

BRIDGEWATER TOWNSHIP

ZONING ORDINANCE



ADOPTED JUNE 12, 2007

Article XV. Transfer of Development Rights Regulations.

Section 191. **Statutory Authorization.** Minn. Stat. § 462.357 specifically authorizes Town zoning ordinances that establish land use districts allowing the transfer of development rights from areas where preservation is desirable to areas more desirable for development.

Section 192. **Purpose.** The purpose of the Transfer of Development Rights Regulations is to provide a voluntary, incentive-based process for protecting agricultural and open space resources while promoting development in areas considered more appropriate for development, such as less productive agricultural areas, and areas that are served with road and utility infrastructure. The Transfer of Development Rights regulations are intended to implement the following goals:

- A. To lessen the impact of service delivery costs by encouraging development to be located where public utilities and services are available.
- B. To protect and promote agriculture by preserving large tracts of land by encouraging cluster development.
- C. To protect agricultural land and environmentally sensitive land and facilitate emergency service provision by encouraging cluster development.
- D. To minimize conflicts between agricultural and non-agricultural areas by controlling density and development on agricultural and environmentally sensitive land.

Section 193. **TDR Sending Areas.** Development rights may be transferred from the following districts in Bridgewater Township to areas in Bridgewater Township identified in Section 192:

- A Agricultural District
- UR Urban Reserve District

Section 194. **TDR Receiving Areas.** Development rights may be transferred to the following districts within Bridgewater Township:

- A. Locations within the A Agricultural District that will be developed as minor cluster developments (See Article XIV).
- B. Locations within the A Agricultural District that will be developed as golf course cluster developments (See Article XIV).
- C. **Shoreland Districts.** Development rights from the Shoreland Districts may be transferred only to lots or parcels within the same shoreland district or to a golf course cluster development within the A Agricultural District.

Section 195. **Calculation of Transferable Development Rights within the A Agricultural District.** The number of rights that may be transferred from a parcel shall be equal to the unused development rights of the parcel under Article IV, Section 31 of this Ordinance; however:

- A. Undeveloped parcels of record shall receive one (1) development right.
- B. Undeveloped lots or parcels existing on the date of adoption of this Ordinance of at least ten (10) acres in size qualify for ½ (0.5) development right, which may be sold or combined for transfer, provide that there remains some eligibility for development within the quarter-quarter where the parcel is located.
- C. Where two undeveloped parcels, over one (1) acre in size, exist in a quarter-quarter section which qualifies for two (2) development rights, each parcel shall receive one (1) right.
- D. A parcel with a dwelling shall not be given a development right if in the quarter-quarter section there is a parcel that can qualify for the remaining right.

Section 196. **Calculation of Transferable Development Rights within the UR Urban Reserves District.** The number of rights that may be transferred shall be equal to the unused base density of the parcel, based on the minimum lot area of 35 acres for one residential unit (See Article V of this Ordinance). A minimum of 35 acres is required to obtain one development right and TDR's shall not be divided.

Section 197. **Use of Development Rights in Receiving Areas.** A development right may be applied to any dwelling type permitted in the zoning district or type of planned unit development to which it will be transferred (the receiving area).

Section 198. **Limitations on Future Development of Sending Areas.** After the transfer of development rights, further development of the sending area is restricted based on the number of rights transferred. If all development rights have been transferred, the parcel is restricted to agricultural and open space uses. Should the zoning of the sending parcel be changed in the future to allow additional density, the number of development rights already used shall be subtracted from the total number of units permitted. This restriction shall be removed if the property is annexed to a city.

Section 199. **Development Agreements and Recording of Restrictions.** The following information shall be recorded as part of the transfer of development rights:

- A. **Development Agreements and Recording of Restrictions.** The following information shall be recorded as part of the transfer of development rights:
 - 1. **Common ownership.** Development rights transferred between parcels that are under common ownership shall occur only if the transfer is recorded on the deeds of all sending parcels. The

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property owners shall be responsible for recording all required documents with the Rice County Recorder.

2. **Separate Ownership.** Development rights transferred between parcels under separate ownership shall be the subject of a development agreement restricting future development between the property owners that shall be executed and recorded on the deeds of all affected parcels. The transfer shall also be recorded on the deeds of all sending parcels. The property owners shall be responsible for recording all required documents with the Rice County Recorder.
3. **Zoning Map.** All density transfers shall be recorded on the Official Zoning Map by the Zoning Administrator.
4. **Terms of Restriction.** The development agreement required under subpart 2 above shall, at a minimum, contain the following:
 - a. A legal description of the sending and receiving parcels.
 - b. The number of development rights transferred.
 - c. The restriction on future development or subdivision of the sending parcel.
 - d. The restriction of the sending parcel to agricultural and open space use.
 - e. Any provisions for reacquiring development rights to be used in the future on the sending parcel.
 - f. Bridgewater Township shall have the right to enforce the terms of the agreement.
 - g. The agreement shall be signed and executed by the landowners of both the sending and the receiving parcels.

Section 200 through 203. Reserved.