

Topic:	Overlay District
Resource Type:	Regulations
State:	Minnesota
Jurisdiction Type:	Municipal
Municipality:	City of Chanhassen
Year (adopted, written, etc.):	1998
Community Type - applicable to:	Urban; Suburban
Title:	City of Chanhassen Bluff Creek Overlay District
Document Last Updated in Database:	April 18, 2017

Abstract

The goal of this ordinance is to protect the ecosystems within the local watershed. The region is mapped and classified, and development has to be designed to minimize the impact on the waterways, wetlands, bluffs, trees, and other natural features.

Resource

Chapter 20. Zoning

ARTICLE XXXI. BLUFF CREEK OVERLAY DISTRICT

Sec. 20-1551. Purpose.

The Bluff Creek Watershed Area and the development within it have a major influence on environmental quality in the city and the region. Development within the corridor must be designed with utmost sensitivity to the environment and the development pattern must be of a quantity and quality other than what might occur in the absence of specific standards. The purpose of the district is to:

(a) Protect the Bluff Creek Corridor, wetlands, bluffs, and significant stands of mature trees through the use of careful site design, protective covenants, sensitive alignment and design of roadways and utilities, incorporation of natural features, landscaping, techniques outlined in the city's surface water management plan, and the practices delineated in the city's Best Management Practices Handbook.

(b) Encourage a development pattern that allows people and nature to mix spanning multiple ecosystems. Development in the corridor should be ecologically designed and built around natural features such as trees, wetlands, and bluffs. Significant natural features should impact development rather than development impacting significant natural

features. The natural qualities of the corridor should be preserved to ensure sufficient habitat area for wildlife.

(c) Promote innovative development techniques such as cluster development and open-space subdivisions to measurably reduce the amount of impervious cover compared to traditional development practices resulting in significant portions of a site being retained as permanent, protected open space.

(d) Foster the creation of a greenway connecting Lake Minnewashta Regional Park and the Minnesota River Valley. The greenway will serve as an uninterrupted pedestrian trail, bikeway system, and wildlife corridor affording opportunities for recreation, education, physical fitness and non-motorized transportation.

(e) Encourage cost effective site development. Open space design practices can reduce infrastructure engineering and construction costs because of lot configurations, shortened streets, and reduced utility runs. Long term cost savings can also be realized by the City of Chanhassen associated with infrastructure maintenance costs.

(f) Implement the policies and recommendations found in the Bluff Creek Watershed Natural Resources Management Plan. The terms, definitions and appendices found in the Management Plan are incorporated herein.

Sec. 20-1552. Intent.

The city intends that all development within the district including commercial, industrial and residential uses should blend into the natural environment while protecting Bluff Creek and sensitive land areas abutting and in the vicinity of the watercourse and its tributaries. The criteria by which new development in the district shall be judged are as follows:

(a) Consistency with all provisions of the Comprehensive Plan which includes the Bluff Creek Watershed Natural Resources Management Plan, as amended from time to time; the Surface Water Management Plan; all provisions of the zoning ordinance and subdivision ordinance not specifically overridden by the provisions of this district; and all other applicable land use regulations,

(b) Preservation of the natural conditions found in the Primary Zone and to the greatest extent possible, preserving significant resources and minimizing impacts in the Secondary Zone through cluster development and other practices which minimize the removal of vegetation, minimize site grading, and application of practices found in the city's best management practices handbook.

(c) Creation of a suitable balance between the amount and arrangement of open space, landscaping, view protection, bluff protection, and vegetation protection and the design and function of man-made features.

(d) Creation of an interconnected open space network that preserves migratory patterns for wildlife.

(e) Creation of an interconnected open space network that provides recreational and educational opportunities for people.

Sec. 20-1553. District application.

The BCO district shall be applied or superimposed (overlaid) upon all zoning districts as contained herein as existing or amended by the text and map of this article. The regulations and requirements imposed by the BCO district shall be in addition to those established for districts which jointly apply. Under the joint application of the districts, the more restrictive requirements shall apply.

Sec. 20-1554. Conditional use permits.

A conditional use permit shall be issued by the city for all subdivisions, site plans, and prior the erection or alteration of any building or land within the BCO.

Sec. 20-1555. Boundary delineation.

(a) Generally. Primary and Secondary Zones shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable city ordinances and regulations. The Bluff Creek Watershed regulations shall not be construed to allow anything otherwise prohibited in the zoning district where the overlay district applies.

(b) Boundaries; maps. The Primary and Secondary Zones include land that is generally defined in this article and in the Bluff Creek Watershed Natural Resources Management Plan. Boundaries as established by officially adopted city maps shall be prima facie evidence of the location and type of watershed zone. The official maps shall be developed and maintained by the planning department. The applicant shall provide appropriate technical information, including but not limited to, a topographical survey, flora and fauna survey and soil data deemed necessary for the city to determine the exact watershed zone boundary. The planning director shall make a determination to maintain the officially designated watershed zone boundary or if the boundaries need to be corrected on city plans and maps based upon the data that is supplied. Data for watershed zone delineation shall be generated and provided by a qualified professional specializing in watershed management, environmental science or other related profession. The applicant may appeal the planning director's determination of the watershed zone boundary and type to the city council.

Sec. 20-1556. Impervious cover and slopes.

To the greatest extent possible, all development shall minimize the amount of impervious surface by clustering development, using common access drives and utility corridors and

minimizing building footprint size. Roads, walkways, bike trails, and parking areas must be designed parallel to natural contours with consideration to maintaining consolidated areas of natural topography and vegetation. Management of surface run-off caused by impervious cover shall be designed using practices delineated in the city's Best Management Practices Handbook.

Within the Secondary Zone of the BCO district, areas with average slopes exceeding twenty-five (25) percent shall be preserved in their natural state and maintained as permanent open space. Areas with average slopes less than twenty-five (25) percent but greater than ten (10) percent shall not exceed an impervious surface coverage of twenty-five (25) percent. Impervious coverage for areas where average slopes are less than ten (10) percent shall be governed by the underlying zoning district.

Sec. 20-1557. Bluffs.

Bluffs shall be preserved as provided for under Article XXVIII.

Sec. 20-1558. Site views.

Through environmentally sensitive design such as "terrain adaptive architecture" (see Figure 1), landscaping and site planning, site views both to and from the BCW district shall be preserved and enhanced to the greatest extent possible so as to maintain views that reflect and protect the natural beauty of the BCO District. Special attention should be given to views that are highly accessible to the public such as scenic overlooks, ridges and trails. Clustering of development away from natural overlooks is encouraged.

Sec. 20-1559. Density clustering.

Density clustering shall be allowed as a tool to facilitate cluster development within the Bluff Creek Corridor. Density clustering may be used in areas where portions of the site are unsuitable for development because of the location of the Primary Corridor. Density clustering shall not be allowed for areas that are otherwise considered unbuildable due to wetlands, lakes and other areas not suitable for building purposes.

In areas where density clustering is applicable, density may be transferred to unconstrained parts of the site within land included in the Secondary Corridor, subject to the restrictions of this article, and within land lying outside of identified corridor areas. Additionally, the following conditions may qualify for density clustering:

- (a) Land slopes in the Secondary Zone that exceed twenty-five (25) percent on average.
- (b) Land in the Secondary Zone containing stands of native trees.
- (c) Land with suitable natural habitat to endangered or threatened species or a fragile ecosystem.

Sec. 20-1560. Standards and guidelines for single-family attached or cluster-home PUDs.

Single-family attached, cluster, zero lot line, and similar dwelling types shall only be allowed on sites designed for low, medium or high density residential uses by the City of Chanhassen Comprehensive Plan.

Sec. 20-1561. Natural habitat preservation.

(a) Natural habitat areas within the primary zone shall be preserved as permanent open space. Any development that occurs shall be directly related to the continuous greenway along the creek from the Minnesota River to Lake Minnewashta as outlined in the Bluff Creek Watershed Natural Resources Management Plan.

(b) Where possible, any disturbances of natural habitat areas within the Secondary Zone shall be avoided. Any alterations to the natural habitat within the Secondary Zone shall adhere to the practices delineated in the city's Best Management Practices Handbook.

Sec. 20-1562. Natural habitat restoration plan.

If natural habitat areas located within the Secondary Zone will be disturbed during any stage of development, the applicant shall submit a detailed plan identifying the resources that will be disturbed and a corresponding restoration and/or mitigation plan. Such restoration might include wetland mitigation and replanting of habitat significant to endangered and threatened species.

Sec. 20-1563. Open space requirements.

Open space shall comprise one hundred (100) percent of the area located within the Primary Zone. The city will establish the boundary for the Primary Zone using data provided by the applicant.

Sec. 20-1564. Structure setbacks.

All structures shall be setback a minimum of forty (40) feet from the Primary Zone. No disturbance of the site shall occur within the first (20) feet of such setback.

(Ord. No. 286, § 8, 12-14-98)

Source: Municode, online