City of Afton

PLANNING COMMISSION AGENDA

February 4, 2019
7:00 pm

1. **CALL TO ORDER -**

2. **PLEDGE OF ALLEGIANCE –**

3. **ROLL CALL -**
   a) Scott Patten
   b) Sally Doherty
   c) Kris Kopitzke (Chair)
   d) Mark Nelson
   e) Jim Langan
   f) Roger Bowman
   g) Justin Sykora

4. **APPROVAL OF AGENDA –**

5. **APPROVAL OF MINUTES –**
   A. January 7, 2019 Meeting Minutes

6. **REPORTS AND PRESENTATIONS** – None

7. **PUBLIC HEARINGS** – None

8. **NEW BUSINESS –**
   A. Planning Commission Comments Regarding the Denmark Township Draft 2040 Comprehensive Plan
   B. Review and Clarification of Elements of the PLCD Ordinance Language
   C. Planning Commission 2019 Meeting Schedule
   D. Planning Commission Dinner Gathering

9. **OLD BUSINESS -**
   A. Update on City Council Actions – Council Highlights from the January 15, 2019 Council meeting - attached.

10. **ADJOURN –**

A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
January 7, 2019

---

1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM

2. **PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Mark Nelson, Sally Doherty, Justin Sykora., James Langan, Annie Perkins. A Quorum was present. Absent were Scott Patten & Lucia Wroblewski (excused).
ALSO IN ATTENDANCE – City Administrator Ron Moorse

4. **APPROVAL OF AGENDA** –
Motion/Second Doherty/Bowman to approve the agenda for the January 7, 2019 Planning Commission meeting with addition of item 9c "terms and appointments of PC members". Passed 7-0.

5. **APPROVAL OF MINUTES** –
   A. December 3, 2018
   Motion/Second Nelson/Perkins to approve minutes of the December 3, 2018 Planning Commission meeting as corrected. Passed 7-0.

6. **REPORTS AND PRESENTATIONS** - None

7. **PUBLIC HEARINGS** – none

8. **NEW BUSINESS** -
   A. Planning Commission comments regarding the City of Woodbury Draft 2040 Comprehensive Plan
   Discussion was focused on water supply, water use, and DNR observation well data.

   Motion/Second Perkins/Doherty to authorize staff to bring the following comments to the City Council regarding the City of Woodbury's Draft 2040 Comprehensive Plan:
   - **The City of Afton is very concerned about the large public works infrastructure, commercial development and various densities of residential development the City of Woodbury continues to promote. These projects and others like them are placing a huge burden on the aquifers which supply the drinking water to both Woodbury and Afton. The majority of these developments drastically reduce pervious surface area allowing less and less water infiltration each day. The vast majority of Woodbury's water source is the conjoining aquifers that serve both Woodbury and Afton, putting Afton's sole residential water source of private one-on-one residential wells at significant risk. Therefore, the City of Afton requests that the City of Woodbury work with the DNR to manage development and water usage to enable aquifer sustainability.**

   - **All local governments adjacent to the I-94/Manning Avenue interchange and the Hudson Road/ Manning Avenue intersection should work together in a planning process to manage the traffic impacts related to planned development along I-94 and Hudson Road to ensure both the interchange and the intersection continue to provide acceptable levels of service.**

   Motion Vote: Passed 7-0.

   B. Planning Commission comments regarding the City of Cottage Grove Draft 2040 Comprehensive Plan
   Motion/Second Perkins/Doherty to bring the following comment to the City Council regarding the City of Cottage Grove's 2040 Draft Comprehensive Plan: that the City of Afton would request to be a part of planning Staging Area 5 development when the time comes. Passed 7-0.

9. **OLD BUSINESS** –
   A. Planning Commission Member Areas of Specialization Regarding the Zoning Code

A few changes and updates were made to the spreadsheet assignments

B. Update on City Council actions
Chair Kopitzke provided a summary of the December City Council meeting.

C. Terms & Appointments of PC members
Nelson stated that his term is up in February and he will not seek re-assignment.
The suggestion was made of holding a group dinner or gathering.

10. ADJOURN
Motion/Second Doherty/Perkins To adjourn. Passed 7-0

Meeting adjourned at 8:24 pm

Respectfully submitted by:

_____
Julie Yoho, City Clerk

To be approved on February 4, 2019 as (check one): Presented: _____ or Amended: _____

DRAFT

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 24, 2019

Re: Comments Regarding the Denmark Township Draft 2040 Comprehensive Plan

---

Denmark Township has provided the following link to its draft 2040 Comprehensive Plan for Afton's review and comment:
https://wsbeng.sharefile.com/d-s10a988b45d54b6a8

Attachments

- Denmark Township Aerial Photo
- Generalized Land Use Map
- Comprehensive Community Goal, and Land Use Goals and Policies
- Community Designation (Met Council)
- 2030 Future Land Use Plan Map
- 2040 Future Land Use Plan Map
- Zoning Map
- Water Supply
- Surface Water and Groundwater Interaction Map
- Groundwater Level Monitoring Wells
- Conserved Lands Map
- Parks and Open Space System Map
- Township Transportation System Map

Comprehensive Plan Review Process

The City's review of the Draft 2040 Comprehensive Plan involves providing comments to Denmark Township regarding the Plan. Comments are due by February 28, 2019. The first step is the Planning Commission providing a set of recommended comments to the Council. The Council then reviews the Draft 2040 Comprehensive Plan, along with the Planning Commission's recommended comments, and determines final comments to be provided to Denmark Township.

Comprehensive Plan Overview

Staff has attached materials to provide an overview of the Denmark Township Comprehensive Plan and the elements that most closely relate to Afton.

Planning Consultant Comments

The following is background information from the City's Planning consultant regarding the Denmark Township Draft 2040 Comprehensive Plan, and suggested comments to be made concerning the Plan.

Background

Considering that the draft 2040 Land Use Plan is identical to the Township's existing 2030 Plan, no significant land-use related concerns exist. As in the case of the 2030 Plan, the Township is classified as a "Diversified Rural" community which directs the Township to plan for average densities of no more than one

unit per 10 acres. This is the same classification as Afton. The community designation is reflective of the Metropolitan Council's intention to **not** provide regional wastewater treatment to the Township within the 2040 planning period.

Suggested Comments

The City of Afton is supportive of the draft Plan and offers the following informational comments:

1. The City of Afton appreciates the Township's desire to protect its rural character, its agricultural uses and the St. Croix River corridor.

2. The City of Afton views St. Croix Bluffs Regional Park as a regional asset and is therefore supportive of the proposed 120-acre park expansion to the north.

3. The draft Plan illustrates a future walking/bicycle trail along a segment of St. Croix Trail which lies within the City of Afton. The City of Afton is supportive of such future trail (linkage to the Township and regional parks/recreational facilities) and hopes to collaborate with Denmark Township in future trail planning efforts which may provide additional trailway links between our two communities.

4. The draft Township Plan illustrates a groundwater monitoring well (#244592) which lies within Afton, near the City's southern boundary. Recognizing that the quality and quantity of ground water is of mutual and regional interest, the City of Afton supports collaborative efforts to protect groundwater quality and quantity in the area.

The Planning Commission may also want to consider the following comment:

5. The City and Township share a border, a road (60th Street), a trout stream, a river and our rural character, and we face similar challenges in protecting and preserving our rural character and the natural resources that both enable and enhance our rural character. The City of Afton is interested in working collaboratively with Denmark Township to address these challenges.

Planning Commission Comments

Based on the information provided by the City's Planning Consultant regarding the Denmark Township Draft 2040 Comprehensive Plan, and the Planning Commission's review and discussion regarding the Plan, the Planning Commission may provide a set of recommended comments regarding the Plan to the City Council.

Planning Commission Recommendation Requested

Motion regarding a set of recommended comments concerning the Denmark Township Draft 2040 Comprehensive Plan.

DENMARK TOWNSHIP – 2040 COMPREHENSIVE PLAN UPDATE

ADJACENT AND AFFECTED JURISDICTION REVIEW AND COMMENT FORM

Date: September 7, 2018

Per Minnesota Statute and the Metropolitan Council, we are distributing the Denmark 2040 Comprehensive Plan update for your review and comment.

It is requested that you review the draft 2040 Comprehensive Plan and send any comments or indication of no comment to Eric Maass at 701 Xenia Avenue South, Suite 300, Minneapolis Mn 55416 by February 28, 2018. We ask that you provide feedback as timely as possible within the six-month comment period stipulated by the Metropolitan Council. Please be advised that email response is also acceptable and may be sent to EMaass@wsbeng.com.

If you have any questions regarding the Denmark 2040 Comprehensive Plan update, please contact Eric Maass at the email address provided above.

Thank you in advance for your input and prompt response,

Eric Maass

DenmarkTownship_2040_ComprehensivePlan.pdf Download

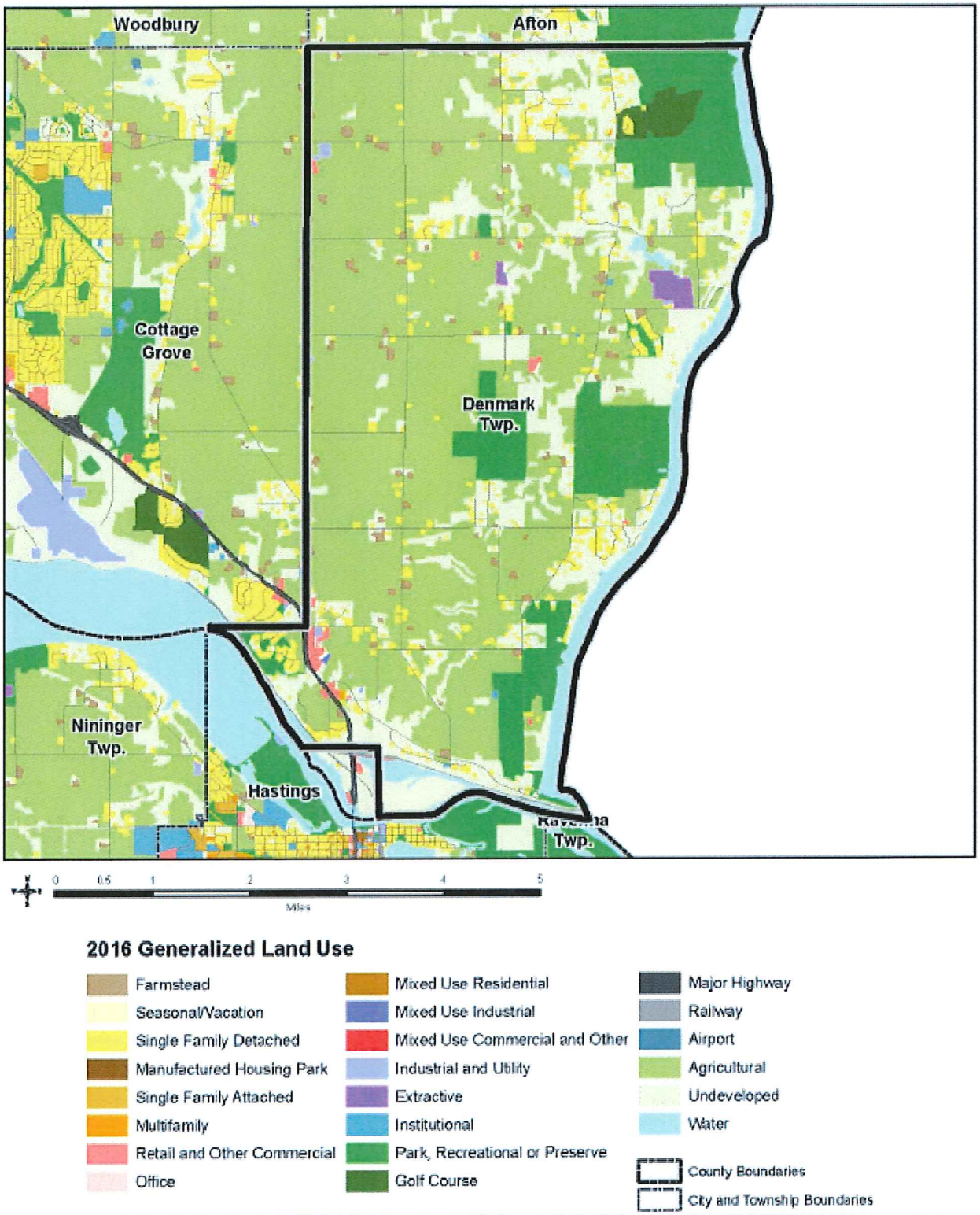
10 of 125

110%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 2: Generalized Land Use (2016)

Denmark Township, Washington County



100%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

The Township has established a set of goals to help guide the community, particularly the roles and responsibilities of the Township government. These are official statements that reflect, to the degree possible, mutual goals of participants in the planning process. They represent desired outcomes or conditions related to the physical, natural, and economic characteristics of the community. Policies, on the other hand, are specific, official positions of the Township that guide day-to-day planning, administration and implementation strategies such as capital improvements, zoning and other official controls.

Comprehensive Community Goal

It is the goal of Denmark Township to manage growth and change in the community in a manner consistent with the preservation of natural and environmental features, the preservation of the rural quality of the Township, and the protection of public health, safety and welfare for existing and future residents.

Land Use Goals and Policies

Goals

- ✓ Protect the rural character of the Township through growth management strategies.
- ✓ Protect and preserve the St. Croix River corridor and the Mississippi National River and Recreation Area.
- ✓ Protect a base of long-term agricultural land as a source of open space, rural character, and economic livelihood.
- ✓ Encourage the continuation of commercial farming as a viable land use and significant economic activity.
- ✓ Establish land use patterns that preserve and protect the natural qualities and existing character of the landscape.
- ✓ Provide opportunities for new residential and commercial development that are consistent with the above Comprehensive Community Goal.
- ✓ Maintain and enhance the value of agricultural, residential and commercial property.
- ✓ Provide for the economic availability, removal and processing of sand, gravel, rock, soil, and other aggregate materials vital to the economic well-being of the region, while protecting against adverse impacts.

Policies - Agriculture

- ✓ Designate areas for long-term commercial agricultural use, based upon agricultural land evaluation and site assessment criteria.
- ✓ Permit and encourage agricultural uses in areas not specifically designated for long-term agricultural use.
- ✓ Educate residents on the potential conflicts or incompatibilities that can arise between development and agricultural uses.
- ✓ Support the rights of farmers to farm.

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Policies - General Development

- ✓ Allow residential densities to be at levels consistent with the character of existing development.
- ✓ Encourage and explore land use options related to preservation of open space.
- ✓ Encourage the clustering of residential uses, provided that the clusters meet open space and environmental preservation criteria, as well as other criteria outlined in the Township's zoning and subdivision ordinances.
- ✓ Consider various land use planning tools including, but not limited to, purchase of development rights (PDR), an existing ordinance governing the transfer of development rights (TDR) for contiguous parcels, and conservation easements.
- ✓ Maintain a Township map that identifies existing development.
- ✓ Encourage that all new development proposals consider the impact of new development on existing homes.
- ✓ Encourage and promote land regulations that preserve property values.

Policies - Conserved Lands

- ✓ Encourage that public, for-rent agricultural lands be rented to local Township farmers.
- ✓ Encourage County, State, or other agencies to consider local tax implications in its evaluation of Land and Water Legacy requests or other conservation programs.
- ✓ Continue to request policy changes to provide local governments some level of payment in lieu for properties that are either taken off the tax roll or their value reduced due to conservation/scenic easements.
- ✓ Encourage the State of Minnesota to consider the qualification requirements for farmland protection programs to ensure that the programs meet their intended purposes.

Policies - Aggregate Resources

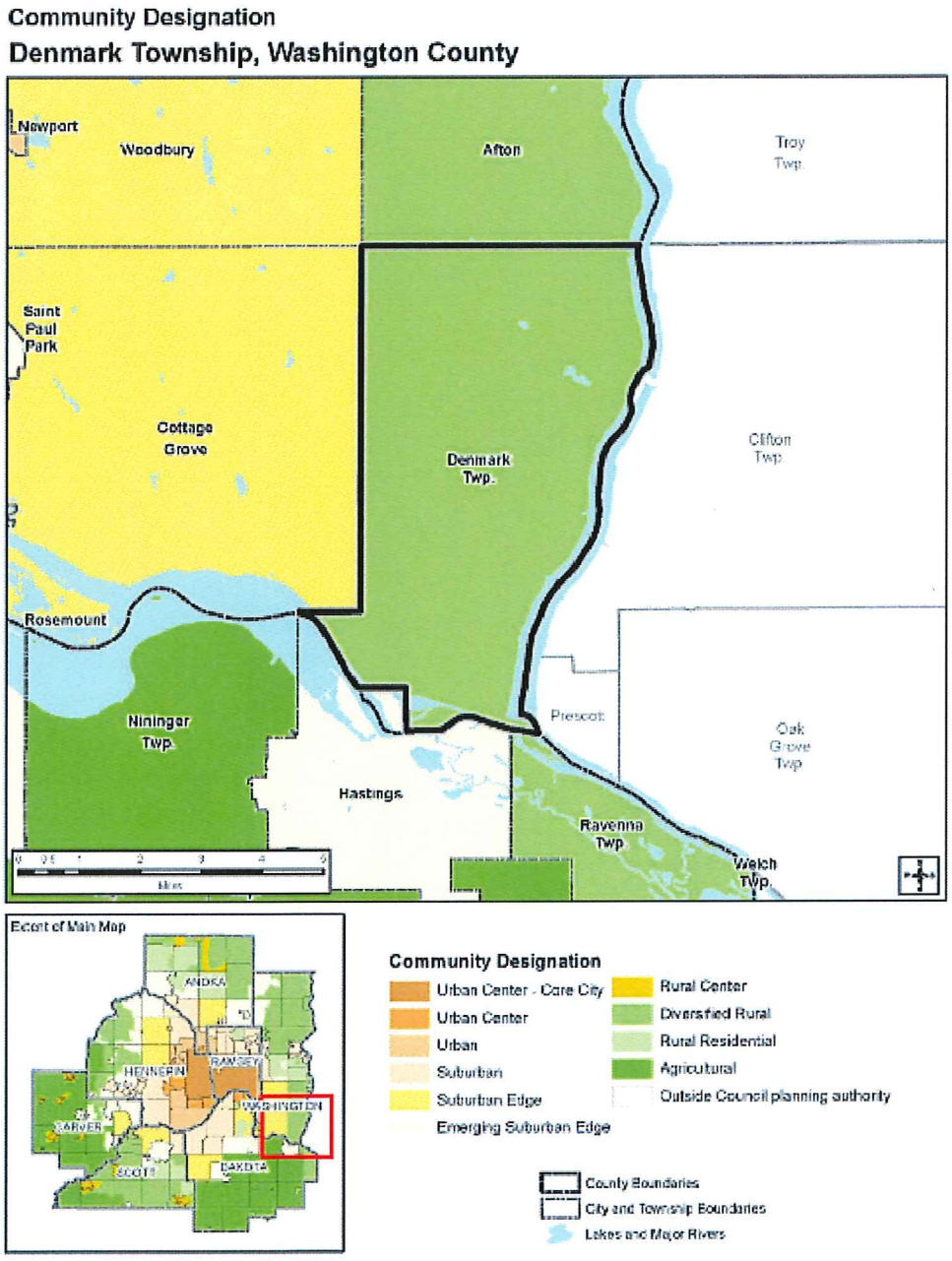
- ✓ Limit mineral extraction to designated areas that prevent or minimize environmental and aesthetic impacts on adjacent properties as well as properties guided for residential use, and the Township as a whole.
- ✓ Provide safeguards and controls regarding noise, dust, odors, traffic, drainage, groundwater quality and other factors which will minimize the environmental and aesthetic impacts on mined or other property.
- ✓ Allow for the extraction of high quality aggregate prior to nonagricultural development.
- ✓ Require that land is restored to a usable, attractive condition after the mining operation is finished.

Policies - River Corridors

- ✓ Enforce mandatory river corridor development standards for the St. Croix and Mississippi River corridors.
- ✓ Prevent commercial or industrial uses from negatively impacting the river corridor areas.

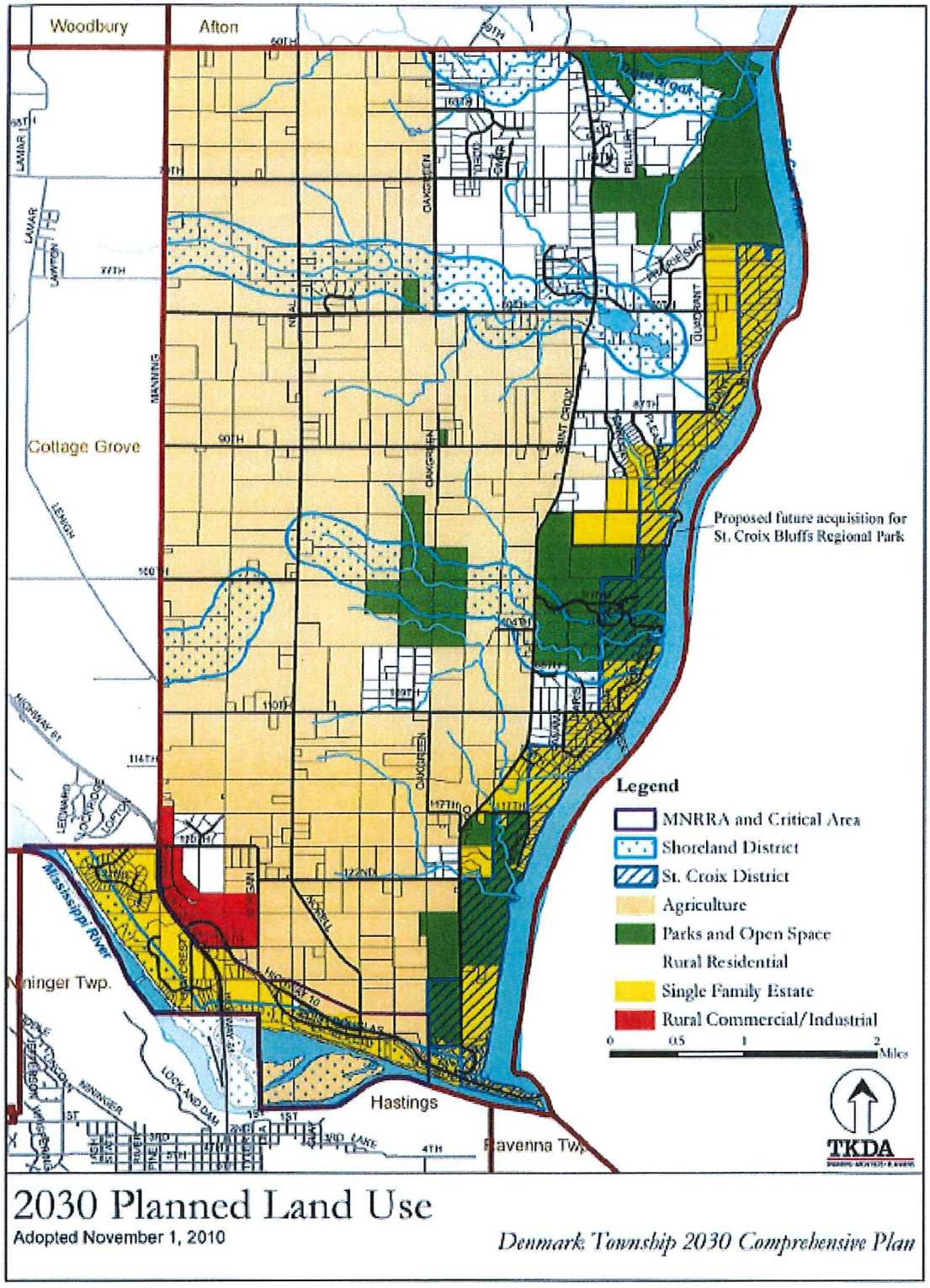
DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 3: Regional Development Plan, Thrive MSP2040 Framework Planning



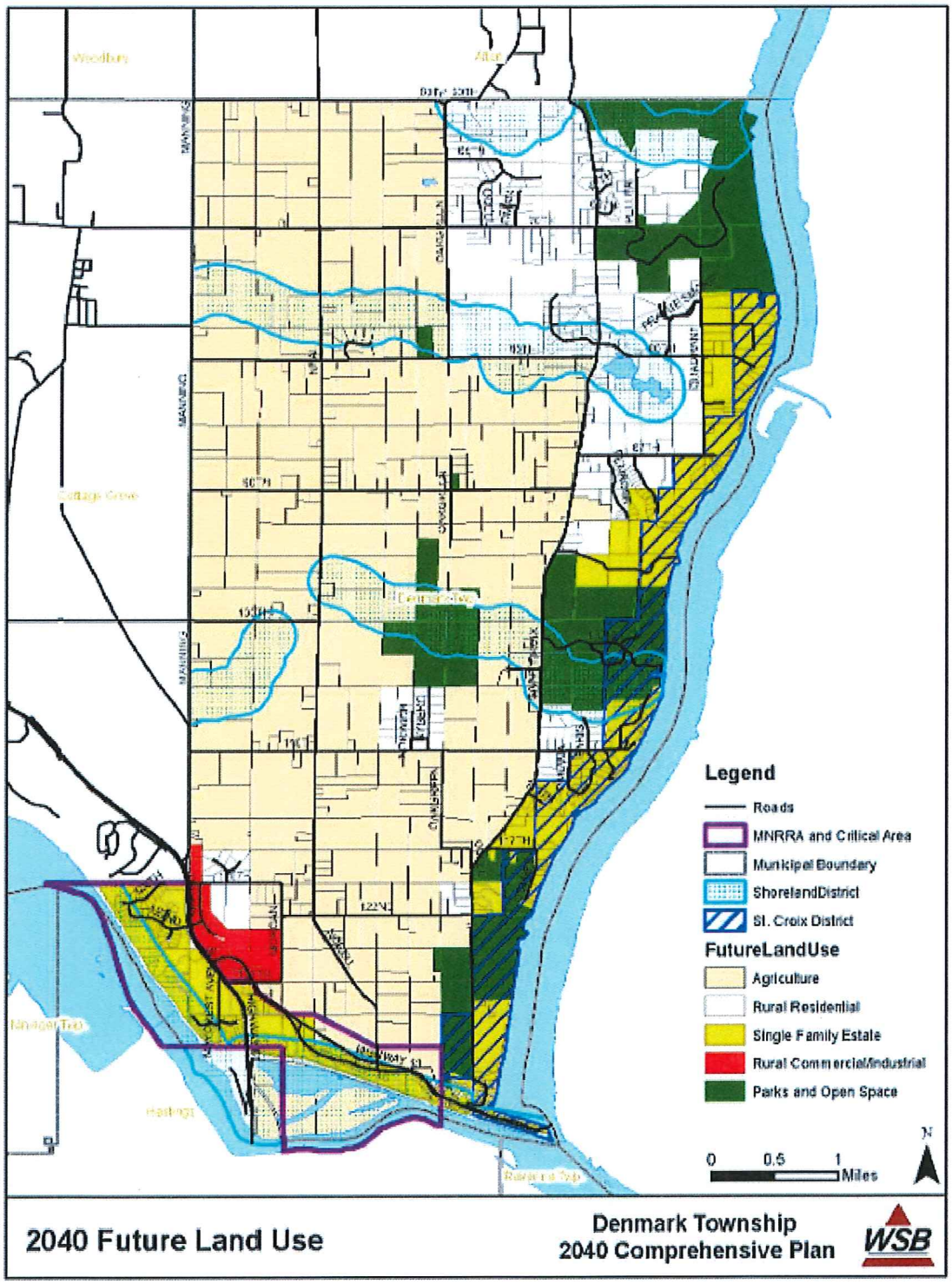
DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 4: 2030 Future Land Use Plan



DenmarkTownship_2040_ComprehensivePlan.pdf Download

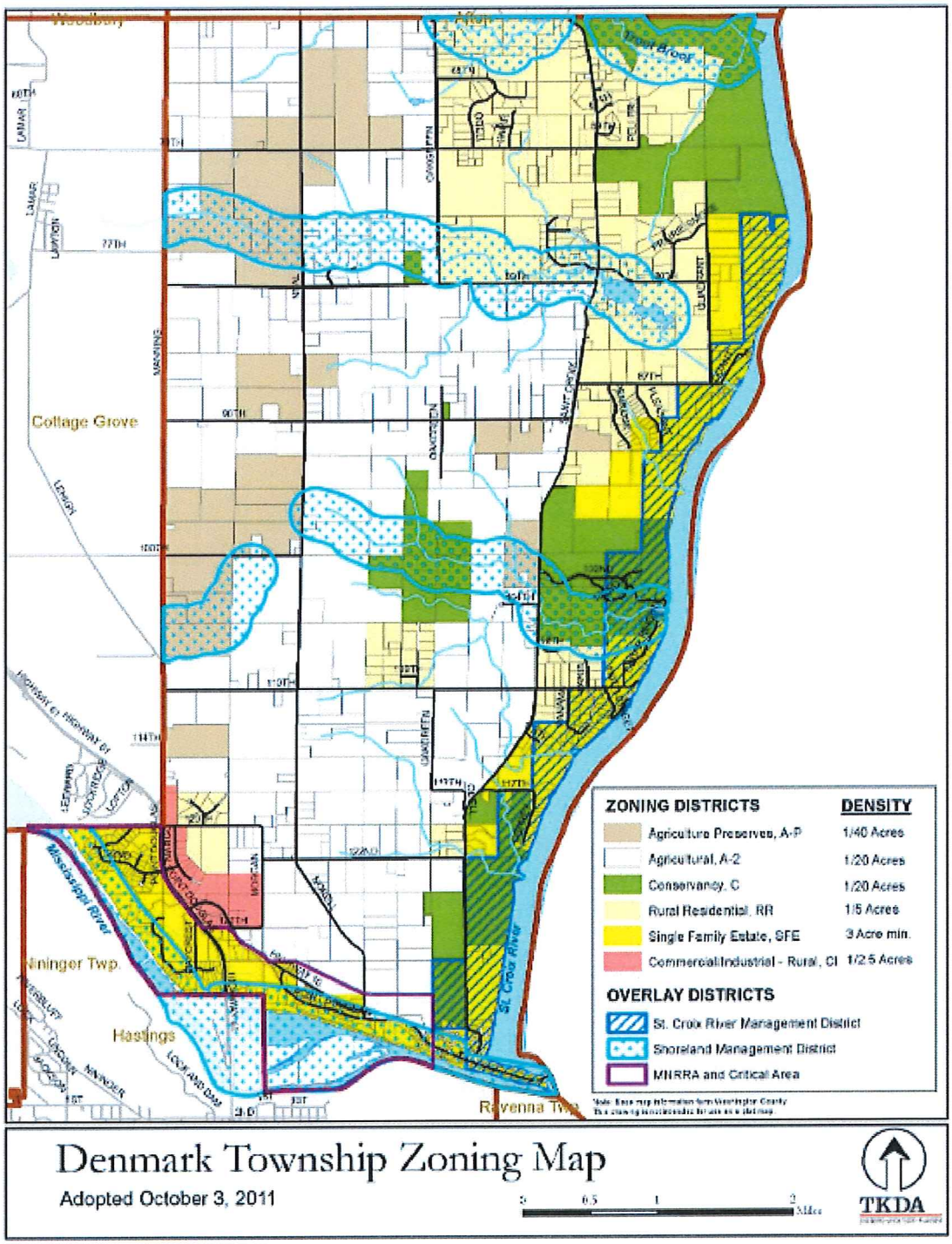
Figure 5: 2040 Future Land Use Plan



90%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 33: Zoning Map



90%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Water Supply

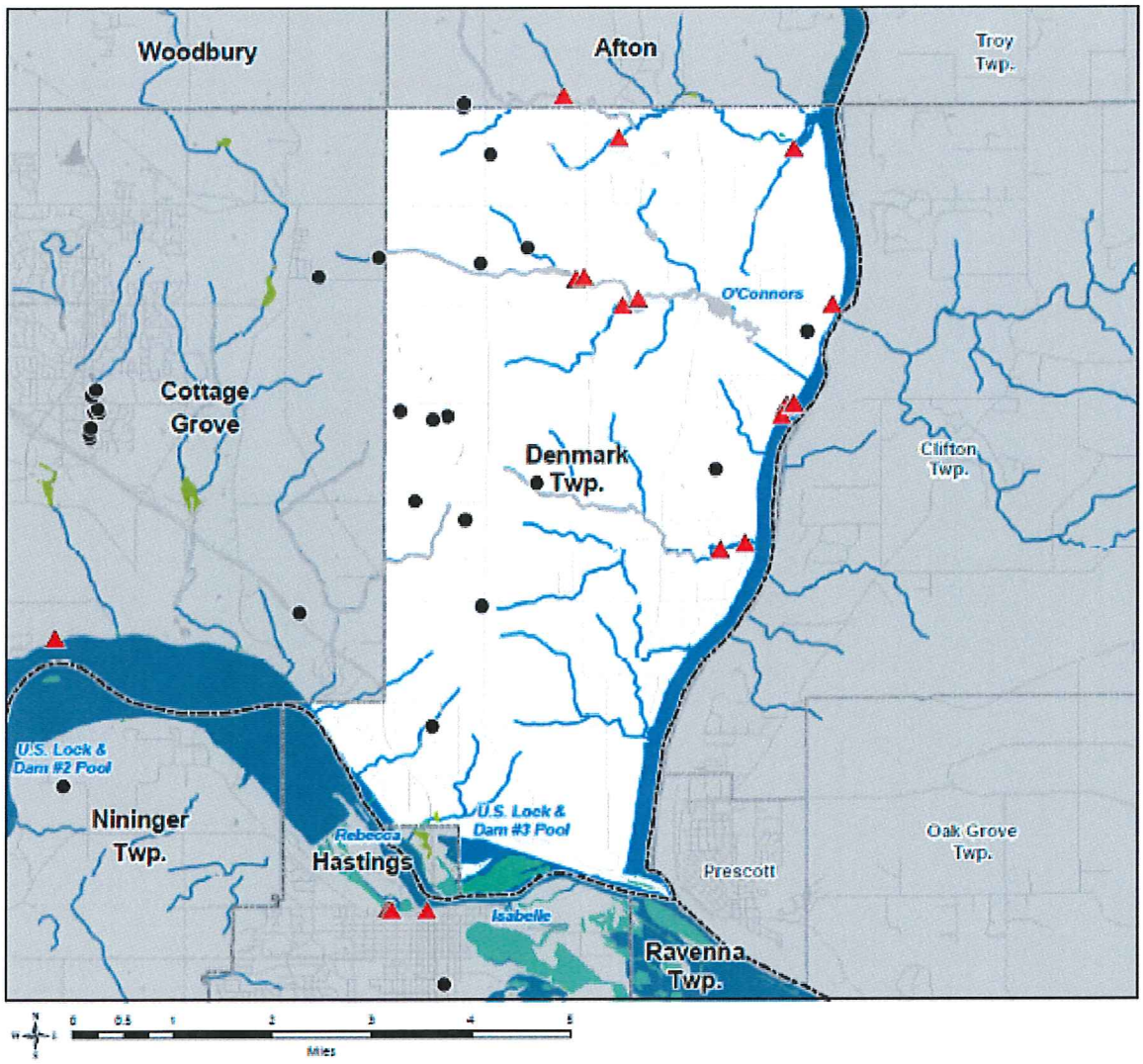
Private wells and community water supply systems are regulated by the State of Minnesota, Department of Health. Community wells are options for Open Space Design subdivisions under the regulations of the Denmark Township Development Code. There is one existing community well in the Eagles Watch subdivision, the neighborhood located west of Highway 61 at 122nd Street. The Township will continue to cooperate with Washington County in its efforts to implement the Washington County Groundwater Plan. There are no public water supply systems planned for Denmark Township.

Denmark Township is located within the priority sampling area for testing private wells to determine if water from the well exceeds current guidance values for PFCs as set by the Minnesota Department of Health (MDH). To date, no wells have been identified as having a well advisory. Denmark Township will continue to work with state and local officials regarding potential contamination and the State settlement with its law suit against 3M.

The following maps as provided by Metropolitan Council show how surface waters interact with groundwater and locations of groundwater monitoring and testing.

DenmarkTownship_2040_ComprehensivePlan.pdf Download

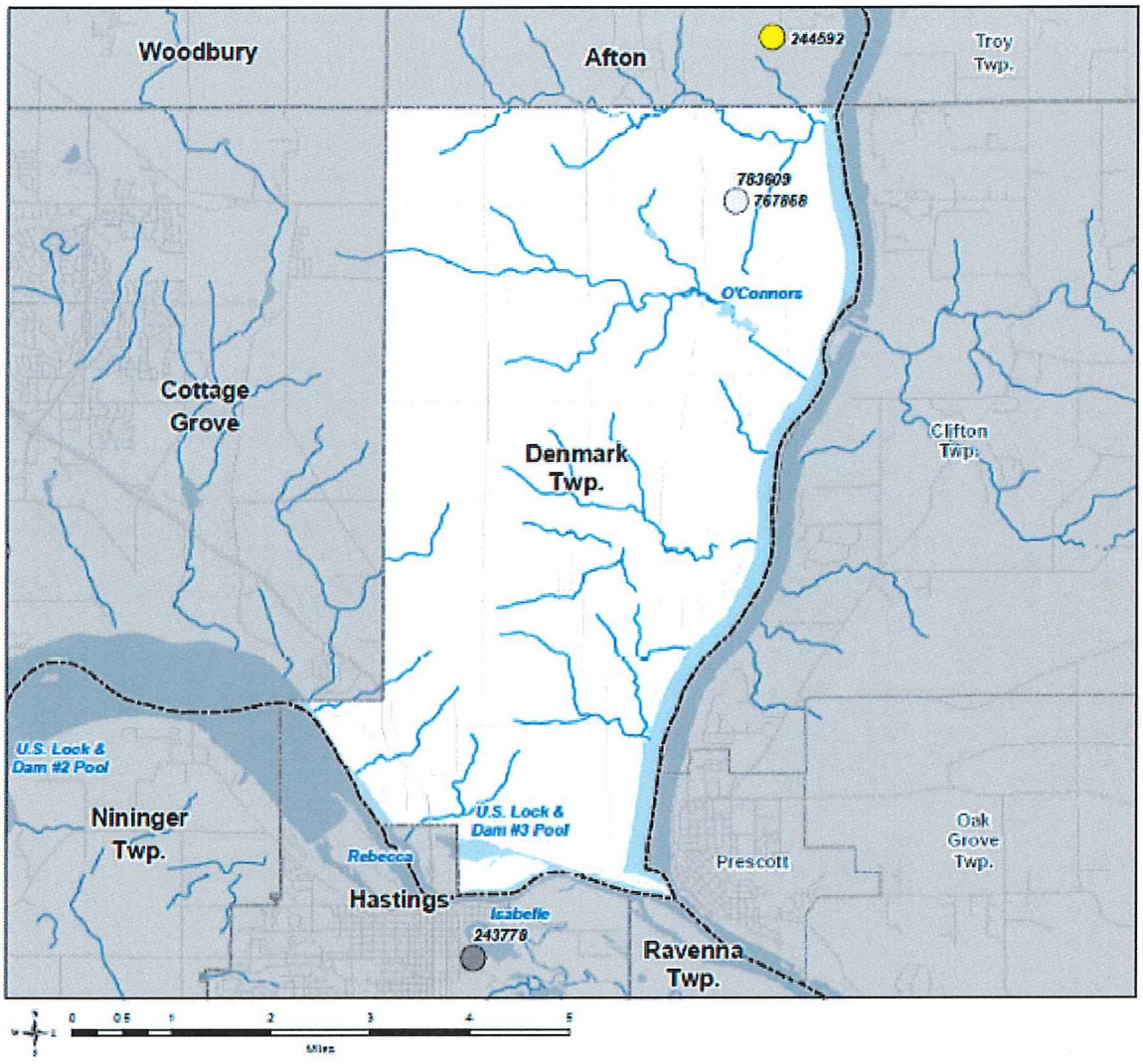
Figure 19: Surface Water and Groundwater Interaction



90%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

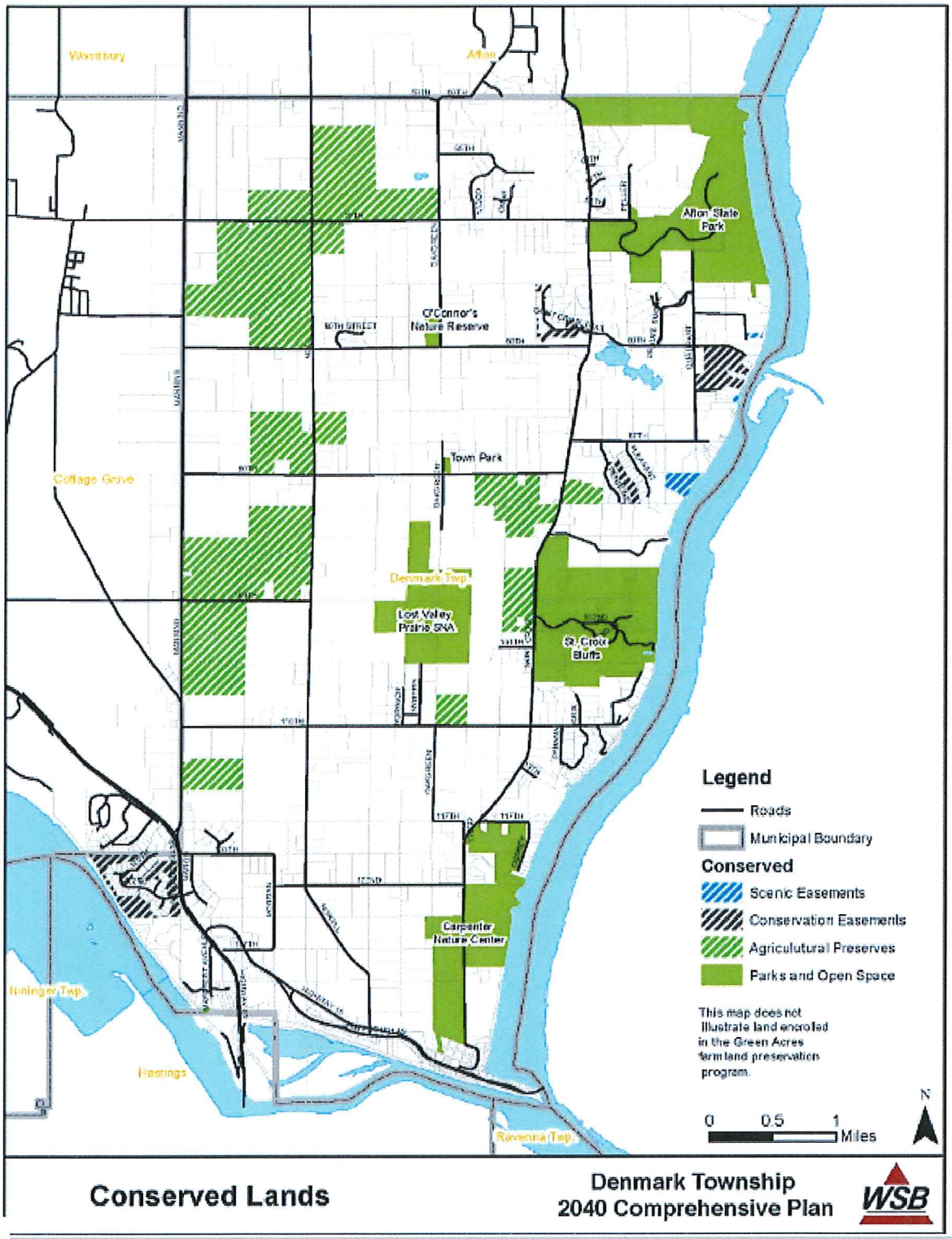
Figure 20: Groundwater Level Monitoring Wells



Minnesota Department of Health aquifer test locations not shown for security reasons. Please contact the MDH for more information.

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 5: Conserved Lands



90%

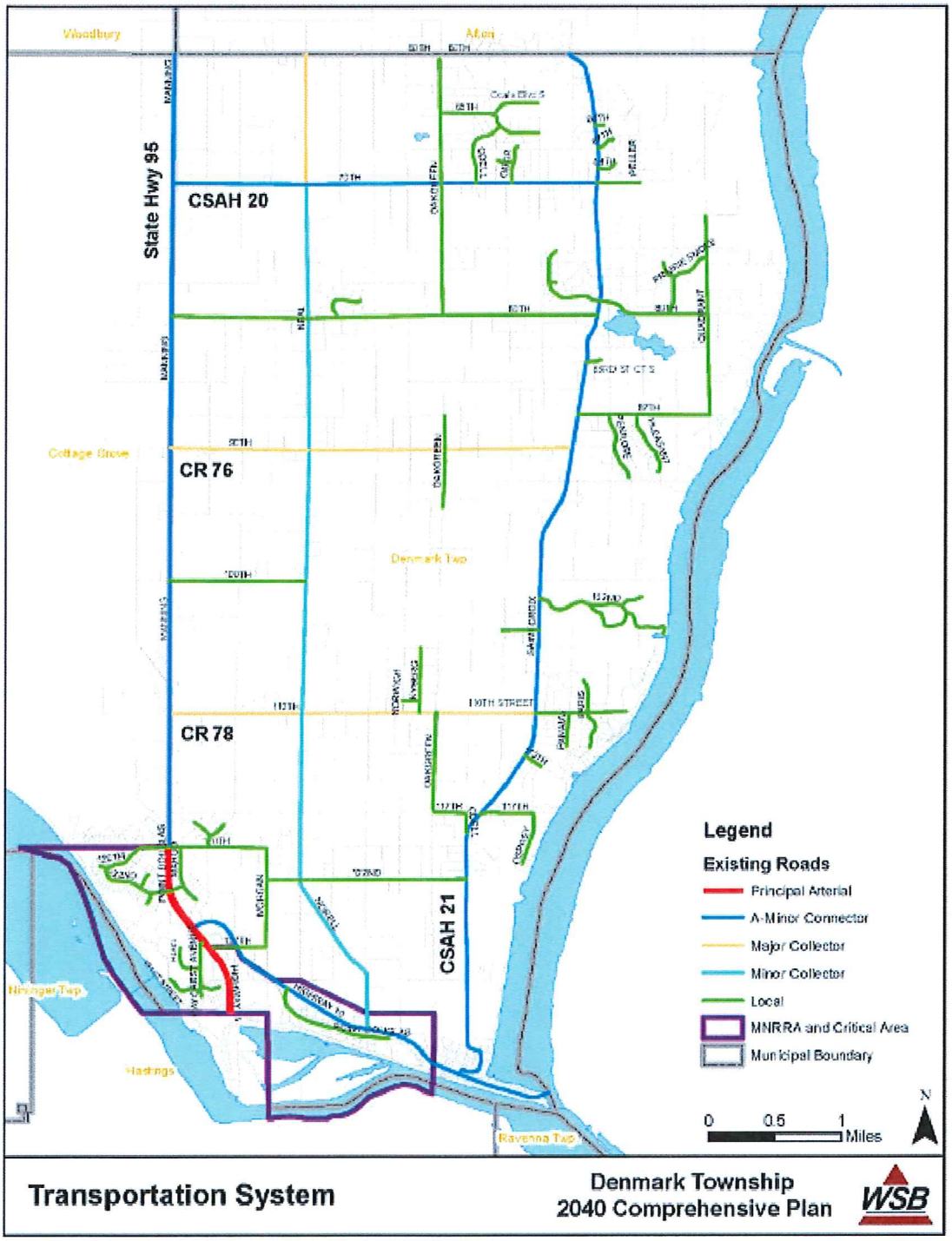
DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 8: Parks and Open Space System

90%

DenmarkTownship_2040_ComprehensivePlan.pdf Download

Figure 11: Township Transportation System



90%

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 29, 2019

Re: Review and Clarification of Elements of the Preservation and Land Conservation Development (PLCD) Ordinance

---

Review of Preservation and Land Conservation Development (PLCD) Ordinance Elements

During the review of the recent PLCD subdivision application, a number of elements of the PLCD ordinance were found to be unclear and in need of clarification and/or revision. The City Council has referred these ordinance elements to the Planning Commission for review and recommendations. A list of the elements to be reviewed, along with background information, is attached.

Background of the PLCD Ordinance

The PLCD ordinance was developed in response to the ordinance that was used to allow the Cedar Bluff development, which was originally approved with lots of less than one acre to be served by a community septic system for which a program of regular inspection and maintenance was required. The trade-off for the higher density and small lots was that 50% of the land was required to be permanently preserved as open space through a conservation easement held by the Minnesota Land Trust.

The current PLCD ordinance requires a development to meet the City's subdivision standards, including the 5-acre minimum lot size standard. The current PLCD ordinance also requires 50% of the land to be permanently preserved as open space through a conservation easement, held by the Minnesota Land Trust and others, and also includes a number of elements which place additional limiting parameters around a subdivision plan.

Review of Language Interpretation, Purpose and Need

The questions that have been raised regarding the elements of the PLCD ordinance have included the interpretation of the language, the purpose of the language, and the need for the language. Both the City Attorney and the City Planning Consultant have provided advice and opinions regarding the interpretation of the language. A review of the earlier versions of the PLCD ordinance could also be helpful in both interpreting the language and determining the original purpose of the language. The earlier versions of the PLCD ordinance are attached. The Planning Commission also has the opportunity to provide its own recommendations regarding the interpretation and purpose of the language and to propose new language to address concerns the Commission may have regarding the current language.

Review Process

Staff recommends the Planning Commission first discuss and determine the process to be used to review and provide recommendations regarding the PLCD ordinance. This could include a review of the earlier versions of the PLCD ordinance and other background information to better understand the purpose of the ordinance and the various elements of the ordinance.

The Commission could then address each of the elements of the ordinance. The following is one potential method of addressing the elements of the ordinance:

1. Review the Purpose of the Language of Each Ordinance Element
    a. Determine what appears to be purpose of the language, i.e. what need or objective it is meant to address or accomplish

b. Determine whether the purpose is still valid
c. Determine whether the purpose should be clarified or revised to address concerns or desires of the Planning Commission

2. Determine whether the language of the ordinance element should be clarified or revised to better accomplish its identified purpose

Shared Driveways

As part of the Planning Commission's review of the PLCD ordinance, the Council has requested that the Planning Commission also review and provide recommendations regarding whether the current prohibition of shared driveways should be revised to allow a shared driveway to enable the creation and preservation of very large lots; for example, if, in the Ag zone, an 80 acre parcel is proposed to be subdivided into two 40 acre lots, or a 40 acre parcel is proposed to be subdivided into two 20 acre lots and the property owner agrees to place the lots into a conservation easement that prohibits further subdivision of the lots. The shared driveway option would be an alternative to a PLCD subdivision, and would enable the creation of two or three very large lots without the requirement of a public road.

Planning Commission Direction Requested:

Motion regarding the review and clarification of elements of the Preservation and Land Conservation Development (PLCD) Ordinance

PLCD Ordinance Elements to be Clarified and/or Revised

1. Sec. 12-2376. Density, Frontage 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.

   Questions were raised regarding whether the maximum density allowed is 3 units per qtr-qtr section or 4 units per qtr-qtr section. The Comprehensive Plan, under the housing and land use policies, specifically indicates that with a PLCD the maximum density is 4 units per qtr-qtr section, (see the language in bold below) but this language is not found anywhere in the zoning code. The zoning code should be revised to include this language.

The City of Afton establishes the following housing and land use policies:

1. *The City shall maintain the current densities for the following land use classifications:*
   a. *Agricultural– 3 dwelling units per quarter-quarter section.*
   b. *Preserve Agricultural Preserves - 0 or 1 dwelling unit per quarter-quarter section.*
   c. ***Agricultural with a Preservation and Land Conservation Development and a minimum of 80 acres– 4 dwelling units per quarter-quarter section***

2. Sec. 12-2376. Density, Frontage on a Public Street and Length of Cul-de-sac requirements
   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.

   During the consideration of the Afton Creek Preserve PLCD, there were differing interpretations regarding whether this language, by association, also would allow a proportional additional number of lots on a longer cul-de-sac. This should be clarified. See also Item #10 below regarding the cul de sac definition, the length of a cul de sac, and the number of lots allowed on a cul de sac.

3. Sec. 12-2379. General development plan.
   5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

   The question was raised regarding whether the need for a road easement through a developed lot that is part of a previous subdivision and is not part of the PLCD meets this standard. It would be helpful to clarify the meaning of "form a desirable and unified environment within its own boundaries", and/or to add language to the PLCD ordinance that specifically clarifies whether a PLCD can be approved if it requires an access through an existing lot in an adjacent subdivision.

4. Sec. 12-2380. Final development plan.
   E. The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, all of the owners of the lots and parcels to be created in the PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel(s), within the PLCD to the number of dwelling units approved for the PLCD and the land cover and use approved by the City of Afton as a part of this PLCD.

   State Statute strictly limits the holders of conservation easements. Conservation easements cannot be held by individual property owners. The ordinance language needs to be revised to reflect the statutory requirements. Regarding the preservation of the open space outlots, the conservation easement co-held

by the Minnesota Land Trust and the City provides a very strong mechanism for protecting and preserving the open space in perpetuity.
Regarding the prohibition of future subdivision of the residential lots within the subdivision, the conditions of approval of the Afton Creek Preserve PLCD subdivision prohibit the further subdivision of the lots without City approval and require that restrictive covenants be placed on all lots within the subdivision prohibiting subdivision of the lots without the approval of all adjacent lots in the subdivision. The Planning Commission may want to determine whether similar language should be added to the ordinance to address the issue of prohibiting future subdivision of the lots within the subdivision.

5. Sec. 12-2382. 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.

Questions were raised regarding whether the undeveloped parcels were prohibited based on the definition of Outlot below which prohibits outlots in subdivisions having cul de sac streets. The PLCD ordinance language should be clarified to indicate that the undeveloped parcel is to be created as an allowed outlot; and/or the definition of outlot should be revised to indicate open space outlots are allowed in PLCD subdivisions.

12-1256 Definitions
Outlot means a lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site. When an outlot is created, the City shall require a development agreement. ***Outlots are not permitted in subdivisions having cul-de-sac streets.***

6. Sec. 12-2377. Coordination with subdivision regulations.
C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

A clear explanation of what it means to be" joined" to a PLCD is needed. Also, the purpose of this language should be clarified. For example, is the purpose to prevent the transfer of development rights (density) to the PLCD, enabling it to have a greater density (not just more lots, but greater density) than without the addition of the parcel? This density issue may have been addressed with the language in the PLCD ordinance that requires all subdivision requirements to be met, which includes the 5-acre minimum lot size, vs. the previous PLCD-type ordinances that allowed smaller lot sizes.

7. Sec. 12-2379. General development plan.
A. An applicant shall make an application for an Administrative Permit following the procedural steps as set forth in Section 12-78.
Sec. 12-78 relates to Conditional Use Permits, not Administrative Permits. The PLCD ordinance should be revised to require a Conditional Use Permit rather than an administrative permit.

8. Sec. 12-2384. Review and amendments.

E. Any amendment to the PLCD shall require the same procedures as for the application for an Administrative Permit as set forth in this chapter. This language should be changed to require a Conditional Use Permit rather than an administrative permit.

9. Cul de Sac Requirements
During the review of the Afton Creek Preserve PLCD application, there was discussion regarding the definition of a cul de sac and regarding the prohibition of a variance to the number of lots on a cul de sac. The definition of cul de sac is as follows:
Sec. 12-1256 Definitions
Cul-de-sac means a street or portion of a street with one vehicular entrance/outlet leading directly to a through street, and having one turnaround at a single termination.

The key element of the cul de sac definition is that one end of the cul de sac needs to outlet directly to a through street, vs. outletting to another cul de sac. This is a unique definition, in that most cities allow a cul de sac to outlet to another cul de sac, rather than to a through street. The purpose of the definition appears to be limiting the number of lots on a cul de sac. While this was of particular concern when a PLCD-type ordinance could allow lots of less than an acre in size, the 5-acre minimum lot size serves to substantially limit the number of lots on a cul de sac. The Planning Commission may want to provide a recommendation regarding the cul de sac definition.

The following is the ordinance language regarding the length of cul de sacs and the number of lots allowed on a cul de sac. While a variance may be granted for the length of a cul de sac, a variance may not be granted for more than nine lots on a cul de sac. This language raises the question of whether the prohibition against allowing more than nine lots on a cul de sac was based on safety and access considerations or on density considerations or both.

Sec. 12-1379. Cul-de-sac streets.
A. The City Council may permit cul-de-sac streets, after Planning Commission review, by reason of unfavorable land forms or the irregular shape of the land from which the subdivision is being made and a normal street pattern cannot be established. The City Council may also permit cul-de-sac streets to minimize the impacts of the subdivision or proposed street on existing neighborhoods. These impacts may include increased traffic volume or speed, privacy or security of existing neighborhoods and preservation of natural resources or features.
B. ***A cul-de-sac street shall not exceed 1,320 feet in length and shall serve no more than nine lots.*** *Every lot platted on a cul-de-sac street shall have frontage and access on the cul-de-sac street and shall be included in the nine lot limit.* ***A variance may be granted on the length limitation only when it is clearly demonstrated that the length greater than 1,320 feet is necessary for reasons of unfavorable land topography. No variance shall be granted which would allow more than nine lots to be created on a cul-de-sac street.***

10. The Requirements of the Final Plat Approval and the Development Agreement for the Afton Creek Preserve PLCD subdivision include a number of standards that may merit consideration for being added to the PLCD ordinance. The Planning Commission may want to consider reviewing the requirements and determining if any are universal enough to be added to the PLCD ordinance. (A list of requirements potentially appropriate to be added to the PLCD ordinance is attached.)

11. Consider allowing a shared driveway as an alternative to a PLCD to enable a subdivision to serve two or three very large lots, with the condition that a conservation easement be placed on the lots to prevent future subdivision of the lots.

Requirements of the Final Plat Approval and the Development Agreement for Consideration to Add as Performance Standards in the PLCD Ordinance

- In accordance with the submitted seeding plan, pre-development seeding with a prairie grass/wildflower mix shall be provided on all lots and on the open space parcels. Maintenance responsibilities associated with the seeded areas shall also be addressed by the applicant (to the satisfaction of the City).
- 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 Sections 12-1471 to 12-1476 of the subdivision ordinance.
- The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the city.
- Any public walking paths shall be added to the Final Development Plan.
- The City of Afton 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.
- The homeowner's association shall be required to indemnify and hold the city of Afton harmless from all losses incurred as a result of the public's use of the conservation area walking trails.
- Residential lots shall be subject to restrictive covenants in favor of the other lot owners in the development and the City of Afton requiring that 60% of each lot remain planted in natural prairie, forbs, shrubs and trees, 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.
- The Developer shall provide a maintenance agreement to ensure that the permanent stormwater basins will be inspected and maintained long term by the developer or the HOA. The maintenance agreement shall be subject to review and approval by the City Engineer. The agreement at a minimum shall include the following:
    a. Who will conduct maintenance
    b. Inspection frequency
    c. Maintenance necessary to ensure effective performance
    d. Maintenance intervals
    e. Removal of settled materials
    f. Maintenance of vegetation

- All homes must be located where shown on the Final Development Plan, or if a different house location is desired, an administrative permit is required to ensure the new location does not have adverse effects related to drainage, erosion or vegetation.

- The developer shall provide an inventory of existing trees and vegetation in the areas of lots where house locations, septic systems, etc., may require tree removals, as determined by the City Engineer.
- Future subdivision of the PLCD lots shall be prohibited. To enforce this provision, restrictive covenants requiring approval of the subdivision of a PLCD lot by the owners of all adjacent lots shall be recorded on the deeds of all PLCD lots.

ORDINANCE 01-2008

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDMENT TO CHAPTER 12, ARTICLE 7: AN ORDINANCE ALLOWING OPEN SPACE DEVELOPMENTS WITHIN THE AGRICULTURAL AND RURAL RESIDENTIAL DISTRICTS WITH A CONDITIONAL USE PERMIT – PLANNED UNIT DEVELOPMENT (CUP-PUD) AND REPEALING INTERIM ORDINANCE 01-2007

THE CITY COUNCIL OF AFTON ORDAINS THE FOLLOWING AMENDMENTS TO CHAPTER 12 OF THE CITY CODE:

Article XII. Planned Agricultural Unit Development

Division 1. Generally

Sec. 12-2371. Scope.
Sec. 12-2372. General Provisions.
Sec. 12-2373. Purpose.
Sec. 12-2374. Permitted uses.
Sec. 12-2375. General Standards for approval.
Sec. 12-2376. Exceptions to Density, Frontage on a Public Street and Length of Cul de sac requirements.
Sec. 12-2377. Coordination with subdivision regulations
Sec. 12-2378. Pre-application meeting.
Sec. 12-2379. General development plan.
Sec. 12-2380. Final development plan
Sec. 12-2381 Enforcement of development schedule
Sec. 12-2382. Conveyance and maintenance of common open space.
Sec. 12-2383. Standards for common and open space.
Sec. 12-2384. Review and amendments.

ARTICLE XII. PLANNED AGRICULTURAL UNIT DEVELOPMENTS

Sec. 12-2371. Scope.

This article applies to Planned Agricultural Unit Developments in the Agricultural (AG) zoning district.

Sec. 12-2372. General provisions.

A PAUD is a tract of land that is developed as a unit under single or unified ownership or controls. A Planned Agricultural Unit 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 specific provisions are made.

Sec. 12-2373. Purpose.

The purposes of this article are:

(1) To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.

(2) 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.

(3) To ensure concentration of open space into more usable areas, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.

(4) To facilitate the economical provision of streets and public utilities.

(5) To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

Sec. 12-2374. Permitted uses.

The Permitted Uses are:

(1) Those uses that are permitted in the underlying zoning district;

(2) Subdivisions that require the construction of a new public street in the AG zoning district;

Sec.12-2375. General standards for approval.

A special use permit shall be required for all planned agricultural unit developments. The city may approve the planned unit development only if it finds that the development satisfies all of the following standards:

(1) The planned agricultural unit development is consistent with the comprehensive plan of the city.

(2) The planned agricultural unit 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 planned agricultural unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

(4) The tract is, at least, a 30 acres in size unless the applicant can show that a PAUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city and that all of the following conditions exist:

(a) 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.

(b) The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.

(c) 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.

(d) The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.

Sec. 12-2376. Exceptions to Density, Frontage on a Public Street and Length of Cul de sac requirements:

(1) The average density over the proposed PAUD shall not exceed the maximum density permitted in the underlying zoning district except that the property owner may be granted a bonus of one dwelling unit per forty contiguous acres preserved in the AG zoning district. All development rights from the preserved forties shall be transferred to the other participating parcel(s) unless the permitted number of lots for dwelling units cannot be platted on the remaining parcel(s), in which case a maximum of one dwelling unit may be permitted on the preserved 40-acre parcel.

(2) The minimum requirement for frontage on an improved public street may be reduced, as long as the minimum lot width at the building setback line is maintained, to encourage and accommodate curvilinear streets that better preserve the rural character or other resources within the PAUD.

(3) 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 PAUD.

Sec. 12-2377. Coordination with subdivision regulations.

(1) It is the intent of this article that subdivision review under Chapter 12 be carried out simultaneously with the review of a planned development under this article.

(2) The plans required under this article must be submitted in a form that will satisfy the requirements of Chapter 12 for the preliminary and final plats.

Sec. 12-2378. Pre-application meeting.

Prior to the submission of any plan to the planning commission, the applicant shall 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 special use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to seek the advice and assistance of the city staff to facilitate the review of the outline plan and preliminary plat.

Sec. 12-2379. General development plan.

(1) An applicant shall make an application for a Special Use Permit following the procedural steps as set forth in Section 12-78.

(2) In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of special use permits, the following additional findings shall be made before the approval of the outline development plan:

(a) The proposed PAUD is in conformance with the comprehensive plan.

(b) 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.
(c) 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.
(d) The PAUD 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.
(e) The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

(3) The following exhibits shall be submitted to the city administrator by the proposed developer as a part of the application for a special use permit:
(a) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
(b) A statement of the present ownership of all the land included within the planned development and a list of property owners within five hundred (500) feet of the outer boundaries of the property.
(c) A general indication of the expected schedule of development including progressive phasing and time schedule.
(d) 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 right-of-ways, utilities, buildings and use for the property and for the area five hundred (500) feet beyond.
(e) Natural features, maps or maps of the property and area five hundred (500) feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
(f) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
(g) Full description as to how all necessary governmental services will be provided to the development.
(h) An engineering report presenting results of percolation tests and soil analysis of the site.
(i) Any additional information requested by the city administrator, planning commission and city council that might be required for clarification of the proposed project.
(j) Twenty-five (25) copies of all required information shall be submitted.

(4) The applicant shall also submit a preliminary plat and all the necessary documentation as required under Chapter 12 for all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the special use permit and preliminary plat may be combined into one (1) hearing or may be held concurrently.

Sec. 12-2380. Final development plan.

(1) Within ninety (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.

(2) The city administrator shall submit the final development plan and the final plat to the planning commission for review.

(3) 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.

(4) 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 special use permit to the applicant.

(5) The applicant(s) shall grant a Conservation Easement to the City of Afton and all of the owners of the lots and parcels to be created in the PAUD which restricts the lots and parcels within the PAUD to the number of dwelling units approved for the PAUD and the land cover and use approved by the City of Afton as a part of this PAUD.

(6) The applicant(s) shall grant a Conservation Easement to the City of Afton, the Minnesota Land Trust (or similar independent third party approved by the City of Afton) and all of the owners of the lots and parcels to be created in the PAUD which restricts the development rights on the preserved parcels on forty or more acres within the PAUD to the number of dwelling units approved for the preserved parcel and the land cover and use approved by the City of Afton as a part of this PAUD.

Sec. 12-2381. 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 (6) 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 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 shall forward this information to the city council, which may revoke the planned unit development permit.

Sec. 12-2382. Conveyance and maintenance of common open space.

(1) All land shown on the final development plan as common open space 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 common open space must be conveyed to the homeowners association or similar organization subject to covenants to be approved by the city council which restrict the common open space to the uses specified on the final development plan and which provide for the maintenance of the common open space in a manner which assures it continuing use for its intended purpose.

(2) If a homeowners association is created, the applicant shall submit plans at the time of final plan of development and documents which explain:
(a) Ownership and membership requirements.
(b) Articles of incorporation and bylaws.
(c) Time at which the developer turns the association over to the homeowners.
(d) Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.

Sec. 12-2383. Standards for common or open space.

No open area may be approved as common open space under the provisions of this article unless it meets the following standards:

(1) The location, shape, size, and character of the common open space must be suitable for the planned development.

(2) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space 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.

(3) Common open space 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 common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Sec. 12-2384. Review and amendments.

(1) The city administrator shall review all PAUDs 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 PAUD districts. If the city administrator finds that the development has not commenced within one (1) year after the original approval of the special use for the PAUD, the city administrator may recommend that the city council revoke the special use permit as set forth in Section 12-78 of this chapter. 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.

(2) For additional phases of the PAUD, if within five (5) years 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 PAUD, the city council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

(3) 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.

(4) 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.

(5) Any amendment to the PAUD shall require the same procedures as for the application for a special use permit as set forth in this chapter.

(6) This Ordinance shall be in full force and effect from the date of the publication of this Ordinance. This Ordinance shall be repealed effective February 1, 2002 unless the City Council adopts an Ordinance prohibiting the re-subdivision of lots of less than ten acres that are platted in the Rural Residential Zoning District by that date.

This ordinance also repeals interim ordinance 01-2007, which had established a moratorium on land use applications for Open Space Developments and the issuance of permits for Conditional Uses – Planned Unit Developments in the Agricultural and Rural Residential land use districts.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 9th DAY OF JANUARY, 2008.

SIGNED:

Julia K. Welter, Mayor

ATTEST:

Shelly K. Strauss, City Administrator

Motion By:	Welter
Second By:	Nolz
Mucciacciaro:	No
Richter:	Yes
Nolz:	Yes
Nelson:	No
Welter:	Yes

ORDINANCE 06-2008

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE TO AMEND CHAPTER 12, LAND USE, BY AMENDING SECTION 12-145 AND AMENDING ARTICLE XII, TO ALLOW PRESERVATION AND LAND CONSERVATION DEVELOPMENTS IN THE AGRICULTURAL DISTRICT.

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

SECTION 1. Section 12-145 of the Afton Code of Ordinances is hereby amended to read as follows:

Sec. 12-145. Preservation and Land Conservation Development (PLCD) ~~Planned Agricultural Unit Development (PAUD)~~ Overlay District.

(a) Purpose. 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, ~~in the AG zoning district~~ as provided in Article XII of Chapter 12.

(b) Permitted uses. As permitted and regulated under Chapter 12.

SECTION 2. Article XII of the Code of Ordinances is hereby amended to read as follows:

ARTICLE XII. AFTON PRESERVATION AND LAND CONSERVATION DEVELOPMENTS ~~PLANNED AGRICULTURAL UNIT DEVELOPMENTS~~

Sec. 12-2371. Scope.

This article applies to ~~Planned Agricultural Unit Development (PAUD)~~ Preservation and Land Conservation Developments (PLCD) in the Agricultural (AG) zoning district.

Sec. 12-2372. General provisions.

A ~~PAUD~~ PLCD is a tract of land that is developed as a unit under single or unified ownership or controls. A ~~Planned Agricultural Unit Development~~ 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 ordinance. ~~provisions are made~~.

Sec. 12-2373. Purpose.

The purposes of this article are:

(1) To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.

(2) 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.

(3) To ~~ensure concentration of~~ preserve open space ~~into more usable areas~~, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.

(4) To facilitate the economical provision of streets and public utilities.

(5) To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

Sec. 12-2374. Permitted uses.

The Permitted Uses are:

(1) Those uses that are permitted in the underlying zoning district;

(2) Subdivisions that require the construction of a new public street in the AG zoning district;

Sec.12-2375. General standards for approval.

A conditional use permit shall be required for all ~~planned agricultural unit~~ preservation and land conservation developments. The city may approve the ~~planned unit~~ 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 ~~planned agricultural unit~~ 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 ~~planned agricultural unit~~ 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.

(4) The tract is~~, at least,~~ a minimum of ~~30~~ eighty (80) contiguous acres in size ~~unless the applicant can show that a PLCD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city~~ and that all of the following conditions exist:

(a) 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.

(b) The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.

(c) 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.

(d) 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.

(5) At least fifty (50) percent of the total tract is preserved as an undeveloped parcel.

Sec. 12-2376. ~~Exceptions to~~ Density, Frontage on a Public Street and Length of Cul de sac requirements:

(1) The average density over the proposed ~~PAUD~~ PLCD shall not exceed the maximum density permitted in the underlying zoning district. ~~except that the property owner shall be granted a bonus of one dwelling unit per forty contiguous acres preserved in the AG zoning district. All development rights from the preserved forties shall be transferred to the other participating parcel(s) unless the permitted number of lots for dwelling units cannot be platted on the remaining parcel(s), in which case a maximum of one dwelling unit may be permitted on the preserved 40 acre parcel.~~

(2) The minimum requirement for frontage on an improved public street may be reduced, as long as the minimum lot width at the building setback line is maintained, to encourage and accommodate curvilinear streets that better preserve the rural character or other resources within the ~~PAUD~~ PLCD.

(3) 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 ~~PAUD~~ PLCD.

Sec. 12-2377. Coordination with subdivision regulations.

(1) It is the intent of this article that subdivision review under Chapter 12 be carried out simultaneously with the review of a planned development under this article.

(2) The plans required under this article must be submitted in a form that will satisfy the requirements of Chapter 12 for the preliminary and final plats.

(3) Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

Sec. 12-2378. Pre-application meeting.

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. 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 ~~outline plan and preliminary plat~~ simple sketch plan. The pre-application meeting process is entirely optional for the potential applicant and does not constitute an application within the meaning of this section.

Sec. 12-2379. General development plan.

(1) An applicant shall make an application for a Conditional Use Permit following the

procedural steps as set forth in Section 12-78.

(2) In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of ~~special~~ conditional use permits, the following additional findings shall be made before the approval of the outline development plan:
(a) The proposed ~~PAUD~~ PLCD is in conformance with the comprehensive plan.
(b) 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.
(c) 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.
(d) The ~~PAUD~~ 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.
(e) The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

(3) 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:
(a) 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 ~~planned development~~ preservation and land conservation development regulations.
(b) A statement of the present ownership of all the land included within the ~~planned~~ proposed preservation and land conservation development and a list of property owners within five hundred (500) feet of the outer boundaries of the property.
(c) A general indication of the expected schedule of development including progressive phasing and time schedule.
(d) 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 five hundred (500) feet beyond.
(e) Natural features maps or maps of the property and area five hundred (500) feet beyond showing contour lines at no more than two-foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
(f) A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
(g) Full description as to how all necessary governmental services will be provided to the development.
(h) An engineering report presenting results of percolation tests and soil analysis of the site.
(i) Any additional information requested by the city administrator, planning commission and city council that might be required for clarification of the proposed project.
(j) Twenty-five (25) copies of all required information shall be submitted.

(4) The applicant shall also submit a preliminary plat and all the necessary documentation as required under Chapter 12 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 (1) hearing or may be held concurrently.

Sec. 12-2380. Final development plan.

(1) Within ninety (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.

(2) The city administrator shall submit the final development plan and the final plat to the planning commission for review.

(3) 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.

(4) 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.

(5) The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, all of the owners of the lots and parcels to be created in the ~~PAUD~~ PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel(s), within the PLCD to the number of dwelling units approved for the ~~PAUD~~ PLCD and the land cover and use approved by the City of Afton as a part of this ~~PAUD~~ PLCD. If neither Minnesota Land Trust nor any comparable organization will accept the Conservation Easement the City of Afton, in its sole discretion, may upon a specific finding that no conservation organization will accept a Conservation Easement, waive such requirement. In the case of such waiver, the applicant(s) shall be required to extend the grant of a Conservation Easement to the owners of property that abuts all abutting property to the PLCD.

Sec. 12-2381. 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 (6) 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 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 shall forward this information to the city council, which may revoke the ~~planned unit development~~ PLCD permit.

Sec. 12-2382. Conveyance and maintenance of ~~common open space~~ undeveloped parcel.

(1) All land shown on the final development plan as ~~common open space~~ 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 ~~common open space~~ 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 ~~common open space~~ undeveloped parcel to the uses specified on the final development plan and which provide for the maintenance of the ~~common open space~~ undeveloped parcel in a manner which assures it continuing use for its intended purpose.

(2) If a homeowners association is created, the applicant shall submit plans at the time of final plan of development and documents which explain:
   (a) Ownership and membership requirements.
   (b) Articles of incorporation and bylaws.
   (c) Time at which the developer turns the association over to the homeowners.
   (d) Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.

Sec. 12-2383. Standards for ~~common or open space~~ undeveloped parcel.

No open area may be approved as common ~~open space~~ undeveloped parcel under the provisions of this article unless it meets the following standards:

(1) The location, shape, size, and character of the ~~common open space~~ undeveloped parcel must be suitable for the planned development.

(2) ~~Common open space~~ The undeveloped parcel must be used for amenity or recreational purposes. The uses authorized for the ~~common open space~~ 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.

(3) ~~Common open space~~ 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 ~~common open space~~ undeveloped parcel must be appropriate to the uses which are authorized for the ~~common open space~~ undeveloped parcel and must conserve and enhance the amenities of the ~~common open space~~ undeveloped parcel having regard to its topography and unimproved condition.

Sec. 12-2384. Review and amendments.

(1) The city administrator shall review all ~~PAUDs~~ 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 ~~PAUD~~ PLCD districts. If the city administrator finds that the development has not commenced within one (1) year after the original approval of the ~~special~~ conditional use for the ~~PAUD~~ PLCD, the city administrator may recommend that the city council revoke the conditional use permit as set forth in Section 12-78 of this chapter. 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.

(2) For additional phases of the ~~PAUD~~ PLCD, if within ~~five (5)~~ two (2) 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 ~~PAUD~~ PLCD, the ~~city council~~ Planning Commission shall hold a public hearing at which time all

interested parties will be given an opportunity to be heard.

(3) 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.

(4) 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.

(5) Any amendment to the ~~PAUD~~ PLCD shall require the same procedures as for the application for a conditional use permit as set forth in this chapter.

(6) This Ordinance shall be in full force and effect from the date of the publication of this Ordinance.

SECTION 3. This amendment shall be in full force and effective immediately following its passage and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 15th DAY OF APRIL, 2008.

SIGNED:

Julia K. Welter, Mayor

ATTEST:

James E. Norman, City Administrator

Motion By: Richter
Second By: Welter
Mucciacciaro: No
Richter: Aye
Nolz: Aye
Nelson: No
Welter: Aye

ORDINANCE 02-2008

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDMENT REPEALING ORDINANCE 46-2004, ORDINANCE 15-2004, ORDINANCE 2-2006 AND ORDINANCE 5-2006, REMOVING ALL CHANGES TO SECTIONS OF THE ZONING ORDINANCE REFERENCES IN THESE ORDINANCES AND REINSTATING PREVIOUS LANGUAGE AND REPEALING INTERIM ORDINANCE 02-2007 AND INTERIM ORDINANCE 04-2007

Reference Table for this Document 1
Organization 2-152. 1
Sec. 12-55. Definitions 1
Sec. 12-132, Subdivision (a) 3
Sec. 12-132, Subdivision (b) 4
Sec. 12-134 Uses 5
Sec. 12-142. Village historic site, residential (VHS-R) and village historic site, commercial (VHS-C) zoning districts. 15
Sec. 12-196. Parking 16
Sec. 12-637. Minimum district dimensional requirements., Subdivision (a) 16

THE CITY COUNCIL OF AFTON ORDAINS THE FOLLOWING AMENDMENTS TO CHAPTER 12 OF THE CITY CODE:

Organization 2-152.

The commission, when formed, shall elect from its members such officers as it may deem necessary. The commission shall have the power to designate and appoint from its members various committees. The commission shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Article, which are not inconsistent with the laws of the city and the state. The commission shall make an annual report, containing a statement of its activities and plans to the City Council. The Heritage Preservation Commission shall also function as the design and review committee, of which the duties of the committee are specified in section 12-142 (g).

Sec. 12-55. Definitions

~~*Sight Triangle* means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the site distance of motorists entering or leaving the intersection.~~

Sec. 12-132, Subdivision (a) VHS-C

(6) Front yard setback for all structures ~~measured~~ from centerline ~~(except for the VHS-C district which is measured from the lot line)~~

a. Local Afton Roads — 65 ~~0~~*****

b. State and County Hwys. — 65 ~~0~~*****

~~***** subject to all corner lots meeting an 80 foot sight triangle.~~

(11) Maximum site coverage by any structure and/or impervious surface

A	RR	VHS-R	VHS-C	I	MS
10% or 1/2A	10% or 1/2A	~~20%~~ 10%^ ^^ * or 4,350 sf	~~20%~~ 10%^ ^^ * or 4,350 sf	25%^25%	

^ ~~The maximum site coverage and/or impervious surface in the VHS-R and VHS-C Districts may exceed 20 percent per conditional use permit approval and variance review from the DNR subject to the site not exceeding a maximum of 80 percent impervious surface and meeting the requirements of Section 12-132 (b)(12).~~

~~The maximum site coverage and/or impervious surface in the Industrial District may exceed 25 percent per conditional use permit approval subject to the site not exceeding a maximum of 65 percent and meeting the requirements of Section 12-132 (b)(12) and 12-132(c)(1-4). Any site with coverage and/or impervious surface in excess of 25 percent shall require an effective reduction of the impact of such impervious surface to the equivalent of 25 percent impervious surface site coverage through the use of Low Impact Design (LID) methods and the completion and acceptance by the City Engineer, Washington Conservation District (WCD) engineer, and Valley Branch Watershed Organization (VBWO) engineer of the Impervious Surface Worksheet, as set forth in the City of Afton Best Management Practice (BMP) and Storm water Guide .~~

~~The maximum site coverage and/or impervious surface in the Agriculture or Residential District may exceed 10% per conditional use permit approval, for places of worship and facilities for institutionalized persons, provided the site does not exceed a maximum of 25% impervious surface and meeting the requirements of Section 12-132(b)(12) and 12-132(c)(1-4).~~

~~All uses, except for single family residences and agricultural uses and for any use within the VHS-R or VHS-C district, which require a Conditional Use Permit for approval must adhere to Section 12-132(c).~~

^^ ~~The maximum site coverage and/or impervious surface in the VHS-C and VHS-R District may exceed 20 percent per conditional use permit approval provided the project can demonstrate to the City Engineer, WCD engineer, and Lower St. Croix Water Management Organization (LSCWMO) engineer through the use of green, volume control reduction and pervious technologies (e.g. pervious pavers and green roofs) that the result in the reduction of the impact of such impervious surface would be reduced to the equivalent of 20% impervious surface site coverage through the use of Low Impact Design (LID) methods and the completion and acceptance by the City Engineer, Washington Conservation District (WCD) engineer, and Lower St. Croix Water Management Organization engineer (LSCWMO) of the Impervious Surface Worksheet, as set forth in the City of Afton Best Management Practice (BMP) and Storm water Guide . Provided the following conditions of this ordinance, along with the other~~

~~requirements of the Floodplain Regulations Chapter, the Lower St. Croix River Bluffland and Shoreland Management Chapter, and Section 12-142, and any and all other relevant sections of this chapter are met with the approval of the City Engineer, the WCD engineer, and LSCWMO engineer, a DNR variance to exceed the 20% maximum site coverage shall not be required by the DNR. However, the DNR shall be notified of any application in which there is change to the maximum site coverage no less than 20 days prior to a public hearing. Provided a variance to the DNR is not required Section 12-132(b)(12) shall be exempted.~~

~~* Should the City Engineer, LSCWMO or VBWO engineer, and WCD engineer certify the reduction of the impact of such impervious surface would be reduced to the equivalent of 20% impervious surface site coverage in the VHS-C and/or VHS-R District or 25% in the Industrial District, as well as meeting and/or exceeding all of the other remaining conditions as set forth in the City of Afton Best Practice (BMP) and Storm water Guide the applicant shall be exempted from having to secure a cash escrow deposit and/or irrevocable letter of credit as required in Section 12-132(e)(5).~~

Sec. 12-132, Subdivision (b)

(12) Site coverage (impervious surfaces) ~~in the VHS-R, VHS-C, and Industrial Districts, and~~ for ~~places of worship and facilities for institutionalized persons shall be~~ churches and institutional housing permitted by Conditional Use Permit in the RR zoning district may exceed their allotted maximum impervious surface allowance, ~~also places of worship and facilities for institutionalized persons shall be allowed to go up to a maximum site coverage of 25% in the Agricultural and Residential Zoning District, with a Conditional Use Permit~~ provided that:

a. The ~~applicant shall test the~~ soils on the land ~~in order to determine if the soils~~ will support the structures and required on-site sewage treatment systems, parking areas, driveways and other proposed impervious surface. ~~The test should also~~ The site shall demonstrate ~~show if the proposed~~ development does not poses ~~any~~ significant risk of erosion, groundwater contamination or surface water discharge in excess of standards used by the watershed district and the Washington Soil and Water Conservation District. In addition, whenever possible low impact development methods shall be used to mitigate any groundwater discharge; and

b. The applicant will restrict its surface water runoff to predevelopment rates to be in conformance with the watershed district rules and regulations; and

~~b. The applicant must submit for City staff review the rates and volumes discharging from the site calculated from the 2, 10, and 100 year storm events as well as the ten day 100 year snowmelt event for both pre-development and post-development conditions of the site; and~~

c. The applicant will restrict its surface water runoff volumes to those volumes that would have been generated from the site had it been developed to have 10% of the parcel covered with impervious surfaces. That applicant shall prove that runoff equal to ¾ inch times the total impervious surface area minus ¾ inch times 10% of the impervious area shall infiltrate within 72 hours based on the infiltration rate of the soil. No infiltration basin shall be deeper than 2 feet. The bottom of all infiltration basins shall be a minimum of 2 feet above the seasonal high water table; and

~~e. The applicant will restrict its post-development surface water runoff from the site to predevelopment rates, and be in conformance with the watershed district rules and regulations; and~~

~~d. The applicant shall prove that runoff volume equal to ¾ inch times the total impervious surface area minus ¾ inch times 20 percent of the impervious area (25 percent of the impervious area for Industrial District and for Places of Worship and facilities for institutionalized persons in the Agricultural and Rural Residential Districts) shall infiltrate within 72 hours based on the infiltration rate of the soil. The bottom of all infiltration basins shall be a minimum of 2 feet above the seasonal high water table; and~~

~~e. The applicant may be directed by the City Administrator and/or City Council to have the a plan submitted o the Department of Natural Resources, the appropriate WMO, and County department for further review, prior to the city making a determination on the percentage of impervious surface allowed; and~~

~~f. For all properties within the Lower St. Croix River Bluffland and Shoreland Management District that exceed the DNR maximum allowed percentage of impervious surface (Reference Sec. 12-1636), a variance must be sought and forwarded to the DNR and a condition shall be in place that shall require annual monitoring by the applicant to ensure compliance with upkeep and maintenance of the facilities used to mitigate the effects of the impervious cover; and~~

~~g. Should the City Engineer determine that the maximum impervious surface coverage that the subject site can handle is less than the maximum allowed in the district per Section 12-132 (a)(11), the applicant shall not be allowed a variance to the extent of the maximum impervious coverage allowed, rather the applicant should submit alternative designs meeting the standards acceptable to the City; and~~

~~h. The City Administrator may require additional deposit via a letter of credit or performance bond; and~~

~~i.~~d. The development proposed by the applicant is in harmony with the goals of the Comprehensive Plan.

~~j. The maximum site coverage for places of worship and facilities for institutionalize persons in the Rural Residential and Agriculture District does not exceed 25 percent of the area of the parcel.~~

Sec. 12-134 Uses

	Agricultural (A)	Rural Residential (RR)	VHS-Residential (VHS-R)%	VHS-Commercial (VHS-C)	Industrial (I)	Marine Services (MS)
~~Two family Dwelling units~~	~~N~~	~~C~~	~~N~~	~~C~~	~~N~~	~~N~~
~~Planned Unit Development~~	~~N~~	~~N~~	~~N~~	~~C~~	~~N~~	~~N~~
~~Multiple family dwellings (six units or less, but no less than two)~~	~~N~~	~~N~~	~~N~~	~~C~~	~~N~~	~~N~~

Sec. 12-142. Village historic site, residential (VHS-R) and village historic site, commercial (VHS-C) zoning districts.

~~(A) *Purpose.* These districts are intended to recognize the unique and special land use qualities and problems of the old village, including small lot sizes and its proximity to the River. The purposes of these regulations are as follows:~~

~~(1) To assure that all uses, new development and construction, building and site rehabilitation, remodeling, property access, parking and pedestrian circulation are in conformity with the comprehensive plan;~~

~~(2) To develop and maintain these districts as an economic, social, and physical asset to the entire city;~~

~~(3) To recognize the unique and challenges of the old village not common to new commercial and residential areas;~~

~~(4) To promote the preservation and protection of the historic village, to enhancing the environmental quality of neighborhoods; and~~

~~(5) To provide an opportunity for all landowners and tenants to be aware of and comment upon all significant activities and development which may affect the well-being of the area.~~

~~(B) *Permitted uses.*~~

~~(1) As permitted by section 12-134; and~~

~~(C) *Conditional uses.*~~

~~(1) As permitted by section 12-134; and as regulated by the standards contained in section 12-78 and subsection (F) of this section.~~

~~(2) Multiple Family Dwellings provided that:~~

~~a. Building includes six (6) dwelling units or less without a PUD.~~

~~(D) Performance standards in the VHS-C District~~

~~(1) Performance standards~~

~~a. Parking~~

(1) The City Council, after receiving comments and recommendation from the Planning Commission, may exempt up to 50% of the off-street parking as required in section 12-196 of the Afton City Code provided the following:

(i) A public parking easement is placed over the remaining 50% of required off-street parking.

(2) The City Council, upon received comments and recommendation from the Planning Commission, may exempt additional required off-street parking provided the applicant pay a parking fee (per deficient parking stall) to be placed in a parking fund used by the City to construct future public parking. The parking deficiency fee shall be defined in the City's fee schedule and adopted by resolution.

b. Individual Septic Treatment Systems (ISTS Systems) and wastewater treatment systems.

(1) Any use which produces more than the flow of a single family house may not be permitted unless an approved system performance, partial soil based or advanced type of water-conserving and/or wastewater pollution reduction system is installed to reduce the volume of flow to that of a single family house or a joint performance, partial soil based or advanced type of water-conserving and/or waste water pollution reduction treatment system which meets and/or exceeds all applicable MPCA and Washington County Wastewater treatment rules and regulations, or whichever is the more restrictive is installed. Any CUP application in which the proposed use would require a joint treatment systems in the VHS district shall be reviewed and deemed acceptable by the Lower St. Croix Water Management Organization and Washington County Public Health prior to the application being accepted by the City.

(2) Washington County, and the City of Afton shall have the right to place additional conditions as part of the approval of any PUD to ensure the health, safety, and welfare needs of the community are met.

(3) All residential, commercial, and mixed uses shall comply with Chapter 12, Article 9 on Sewage in the Afton code of Ordinances.

(4) In addition to allowing utility easements on suitable city property, as far as practical, for existing buildings with failing septic systems, within the VHS District, the city shall also extend a

utility easement, if feasible, to allow for the replacement and/or expansion of a standard septic system into a joint performance, partial soil based or advanced type of wastewater treatment system treatment system or for an approved alternative waste water treatment system which meets and/or exceeds all applicable MPCA and Washington County Wastewater treatment rules and regulations, or whichever is the more restrictive, is installed. (cross reference Section 12-83)

(5) Substandard lots, which cannot support a standard septic system, may be determined to be buildable if an approved performance, partial soil based or advanced type of water-conserving and/or wastewater pollution reducing system, which meets and/or exceeds all applicable MPCA and Washington County Wastewater treatment rules and regulations, or whichever is the more restrictive, is installed.

c. Building Height, Density, maximum site coverage, number of buildings, and design standards.

(1) Building Height

i. No structure except those for public utilities and places of worship shall exceed height of 35 feet (see section 12-132(e)(1)(a)(b)and (c)).

(2) Density and maximum site coverage

i. The maximum site coverage and/or impervious surface in the VHS-C District, for any use or PUD may exceed the 20 percent maximum site coverage provided the applicant is able to demonstrate to the City Engineer, the Washington Conservation District engineer, and Lower St. Croix Water Management Organization engineer the LID calculations from the Impervious Surface Worksheet are deemed acceptable and the applicant is able to comply with all of the other relevant conditions, pertaining to exceeding the site coverage (impervious surface), in Section 12-132 of the Afton City Code..

(3) Lot Size.

i. An applicant shall follow the PUD requirements should the applicant propose two or more principal buildings on any (1) one lot (or contiguous lots under common ownership). All Planned Unit Developments are subject to the conditions of section 12-142(e).

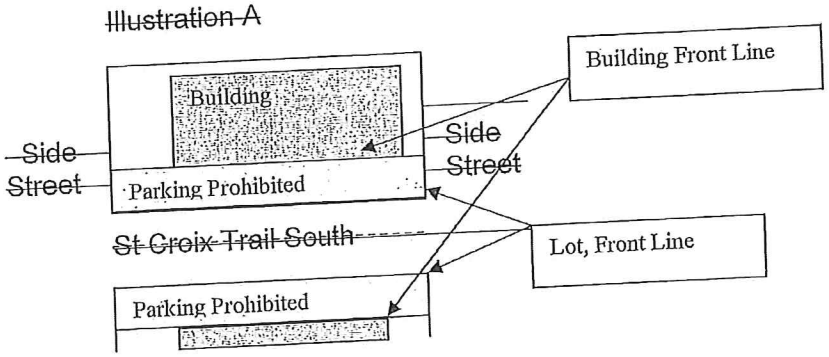
ii. An applicant proposing a mix of both residential and commercial uses shall apply for a PUD.

(4) Design Standards

i. No off-street parking or parking area shall be permitted within the front yard of any building fronting St. Croix Trail South in the VHS-C District. The length of the front yard shall be determined to be a line parallel to the closest point of the building facing St. Croix Trail and extending the entire length of the lot. (See Illustration 12A)

In the VHS-C District, driveway and parking ingress and egresses, along St. Croix Trail South, may be permitted within the front yard provided it meets the driveway access requirements of Section 12-84 of the Afton code.

Illustration A



(5) Uses.

i. Any development and/or building(s) which combine both residential and commercial uses shall constitute a PUD development.

(6) Substandard Lots

i. On substandard lots, meaning less than 22,500 square feet, multiple family and residential and commercial uses shall be allowed provided they follow the PUD requirements of section 12-142(e)(1), as well as all other applicable sections of this chapter.

(E) Planned Unit Developments are only permitted within the VHS-C District

(1) PUD requirements

a. Planned Unit Developments shall be process via a Conditional Use Permit as described in Section 12-78 of this Chapter.

b. The parking requirements of 12-196 and 12-142(d)(1)(a) shall apply to both primary and secondary uses.

c. The PUD shall comply with all of the minimum requirements of Section 12-132(a), (b), and (c) and Sec 12-142(d)(1)(c)(2) of the Afton City Code, with the exception of lots (or contiguous lots under common ownership) of less than 7,500 square feet may have a zero side yard setback.

d. If the proposed PUD cannot meet the requirements as outlined in Section 12-142(e)(1)(c) the project shall be scaled to the point of meeting the minimum requirements as outlined in this code of ordinances. The city shall have the right to deny any application should the PUD not meet the minimum requirements as outlined in this section.

(2) Additional PUD requirements

a. An explanation of the character of the planned development, along with a scaled site plan, including elevations of the proposal.

b. A statement of the present ownership of all land included within the planned development and a list of property owners within five hundred (500) feet of the outer boundaries of the property.

c. A general indication of the expected schedule of development including progressive phasing and time schedule.

e. A map giving the legal description of the property including approximate total square footage and indicating existing property lines and dimensions, ownership of all parcels, easements, street right-of-ways, utilities, buildings for the property and for the area five hundred feet beyond.

f. A plan to remedy traffic problems if requested by city staff, including, but not limited to, advise and direction from the City Engineer and/or Washington County Transportation.

g. A detailed map showing off-street parking and surrounding on-street parking, vehicular and pedestrian circulation and a count of all off-street parking and handicap parking stalls, including any parking exemption calculation as per Section 12-142(d)(1)(a).

h. A photometric plan illustrating the effects of light pollution both on-site and off-site adjacent to any other residential or PUD development with residential housing. All lighting shall comply with section 12-195 of the Afton City Code.

i. A development agreement addressing traffic, environmental, and easement concerns and issues.

j. Any additional information requested by the City Administrator, Planning Commission and City Council that might be required for clarification of the proposed project.

k. (25) copies of all required information shall be submitted at the time of application submittal.

(3) Requirements for the development agreement

a. If it is determined traffic improvements need to be made onto a city street the applicant shall be required to pay 100% for all necessary improvements, along with entering into a development agreement including providing the city with an escrow equal to 150% of the improvement during the duration of construction and following a (1) one year warranty period.

(F) Special Home Occupation (only permitted in the VHS-R District)

(1) Any home occupation which does not meet the specific requirements for a home occupation, as defined in Section 12-228 of the Afton Code of Ordinances shall require an interim use permit which shall be applied for, reviewed and terminated in accordance with the provisions of this Chapter . The application process for a Special Home Occupation shall follow the same minimum requirements as a conditional use permit (see Section 12-79(e)). A special home occupation shall also meet the following requirements:

a. Declaration of Conditions. The Planning Commission and City Council may impose such conditions on the granting of an interim use permit as may be necessary to carry out the purpose and provisions of this Section.

b. Effect of Permit. An interim use permit may be issued for a period of no greater than one (1) year. Prior to the one (1) year expiration notice the city must be made and approval must be granted to reissue the permit. After which a permit may be reissued at a maximum of five (5) year intervals. Notice of the

permit renewal application shall be provided to all property owners of land within five hundred (500') of the boundary of the property in question. The notice shall provide the date of consideration before the Planning Commission and indicate that parties may be heard to consider the application. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

c. Renewal of Permits. An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

d. Transferability. Administrative or interim use permits shall not run with the land and shall not be transferable.

(2) General Provisions

a. No special home occupation licenses shall be issued if the owner of the use does not reside within the principal dwelling and consider his/her place as their permanent place of residence.

b. Absolutely no business shall be transacted between the hours of 10 p.m. and 6 a.m.

c. No more than two signs shall be permitted. One nine (9) square foot wall sign may be permitted and one eight (8) square foot (either permanent or temporary) sign may be located within the front yard of the property.

d. Illuminated signs shall be prohibited in the VHS-R district

(3) A special home occupation permit is limited to the following uses:

i. Retail with less than 900 square feet of retail space
ii. Teaching with musical, dancing and other instruction of which the teaching must be conducted within the principal dwelling
iii. Photo/arts studio

iv. Barber Shop and Beauty Shop consisting of no more than two stations
v. Medical use consisting of no more than 3.0 FTE employees
vi. Office Use consisting of no more than 3.0 FTE employees
vii. Message consisting of no more than 3.0 FTE employees

(4) Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where off-street parking facilities are necessary, the City Council shall maintain the right to establish the maximum number of off-street spaces required and increase or decrease that maximum number when and where changing conditions require additional review.

(G) Design Review

(1) Any application for any building shall undergo a separate review with the design review committee prior to its consideration at the planning commission. When reviewing an application the zoning administrator and the design review committee shall take into consideration:

(a) All work should be of a character and quality that maintains the distinguishing features of the building and the environment. The removal or alteration of distinctive architectural features should be avoided as should alterations that have no historical basis and which seek to create an earlier appearance. The restoration of altered original features, if documental, is encouraged.
(b) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
(c) Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event of replacement, new materials should match the original in composition, design including consideration of proportion, texture and detail, color and overall appearance.
(d) New additions or alterations to structures should be constructed in such a manner that if such conditions or alternations were to be removed in the future, the form and integrity of the original structure would be unimpaired.
(e) The impact of alterations or additions on individual buildings as well as on the surrounding streetscape will be considered; major alterations to buildings which occupy a corner lot or are otherwise prominently sited should be avoided.
(f) New construction should be compatible with the historic and architectural character of the district

~~(g) The city design guidelines that are adopted by the city council as section 12-1621 et seq., provide additional guidance for design review.~~

~~(2) The zoning administrator may apply the guidelines in subsection (1) of this section and section 12-121 et seq., and, if the work is conforming, approve permits for the following types of work without convening the design review committee:~~

~~a. Reroofing~~

~~b. Repair or replacement of porches ,windows, siding, trim and doors if new materials match existing.~~

~~c. Masonry finishing and chimney reconstruction~~

~~(3) The zoning administrator shall convene the design review committee for all types of work, including:~~

~~a. Roof alterations and skylights~~

~~b. Alterations to the front or side elevations visible from the public street including alterations to windows, siding, and entries.~~

~~c. Additions~~

~~d. New construction including any accessory structures exceeding 25 square feet~~

~~e. Demolition~~

~~(4) Exemptions~~

~~(a) Properties abutting Pennington Avenue and west of Pennington Avenue are exempt from the Design review standards of subsection (d) of this section and section 12-1621 et seq.~~

~~(H) Severability. In the event any section, subsection, clause, phrase, or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the City Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.~~

(a) *Purpose.* These districts are intended to recognize the unique and special environmental qualities and problems of the old village. The purposes of these regulations are as follows:

(1) To assure that all uses, new development and construction, building and site rehabilitation, remodeling, property access, parking and pedestrian circulation are in conformity with the comprehensive plan;

(2) To develop and maintain these districts as an economic, social, and physical asset to the entire city;

(3) To recognize the unique and special problems of the old village not common to new commercial and residential areas;

(4) To provide an opportunity for all landowners and tenants to be aware of and comment upon all significant activities and development which may affect the well-being of the area; and

(5) To promote the preservation and protection of historic structures to enhance the environmental quality of neighborhoods and to establish and improve property values.

(b) *Permitted uses.* In addition to those uses permitted by section 12-134, the following uses shall be permitted: Interior remodeling, except those requiring structural alterations and those allowing a more intensive use of the structure.

(c) *Conditional uses.* The following uses shall require a conditional use permit:

(1) All public improvements;
(2) All signs;
(3) All new construction requiring a building permit and exceeding $500.00 in assessed value as determined by the building official; and
(4) All exterior construction, alteration, remodeling or restoration of any structure or sign, except normal maintenance or repairs.

(d) *Standards for granting conditional use permits.* A conditional use permit shall be issued by the zoning administrator if he determines the proposed use satisfies the following conditions and the conditions set forth in section 12-79:

(1) All work should be of a character and quality that maintains the distinguishing features of the building and the environment. The removal or alteration of distinctive architectural features should be avoided as should alterations that have no historical basis and which seek to create an earlier appearance. The restoration of altered original features, if documentable, is encouraged.

(1) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(3) Deteriorated architectural features should be repaired rather than replaced whenever possible. In the event of replacement, new materials should match the original in composition, design including consideration of proportion, texture and detail, color and overall appearance.

(4) New additions or alterations to structures should be constructed in such a manner that if such conditions or alterations were to be removed in the future, the form and integrity of the original structure would be unimpaired.

(5) The impact of alterations or additions on individual buildings as well as on the surrounding streetscape will be considered; major alterations to buildings which occupy a corner lot or are otherwise prominently sited should be avoided.

(6) New construction should be compatible with the historic and architectural character of the district.

(7) The city design guidelines that are adopted by the city council as section 12-1621 et seq., provide additional guidance for conditional use permit design review.

(e) *Special uses.*

(1) As permitted by section 12-134; and

(2) As regulated by the standards contained in section 12-78 and subsection (d) of this section.

(f) *The design review committee.*

(1) *Established; members.* The design review committee ~~appointed by the city council shall assist the zoning administrator in the conditional use design review process. The commission shall consist of five members, four of whom shall be appointed by the city council, and one member appointed by the Afton Historical Society. Any member appointed to serve on the design review committee shall have a demonstrated interest and/or expertise in historic preservation. At least two members must be professional in a field related to preservation (architecture, history, planning, design, construction, law, and so forth).~~ is a function of the Heritage Preservation Commission described in 2-152.

(2) *Determination of level of review; minor work.* The zoning administrator may apply the guidelines in subsection (d) of this section and section 12-1621 et seq., and, if the work is conforming, approve permits for the following types of work without convening the design review committee:

a. Reroofing.

b. Repair or replacement of porches, windows, siding, trim and doors if new materials match existing.

c. Masonry finishing and chimney reconstruction.

(3) *Determination of level of review; major work.* The zoning administrator shall convene the design review committee review of all other types of work, including:

a. Roof alterations and skylights.
b. Alterations to the front or side elevations visible from the public street including alterations to windows, siding, entries, and trim.
b. Additions.
c. New construction, including garages.
d. Demolition.

(g) *Exemptions.*

(1) Properties abutting Pennington Avenue and west of Pennington Avenue are exempt from subsection (d) of this section and section 12-1621 et seq.
(2) Residences constructed after 1940 and before January 1, 1995, shall be exempt from subsection (d) of this section and section 12-1621 et seq., unless the proposed work involves additions, the construction of new accessory buildings or demolition.

Sec. 12-196. Parking

~~(e) Reduction of number. Off-street parking spaces in the VHS-C District may be reduced in number provided they meet the conditions of Section 12-142(d)(1)(a).~~

(e) *Reduction of number*. Off-street parking spaces shall not be reduced in number unless such number exceeds the requirements set forth herein.

Sec. 12-637. Minimum district dimensional requirements., Subdivision (a)

	Rural	VHS
(9) Maximum total lot area covered by impervious surface	10% (1 ½ acre)	10 percent or 4,350 sq. ft., whichever is greater ~~20%~~

This ordinance also repeals interim ordinance 02-2007 and interim ordinance 04-2007, which had established a moratorium on land use applications and the issuance of permits within the VHS-C land use district.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 9th DAY OF JANUARY, 2008.

SIGNED:

Julia K. Welter, Mayor

ATTEST:

Shelly K. Strauss, City Administrator

Motion By:	Welter
Second By:	Richter
Mucciacciaro:	No
Richter:	Yes
Nolz:	Yes
Nelson:	No
Welter:	Yes

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 24, 2019

Re: 2019 Planning Commission Meeting Schedule

The City Council and Planning Commission meeting schedule for 2019 is shown below. The only change to the regular meeting schedule of the Planning Commission is that the first Monday of September falls on Labor Day, so the meeting date has been changed to Monday, September 9. There is no action required of the Planning Commission regarding this change.

Month	Planning Commission	City Council
January	7	15
February	4	19
March	4	19
April	1	16
May	6	21
June	3	18
July	1	16
August	5	20
September	9	17
October	7	15
November	4	19
December	2	17

Planning Commission Direction Requested:
No Direction Requested

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 29, 2019

Re: Planning Commission Dinner Gathering

At the January 7 Planning Commission meeting, Commissioner Jim Langan suggested it would be beneficial in a number of ways if the City would provide some type of annual Planning Commission dinner gathering to enable the Commission members to get together in a social setting. The Commission members agreed this would be particularly beneficial as there have been a significant number of changes on the Commission and there will be more with the replacement of Lucia Wroblewski and Mark Nelson (and now Annie Perkins). It would also be a way to show appreciation to the Commission for its volunteer work.

The Council discussed this suggestion at its January 15 meeting, was supportive of the idea and was interested in participating and in further details regarding a dinner gathering. The Commission may want to discuss options regarding the dinner gathering.

Planning Commission Direction Requested:
Motion regarding a Planning Commission dinner gathering.

January 15, 2019 City Council Meeting Highlights

The Council:

- Approved the 2019 regular meeting schedule.
- Reviewed and provided comments to the City of Woodbury regarding their Draft 2040 Comprehensive Plan.
- Reviewed and provided comments to the City of Cottage Grove regarding their Draft 2040 Comprehensive Plan.
- Appointed Annie Perkins to fill the vacant Ward 1 City Council Seat.
- Approved annual committee appointments for council members.
- Approved an amendment to the Afton Creek Preserve Development Agreement.
- Established a monthly sewer fee for properties on River Road.
- Approved an increase in the monthly retainer fee for the City Attorney.