

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

Notes:

- The preliminary draft standards in this table were presented at the work group meeting on August 12, 2010. While the format has changed to aid comparisons, the content of the preliminary draft standards has not changed.
- The DNR is revising the proposed districts and preliminary draft standards based on input from work group members, LGUs, other agencies, and the public.
- For proposed district boundaries, refer to the proposed MRCCA district maps for your area. For current district boundaries, refer to the **EO 79-19 District Map**. All maps are available on the MRCCA rulemaking project website.

Sheet 6: Subdivisions and Planned Unit Developments

	Standard Type	Preliminary Draft Standards	Executive Order 79-19 Current Standards & Guidelines <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i>	Interim Development Regulations (IDR) <i>(EO 79-19 provided the IDRs as temporary standards until local MRCCA ordinances were approved by the EQB. Hastings, Brooklyn Center, and a small area in Hennepin County are still subject to the IDRs because they do not have approved MRCCA ordinances. The DNR used some of the IDRs in drafting new MRCCA rules, and some LGUs have used portions of the IDRs in their current ordinances. The IDRs are provided here for reference. Local ordinances, which vary widely, will contain the current effective standards in any given community.)</i>
Subdivision	General Provisions	Subdivisions must be processed by LGUs according to Minnesota Statutes, chapters 394 , 462 , 505 , and 515B . Subdivisions are not allowed on any lot that is part of an approved subdivision or PUD. Detailed site information and pre-project review will be required.	<p>C.2. Each LGU and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:</p> <p>a. Site Plans. Site plans shall be required to meet the following guidelines:</p> <p>(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.</p> <p>(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.</p> <p>(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as the result of the development; the measures which address adverse environmental effects.</p> <p>(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.</p> <p>(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.</p> <p>e. Existing Development. Local plans and regulations shall include provisions to:</p> <p>(1) Retain existing vegetation and landscaping;</p> <p>(2) Amortize non-conforming uses;</p> <p>(3) Prohibit the reconstruction of non-conforming uses which are 50% market value destroyed;</p> <p>(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.</p> <p>C.10. Local units of government and regional and state agencies shall prepare plans and regulations in accordance with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines:</p> <p>a. Local units of government and regional and state agencies shall prepare plans and regulations using the district boundaries as described in the Interim Development Regulations as guidelines, in accordance with the purpose of each district as described in the general guidelines Section B.</p> <p>b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments for the Pig's Eye Lake area.</p> <p>c. Local units of government may prepare modifications of the use districts boundaries as described in the interim development regulations if local units of government demonstrate to the EQC in plans and supporting documents the consistency of the proposed modification with the general guidelines.</p>	<p>F. Dimensional standards and criteria</p> <p>1. Objectives</p> <p>The objectives of dimensional standards and criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback for sanitary facilities, to prevent pollution of surface and groundwater, to minimize flood damage, to prevent soil erosion, and to implement metropolitan plans, guides and standards.</p>
	Size and Uses	<ul style="list-style-type: none"> • Subdivision standards are proposed to apply to all land uses • A subdivision is 3 or more lots, or all sites over 5 acres. • Redevelopment allows for change to equal or less intensive land use. 		
	Options	<ul style="list-style-type: none"> • Conventional subdivisions • Conservation subdivisions and/or PUDs 		
	Lot Standards	Density, lot size and other subdivision metrics vary depending on the use and by district as provided. See Sheet 1 – Dimensional Standards by District.		

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Open Space	General Provisions	Common open space dedication will be required for: (1) all plats and metes and bound subdivisions creating lots of < 5 acres, except: (a) minor boundary line corrections; (b) resolutions of encroachments; (c) additions to existing lots of record; and (d) essential services; and (2) all conventional subdivisions, conservation subdivisions, PUDs, and similar developments (residential, commercial, industrial) creating 3 or more lots, and/or ≥ 5 acres in size.	<p>C.6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:</p> <p>a. Existing and potential sites for the following uses shall be identified and inventoried.</p> <ul style="list-style-type: none"> (1) Neighborhood, municipal, county and regional parks; (2) Scenic overlooks, scenic views, and public observation platforms; (3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas; (4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes; (5) Commercial marinas and boat launching facilities; (6) Public access points to the river; (7) Historic sites and districts. <p>b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.</p> <p>c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.</p> <p>d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed.</p> <p>e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.</p>	<p>H. Non-conforming uses and structures</p> <ol style="list-style-type: none"> 1. Any structure or use existing upon the effective date of these interim development regulations which does not conform to the use restrictions of a particular use district of the interim development regulations shall automatically continue as a non-conforming use or structure. 2. Whenever a non-conforming building or structure has been damaged by fire, flood, explosion, earthquake, war, riot, or other disaster, it may be reconstructed to its prior use when the damage to the building or structure is fifty percent (50%) or less of its fair market value. Where the damage is fifty percent (50%) or more, reconstruction shall not be permitted for any structure that does not meet the minimum required standards. 3. When any non-conforming use of a building or structure has been changed to a conforming use, it shall not be changed to a non-conforming use. <p>If a non-conforming use is discontinued for 6 consecutive months, any future use of the building or premises shall conform to the interim development regulations.</p>
	Additional Provisions	<ul style="list-style-type: none"> • LGUs must identify areas for riparian dedication and/or open space using key resources and feature identified in 116G.15, Subd. 4 • LGUs must address environmental & infrastructure concerns and minimizes resource expenditure. • LGUs must address land suitability and consistency with other controls. • Methodology will be provided for open space easement development, administration, and maintenance 	<p>C. 1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.</p> <p>a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:</p> <ul style="list-style-type: none"> (1) Identify and prepare an inventory of: <ul style="list-style-type: none"> (a) floodplains, (b) wetlands, (c) slopes from 12% to 18% and over 18%, (d) soils not suitable for urban development onsite waste disposal, (e) significant vegetative stands, and (f) natural drainage routes. (3) Prepare plans and regulations to protect wetlands; (4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18% and 12% slopes; (5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses; (6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control; (7) Prepare regulations for management of vegetative cutting; and (8) Prepare criteria for control of noise in open space and recreational areas with assistance of the PCA. 	No standards in the IDR.
	Connectivity	Open space and natural areas for conservation must connect neighboring or abutting lands as much as possible to form an interconnected, corridor-wide network of natural areas or open space.		
	Open Space Priority Areas	Areas dedicated as common open shall include the shore impact zone (SIZ) , bluffs , slope preservation zones (SPZ) , and key resources and features identified in 116G.15, Subd. 4 as primary conservation areas .		

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Dedication	General Provisions	In addition to the open space requirements for all residential, commercial, and industrial subdivisions and PUDs, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein as directed in MN Statutes Chapters 462 and 394.	C.6.f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.							No standards in the IDR.	
Open Space Provisions	Standard Type	Draft Standard Narrative	Districts							Executive Order 79-19 Current Standards & Guidelines <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i>	Interim Development Regulations (IDR) <i>(EO 79-19 provided the IDRs as temporary standards until local MRCCA ordinances were approved by the EQB. Hastings, Brooklyn Center, and a small area in Hennepin County are still subject to the IDRs because they do not have approved MRCCA ordinances. The DNR used some of the IDRs in drafting new MRCCA rules, and some LGUs have used portions of the IDRs in their current ordinances. The IDRs are provided here for reference. Local ordinances, which vary widely, will contain the current effective standards in any given community.)</i>
			CA-1	CA-2	CA-3	CA-4	CA-5	CA-6	CA-7		
	Open Space – Conventional Subdivisions	All new conventional subdivisions must meet one or more of the following requirements and be approved by the LGU: 1) preserve a minimum % of total project area as contiguous open space as specified; 2) expand all lots by 1.25 times the required minimum lot width and area; 3) dedication (fee-simple or easement) of riparian areas (from the OHWL to 150 ft. inland) & must include bluff and SPZ; 4) for 3 or fewer riparian lots, all lots must protect through easement, the riparian area from OHWL to 50 ft inland.	NA	25%	Underlying (Min = 25%)						
Open Space - Conservation Subdivisions & PUDs	All new conservation subdivisions and PUDs must preserve a minimum % of the total project area as common open space that is dedicated to the public or protected with a conservation easement as specified. (Ex. open space shall be a minimum of 50% contiguous, shoreland buffer required, setbacks required, structure limitations in open space)	NA	50%	Underlying (Min = 25%)					No Standards in the IDR		

*116G.15, Subd. 4(b) key resources and features: floodplains, wetlands, gorges, areas of confluence with key tributaries, natural drainage routes, shorelines and riverbanks, bluffs, steep slopes and very steep slopes, unstable soils and bedrock, significant existing vegetative stands, tree canopies, and native plant communities, scenic views & vistas, publicly owned parks, trails & open spaces, cultural & historic sites & structures, and water quality.

Preliminary Draft Definitions

Riverfront = Land within the first 300' of the OHWL and the floodplain.

Shore Impact Zone (SIZ) = land located between the OHWL and a line parallel to it at ½ the required structure setback from the OHWL, but not less than 50'. The SIZ is 50' landward of the OHWL in agricultural areas.

Slope Preservation Zone (SPZ) = land on and within 20' of bluffs and very steep slopes.

Natural State = where vegetation exists in a wild state, where the condition of the ground and shrub layers and floristic composition of the plant community is substantially unaltered by humans, where restoration has been consistent with commissioner guidelines or local government approved plans, or where the vegetation has been unaltered for a least one growing season.

Primary Conservation Areas = key resources and features listed in 116G.15, Subd. 4 (b), which must be dedicated as part of a subdivision open space requirement.

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