

**HAMPTON TOWNSHIP
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 2019-__**

**AN ORDINANCE AMENDING THE HAMPTON TOWNSHIP
ZONING ORDINANCE REGARDING CLUSTERING**

The Board of Supervisors of the Town of Hampton ordains:

Article I. Land Use Density; Clustering. Article IV, Section 402, Paragraph C of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- C. Clustering of more than one ~~home~~ single family dwelling within a quarter-quarter section in the Agricultural Preservation District ~~will be permitted~~ is allowed if the Town Board determines the proposed clustering meets the following standards and requirements are met:
1. If a quarter section (160 acres) is vacant and is owned by the same person, persons or entity, four ~~homes~~ single family dwellings may be clustered on one of the quarter-quarter sections of the quarter section.
 2. If three contiguous quarter-quarter sections (120 contiguous acres) are vacant and are owned by the same person, persons or entity, three ~~homes~~ single family dwellings may be clustered on one of the quarter-quarter sections.
 3. If two contiguous quarter-quarter sections (80 contiguous acres) are vacant and are owned by the same person, persons or entity, two ~~homes~~ single family dwellings may be clustered on one of the quarter-quarters sections.
 4. A development agreement or restrictive covenant in a form acceptable to the Township that clearly states that the allowed densities from the parcels that do not contain clustered ~~homes~~ single family dwellings have been transferred to the parcel that contains the clustered ~~homes~~ single family dwellings has been recorded against the affected parcels.
 5. Easements for common usage and agreements for common maintenance of shared driveway access in forms acceptable to the Township have been executed and recorded, if required. Common driveways are subject to the Township's driveway standards.

The Town may have the Planning Commission review any clustering proposal and provide a recommendation to the Town Board. The Town Board will consider the Planning Commission's recommendation, if requested, and the requirements of this Ordinance before deciding whether to approve the proposed clustering.

The Town Board may, in its sole discretion, approve a clustering proposal that does not strictly comply with the above standards if it determines the proposal satisfies all of the following requirements:

1. The resulting density will not exceed four single family dwellings in the quarter section. If a pre-existing single family dwelling satisfying the requirements of Section 402.B exists in the quarter section, the total number of single family dwellings in the quarter section shall not exceed five;
2. The area in which the single family dwellings are proposed to be clustered have adequate access to a public road and can adequately be served by on-site water and wastewater services;
3. The proposed clustering will not create an unreasonable burden on public infrastructure; and
4. The proposal is consistent with the intent of the clustering provisions, the related density limitations, ownership requirements, and the other applicable provisions of this Ordinance.

Article II. Corrections and Incorporation. The Town Attorney is authorized and directed to: (1) change references to “home” or “homes” in the Zoning Ordinance to “single family dwelling” or “single family dwellings” as appropriate; (2) change terms in the Zoning Ordinance as needed to consistently reference a “single family dwelling” or “single family dwellings”; and (3) incorporate all of the amendments adopted by this ordinance into the Zoning Ordinance and present it for signature by the Chairperson and Clerk to serve as the official Hampton Township Zoning Ordinance.

Article III. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted this __ day of _____, 2019.

BY THE TOWN BOARD

Chairperson

Attest: _____
Clerk