept Plan shall contain the following at a scale of no less than one inch equals fifty feet:
    - a. Open space areas indicating which areas are to remain undeveloped, along with any proposed trail or park locations.
    - b. Boundaries of areas to be developed and proposed general street and lot layout.
    - c. Number and type of housing units proposed (i.e. single family, multi-family).
    - d. Proposed methods for and location of water supply, stormwater management, and sewage treatment.
    - e. Inventory of preserved and disturbed natural features and prominent views.
    - f. Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
    - g. A narrative describing proposed methods for ownership and management of open space.
  2. Development Yield Analysis. The subdivider shall submit a development yield analysis as described in Section 3, Subdivision A2 of this Ordinance.
- C. Preliminary Plat - Review and Approval. Following review and comment of the Planning Commission on the Concept Review, the subdivider shall submit a Preliminary Plat application for review and approval of the Planning Commission.
  1. Planning Commission Recommendation. After review of the Preliminary Plat and discussion with the subdivider on changes and the type and extent of improvements required, the Planning Commission shall make a recommendation to the Town Board regarding the denial or approval of the application within sixty (60) days of the date of application being filed.
  2. Public Hearing. The Township shall schedule a public hearing on the Preliminary Plat application to be heard by the Town Board. The Township shall give notice of the Town Board's public hearing on the application by listing it as an agenda item in the Town Board's meeting notice published in the official Township newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within 300 feet of the proposed land subdivision shall also receive written notice of the public hearing.

3. **Board Action.** After receipt of the Planning Commission's recommendation, the Town Board shall, within ninety (90) days of the preliminary plat being filed, decide whether to approve or reject said plat, and shall state in writing any accompanying conditions of approval and any reasons for rejection or approval. The timeframe for Town Board review may be extended with agreement by the applicant. The Township shall communicate any Town Board action to the applicant in writing.
4. **Effect of Approval.** Approval of a preliminary plat shall be valid for six months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which shall be subject to further consideration by the Planning Commission and Town Board at the time of its submission.
5. **Amendment.** Should the subdivider desire to amend the preliminary plat after approval, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Planning Commission of such a departure from the originally approved preliminary plat to constitute a new plat, in which case the application shall be re-filed.

D. **Preliminary Plat Requirements.** The preliminary plat shall be prepared by a Registered Land Surveyor or Engineer, licensed with the State of Minnesota, a scale not less than one inch equals one hundred (100) feet. More than one sheet may be used to present the information required in this section and shall include the following:

1. Name. The proposed name of the subdivision shall not duplicate or be alike in pronunciation to the name of any plat previously recorded in Goodhue County. The subdivision name is subject to the approval of the Planning Commission.
2. Project Ownership and Development Information.
  - a. Name, address, and telephone number of the legal owner, and, if applicable, the agent of the property.
  - b. Name, address, and telephone number of the professional person(s) responsible for subdivision design, public improvement design, and surveys.
  - c. Date of preparation.
3. Existing Site Conditions. Provide the following information on a property survey map:
  - a. Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
  - b. Location, width, and names of all existing streets, platted and constructed, and rights-of-way to a distance of one hundred (100) feet beyond the perimeter of the site.
  - c. The type, width, and condition of street improvements; railroad or major utility rights-of-way, parks and other public open spaces; location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures crossing the project site and within 100 feet of the project site perimeter.
  - d. Location, widths, and names of all existing public and private easements crossing the site and within 100 feet of the project site perimeter.
  - e. The name of all owners of adjoining properties within 100 feet of the project site.
  - f. Topographic data including contours at vertical intervals of not more than two (2) feet.

- g. Significant natural resource features located on the site, as described in the Natural Resource Inventory required for the Concept Plan phase.
- h. Burial sites, sites listed on the national and state historic register, locally designated historic properties, and other significant cultural resources.
- i. Existing soil classifications, including hydric soils.
- j. Legal description of the property.
- k. Existing zoning classifications for the lands in and abutting the proposed subdivision.
- l. Total acreage of the proposed site.
- m. General map information, including a graphic scale, north arrow, and date.

4. Subdivision Design Features. The following information shall be provided on the Preliminary Plat:

- a. Layout of proposed streets, widths of rights-of-way, types of improvements, widths of street surfaces, and proposed street names.
- b. Locations and types of proposed public easements including, but not limited to, as drainage, utility, and public access, and all conservation easements.
- c. Layout of proposed blocks and lots within the plat.
- d. Data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, and areas.
- e. Minimum front, side, and rear setback lines for all lots.
- f. Indication of the use of all lots.
- g. Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water systems, or individual on-site septic systems, and potable water sources.
- h. Location and size of all proposed and existing storm sewers, culverts, retention ponds, swales, infiltration areas, and other stormwater facilities.
- i. Development envelopes showing areas for grading, lawns, pavement, and buildings.
- j. Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of said area(s) in acres. Provide information regarding the conditions, if any, of the dedication or reservation.
- k. Management Plan as described in Section 4, Subdivision F.

5. Preliminary Construction Plans. Provide the following information on one or more sheets.

- a. Plan and Profile. Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
- b. Grading and Erosion Control Plan. A plan showing existing and proposed grades, drainage patterns, and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious surface area of the project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site-specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of twenty-four (24) inches or more measure at four feet above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees and groves shall also be shown.
- c. Provisions for sewage disposal, water supply, stormwater management, and flood control.

E. Final Plat Review and Approval Procedures. Upon approval of the preliminary plat. A Final Plat shall be filed in accordance with the following:

1. Final Plat. The subdivider shall prepare a final plat application and shall file twelve (12) copies of the plat application with the Township at least 30 days prior to the Planning Commission meeting at which action is desired. The applicant shall file the final plat not later than six (6) months after the approval date of the preliminary plat, unless an extension is requested in writing by the applicant for good cause and granted by Florence Township. The applicant shall also submit a current certified abstract of title or other such evidence showing ownership or control of the subject property by the applicant.
2. Final Construction Plans. As part of the final plat application, the owner shall file four (4) copies of the final construction plans and specifications of public improvements required by the Township.
3. Installation, Protection, and Maintenance Plans. The application shall submit plans for areas to be protected, along with any restoration or landscaping plans.
4. Referral of Final Plat. The Town Clerk shall provide copies of the final plat application materials to the Planning Commission and to the appropriate entities for their review and comment including, but not limited to, the Township Attorney, County Department of Health, a certified Engineer, and other professional persons. Comments from these referrals shall be forwarded to the Planning Commission and Town Board for their consideration during the review process.
5. Planning Commission Review. The Planning Commission shall review the final plat for its conformance with the preliminary plat; any conditions of approval of the preliminary plat; this Ordinance; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect the application. Within 30 days of a complete application being submitted, the Planning Commission shall make a recommendation to the Town Board to approve, deny, or conditionally approve the plat. The Planning Commission may table the matter if more information is needed to review the application.
6. Town Board Review and Approval. The Town Board shall, within sixty (60) days of the date of filing the original complete final plat application with the Township, approve or deny said plat application. The review timeframe may be extended with agreement by the applicant. The Town Board shall cite findings of fact to support approval or denial of the plat application, with those findings being forwarded in writing to the applicant and reflected in the meeting minutes.
  - a. The Town Board may not inscribe its approval on the final plat unless the Town Clerk verifies that the application has been forwarded to all applicable agencies, the date of such forwarding, and that all identified issues have been remedied.
  - b. When it determines to approve a final plat application, the Town Board shall, provide at least ten (10) days prior written notice of its intention to the clerk of any municipality within 1,000 feet of the final plat.
  - c. Recording. After the final plat has been approved by the Town Board and required improvements either have been installed or a contract or financial sureties have been filed ensure their installation, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The County cannot record the plat unless it is filed within six months from the last date of Township approval.
  - d. Copies. The subdivider shall file eight (8) copies of the final plat with the Town Clerk for distribution with the approving agencies, affected sanitary districts, and other affected agencies for their files.

F. Final Plat Requirements. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of Goodhue County Zoning and Subdivision ordinance and this ordinance.

1. Additional information. The final plat shall show correctly on its face, in addition to the information required by Goodhue County, the following:
  - a. Exact length and bearing of the centerline of all streets.
  - b. Exact street width along the line of any obliquely intersecting street.
  - c. Exact location and description of utility and drainage easements.
  - d. Railroad rights-of-way within and abutting the plat.
  - e. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
  - f. Restrictions relating to access control along public ways.
  - g. Setback or building lines.
  - h. Restrictive covenants, deed restrictions, and conservation easements for the proposed subdivision shall be filed with the final plat.
  - i. The legal instruments detailing the ownership of the common open space, as required in section 5, which shall be filed with the final plat.
2. All final plats shall meet all the surveying and monumenting requirements of Minnesota Statutes.
3. State plane coordinate system. The plat shall be located, monumented and coordinated so as to satisfy all requirements with regard to a Minnesota coordinate system described in Minnesota Statutes.
4. Certificates. All final plats shall provide all the certificates required by Minnesota Statutes. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.
5. Recording. The final plat shall be recorded within 30 days of its approval by Goodhue County.