

**CITY OF VICTORIA
COUNTY OF CARVER
STATE OF MINNESOTA**

ORDINANCE NO. 402

**AN ORDINANCE AMENDING SECTION 109 OF THE
VICTORIA CITY CODE, THE CITY'S OFFICIAL ZONING ORDINANCE,
BY REZONING CERTAIN PROPERTY**

THE CITY COUNCIL OF THE CITY OF VICTORIA ORDAINS:

Section 1. Section 109 of the Victoria City Code, the City's official zoning ordinance, is hereby amended by rezoning all property within Whispering Hills from AG (Agricultural District) to R (Residential District) and PUD (Planned Unit Development Overlay District) as described herein below:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 24 WEST, CARVER COUNTY, MINNESOTA.

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 24 WEST;

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 24 WEST;

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 24 WEST, EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 266 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 116 NORTH, RANGE 24 WEST; THENCE WEST 264 FEET; THENCE NORTH 165 FEET; THENCE EAST 264 FEET; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING; CARVER COUNTY, MINNESOTA.

Section 2. The rezoning of this property incorporates the following PUD (Planned Unit Development) design standards:

Whispering Hills Zoning Standards

a. Intent

The purpose of this zone is to create a PUD that provides for a transition of density across one development through a mix of detached single-family housing (“Detached Townhome”) and attached single-family housing (“Attached Townhome”) within a defined development consisting of seventy-one (71) detached townhomes and one hundred forty-four (144) attached townhomes. The use of the PUD zone is to allow for more flexible design standards while sustaining a higher quality and more sensitive proposal. The PUD requires that the development demonstrate a high quality of design compatible with surrounding land uses as well as preservation of desirable site

characteristics, open space, and protection of sensitive environmental features while achieving guided densities not be efficiently addressed through traditional zoning. Except as modified by the Whispering Hills PUD standards, the development shall comply with the requirements of the Residential District provisions of the City’s Zoning Ordinance.

b. Permitted Uses

Permitted uses in this zone shall be as follows:

1. Principle uses of the property shall include any area of the property that is designed and constructed for one of the following unit types:
 - a. Detached Townhome – a single-family residence under singular (1) ownership on a lot designed and constructed specifically for a detached single family home, where no walls of an individual home are closer than ten (10) feet to another single family home, with a common association responsible for the maintenance, control, and enforcement of exterior building standards and property use, which includes but is not limited to property maintenance and architectural control.
 - b. Attached Townhome – a building consisting of six (6) individual single-family residences attached horizontally and separated through common walls with individual lots provided for each residence and common lots providing for open space, landscaping, drainage and utility, access and parking. All townhomes are under control of a common association responsible for the maintenance, control, and enforcement of exterior building standards, access, landscaping, drainage and utility, access and parking, and related association property use, which includes but is not limited to property and exterior building maintenance and architectural control.
2. Accessory uses of the property shall include those uses which are incidental to the principle uses or those accessory uses otherwise permitted under the Residential District.

c. Bulk Regulations.

The PUD ordinance requires setbacks from roadways and exterior property lines. Lots are expected to sustain a maximum impervious surface area within the PUD. The following tables display those setback and the impervious surface requirements for each principle permitted use:

DETACHED TOWNHOME BULK REGULATIONS	
Bulk Regulation	PUD Standard (minimum unless otherwise specified)
Lot Size	5,000 square feet
Lot Width	40 feet
Lot Depth	125 feet
Front Yard Setback to ROW Line	25 feet (60' ROW); 20 feet (50' ROW);
Rear Yard Setback to ROW Line	15 feet (60' ROW); 15 feet (50' ROW)
Side Yard Setback to ROW Line	20 feet (all ROWs)

Front Yard Setback to Lot Line	5 feet (all ROWs) * no front yards are allowed to face 78 th St. or Kochia Ln
Rear Yard Setback to Lot Line	5 feet (all ROWs)
Side Yard Setback to Lot Line	5 feet each side
Building Separation	10 feet (side); 30 feet (front and rear)
Impervious Surface	65% per lot; 35% overall development (Maximums)

ATTACHED TOWNHOME BULK REGULATIONS	
Bulk Regulation	PUD Standard (minimum unless otherwise specified)
Lot Size	1,440 square feet
Lot Width	24 feet
Lot Depth	60 feet
Front Yard Setback to ROW Line	20 feet (60' ROW); 15 feet (50' ROW)
Rear Yard Setback to ROW Line	20 feet (60' ROW); 15 feet (50' ROW)
Side Yard Setback to ROW Line	20 feet (60' ROW); 10 feet (50' ROW)
Front Yard Setback to Lot Line	9 feet (all' ROWs)
Rear Yard Setback to Lot Line	13 feet (all ROWs)
Side Yard Setback to Lot Line	8 ft. each side when not abutting another unit; 0 ft. when abutting another unit
Building Separation	30 feet (side); 50 feet (front and rear)
Impervious Surface	90% per lot; 35% overall development (Maximums)

All detached townhome lots are served by public streets constructed to city standards. All attached townhome lots are served by a combination of public streets constructed to city standards and common private driveways/streets constructed to a standard approved by the City Engineer. Said private driveway/street shall serve as direct access to no more than twelve (12) residences from a public street.

Section 3. The zoning map of the City of Victoria shall not be republished to show the aforesaid zoning, but the Clerk shall appropriately mark the zoning map on file in the Clerk's Office for the purpose of indicating the rezoning and PUD standards hereinabove provided for in this ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

Section 4. This ordinance shall be effective immediately upon its passage and publication.

Adopted this 27th day of June, 2016 by the Victoria City Council.

Tom O'Connor, Mayor

ATTEST:

Laurie Hokkanen, City Manager