

Subdivisions and Planned Unit Developments - Comparison of Preliminary Draft & Current MRCCA Standards

Notes:

- The preliminary draft standards presented at the work group meeting on August 12, 2010 have been revised based on input from work group members, LGUs, other agencies, and the public.
- For proposed district boundaries, refer to the proposed MRCCA district maps for your area. For current district boundaries, refer to the **EO 79-19 District Map**. All maps are available on the MRCCA rulemaking project website.

Sheet 6: Subdivisions and Planned Unit Developments – Revised November 5, 2010

	Standard Type	Preliminary Draft Standards	Executive Order 79-19 Current Standards & Guidelines <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i>	Interim Development Regulations (IDR) <i>(EO 79-19 provided the IDRs as temporary standards until local MRCCA ordinances were approved by the EQB. Hastings, Brooklyn Center, and a small area in Hennepin County are still subject to the IDRs because they do not have approved MRCCA ordinances. The DNR used some of the IDRs in drafting new MRCCA rules, and some LGUs have used portions of the IDRs in their current ordinances. The IDRs are provided here for reference. Local ordinances, which vary widely, will contain the current effective standards in any given community.)</i>
Subdivisions & PUDs	General Provisions	Subdivisions and PUDs must be processed by LGUs according to Minnesota Statutes, chapters 394 , 462 , 505 , and 515B .	<p>C.2. Each LGU and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:</p> <p>a. Site Plans. Site plans shall be required to meet the following guidelines:</p> <p>(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.</p> <p>(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.</p> <p>(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as the result of the development; the measures which address adverse environmental effects.</p> <p>(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.</p> <p>(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.</p> <p>c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.</p>	<p>F. Dimensional standards and criteria</p> <p>1. Objectives The objectives of dimensional standards and criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback for sanitary facilities, to prevent pollution of surface and groundwater, to minimize flood damage, to prevent soil erosion, and to implement metropolitan plans, guides and standards. 3.</p> <p>3. Lot size.</p> <p>a. In the rural open space and urban developed districts, the following minimum lot sizes shall be required:</p> <p>(1) in unsewered areas, the minimum lot size shall be five acres per single family unit;</p> <p>(2) in sewered areas, the minimum lot size shall be consistent with the local zoning ordinance.</p> <p>b. In the urban open space and urban diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.</p>
	Site Plan & Pre-Project Review	LGUs shall require detailed site information and pre-project review for all proposed subdivisions and PUDs. Site plans shall identify and address the protection of features and resources identified in Minnesota Statutes, §116G.15, Subd. 4(b).		
	Lot & Density Standards	Density and lot size will be governed by underlying zoning, except in District CA-2 <i>(see Sheet 1 – Dimensional Standards)</i> .		
	Other Design Standards	Local ordinances must contain provisions for conservation design for subdivisions and PUDs to provide a means of protecting open space and the features and resources identified in Minnesota Statutes, §116G.15, Subd. 4(b).		

	Standard Type	Preliminary Draft Standards	Executive Order 79-19 Current Standards & Guidelines	Interim Development Regulations (IDR)
Open Space	General Provisions	Open space protection will be required for all subdivisions creating ≥ 3 lots and PUDs, except: <ul style="list-style-type: none"> (1) minor boundary line corrections; (2) resolutions of encroachments; (3) additions to existing lots of record; and (4) essential services. 	C.6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines: <ul style="list-style-type: none"> a. Existing and potential sites for the following uses shall be identified and inventoried. <ul style="list-style-type: none"> (1) Neighborhood, municipal, county and regional parks; (2) Scenic overlooks, scenic views, and public observation platforms; (3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas; (4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes; (5) Commercial marinas and boat launching facilities; (6) Public access points to the river; (7) Historic sites and districts. b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks. c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions. d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed. e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted. 	No standards in the IDR.
	Protection Measures	Open space shall be protected through a perpetual conservation easement as provided in Minnesota Statutes, Chapter 84C , or fee title ownership by a government entity for conservation purposes. Local ordinances must contain provisions for the administration and maintenance of open space.		
	Requirements	A percentage of the total project area must be protected as open space as specified below: <ul style="list-style-type: none"> • District CA-1: NA • District CA-2: minimum of 50% (with smaller lot sizes and density bonuses provided for conservation design and protection of additional open space) • District CA-3: minimum 25% • Districts CA-4, CA-6, and CA-7: primary conservation areas up to 15% • District CA-5: underlying zoning (transfer of development density into CA-5 is encouraged) <p>In all districts where open space protection is required, primary conservation areas must be the highest priority for open space protection. In Districts CA-2 and CA-3, if the site plan determines that the primary conservation areas exceed the minimum percentage of open space required, then the LGU shall determine which to include in the open space; if the primary conservation areas do not meet the minimum percentage of open space required, the LGU shall determine the remaining balance on the site.</p>		
	Connectivity	Open space must connect neighboring or abutting open space, natural areas, and recreational lands as much as possible to form an interconnected, corridor-wide network of open space and natural areas.		
Dedication	General Provisions	In the development of subdivisions creating ≥ 3 lots and PUDs, a developer will be required to dedicate to the public reasonable portions of the project area. Providing public access to the river must be the highest priority for dedication. In the event of practical difficulties or physical impossibility, a developer will be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the MRCCA. The area dedicated may include areas protected as open space as provided above.	C.6.f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.	

Preliminary Draft Definitions – Revised November 5, 2010

Conservation Easement = a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property. (MN Stats, Chapter 84C)

Shore Impact Zone (SIZ) = land located between the OHWL and a line parallel at a setback of 50% of the required structure setback from the OHWL. (MN Rules, Chapter 6120)

Primary Conservation Areas = key resources and features, including: the SIZ, BIZ, and SPZ; floodplains, wetlands, gorges; areas of confluence with key tributaries; natural drainage routes; unstable soils & bedrock; significant existing vegetative stands, tree canopies, and native plant communities; scenic views & vistas; publicly owned parks, trails & open spaces; and cultural & historic sites & structures.

Subdivision = the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations: (1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses; (2) creating cemetery lots; (3) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary. (MN Stats, Chapter 462)

