INTRODUCTION

The practice of conservation subdivision allows communities to capture the opportunities of development while minimizing the risks to natural resources, economic resources, and community character. Generally, conservation subdivision allows landowners to develop parcels by clustering residences on smaller lots than would otherwise be allowed while protecting open space, agriculture, or sensitive natural resources. In this regard, conservation subdivision is similar to cluster development, but with a specific conservation goal and specific conservation design standards.

Conservation subdivision must be applied within the context of the community's overall vision. When making choices about what type of development to allow where, communities need to visualize what the landscape would look like when fully developed as allowed under each zoning district. For instance, communities need to ask, what would this area look like if it was filled with clusters of homes? Does the conceptual buildout of the district reflect the comprehensive plan vision for this area? If conservation development fits within the vision of the community in some areas, but not in others, conservation developments may be allowed in clearly defined areas separate from, for instance, agricultural and forest protection zones.

Conservation subdivision can be structured to meet a variety of conservation goals in several different development environments. Generally, communities will use one of three distinct types of conservation development:

- *Rural conservation development*, where the goal is to protect agricultural practice, forestry resources, or open space for rural community character. A community can allow conservation subdivisions as a residential option in a rural areas where the productive resources, such agricultural or forest lands, are less viable than elsewhere in the community. Development is moved from important productive resource areas to areas where the productive resource is less important. The conservation goal is protecting the resource by removing development risk to other areas.
- *Transitional conservation development*, where conservation subdivision is used to help define the urban transect by creating a permanent transition between urban areas and rural areas. The development of this transition zone with clusters of homes and permanent open space can firmly define the future outer limits of urban development. The conservation goal is protecting rural community character in outlying areas and encouraging urban growth where infrastructure already exists.
- *Natural resource conservation development*, frequently seen in lakeshore areas or where urban densities are abutting sensitive natural systems or features. Natural resource conservation development can incorporate much higher densities than rural conservation development and thus need to be structured considerably differently than rural developments. Gross densities would be as low as one unit per acre in unsewered lakeshore

Conservation Subdivision District

The model Conservation Subdivision ordinance contains materials from the following sources:

- *Open Space Design Development: A Guide for Local Governments, Washington County Planning and Administrative Services, Metropolitan Council, and BRW, Inc. 1997;*
- *Natural Areas: Protecting a Vital Community Asset, by Laurie Allmann , Minnesota Department of Natural Resources, 1997;*
- *Open Space Preservation District, City of Lake Elmo, Minnesota, Municipal Code Chapter 3, Section 300.7 subd. 4.0*

and as high as 3 - 5 units per acre where urban services are available. Higher density developments can use natural resource protection and restoration strategies, but generally fall outside the realm of conservation subdivision (see the ordinance model for natural resource design standards).

Conservation Subdivision and Conservation Design

This model ordinance discusses conservation subdivision issues, but does not provide the specific design features for each of these types of conservation subdivision. "Design" and "subdivision" are related but slightly different concepts. Conservation design refers to the design process at the site level, including the correct sequencing of steps in site design. A number of excellent references are available that describe the different manifestations of conservation design. This ordinance provides language that can be adapted to achieve conservation design goals, and outlines the process by which conservation subdivision is integrated into development regulations and review.

Conservation Subdivision District and Non-District Conservation Subdivisions

This model ordinance is written as a stand alone conservation subdivision zoning district. Consequently the ordinance includes basic zoning provisions, such as minimum lot size, permitted and conditional uses, and setbacks. Some communities will choose to incorporate a conservation subdivision process into an overlay district, or as part of a natural resource performance standard. In those cases the community would selectively use the sections of this model, primarily the development standards, that serve the conservation goal(s), while relying on the base district for land use and base density standards.

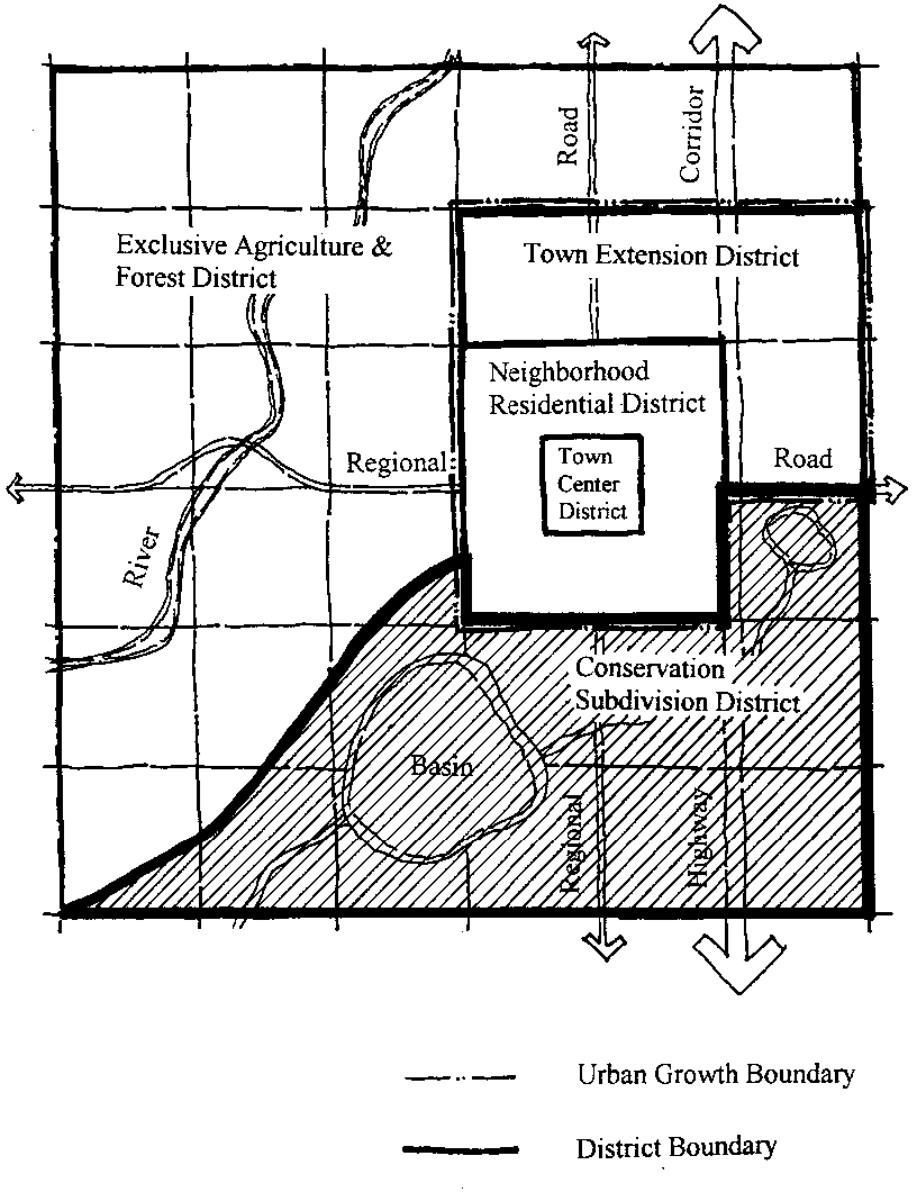
Not Urban Reserve

Conservation subdivision is a process for permanently addressing specific conservation goals. Conservation subdivision is not a tool for creating an urban reserve. Staging development is a good practice, but conservation subdivision is the wrong tool. For communities in the seven-county metropolitan region, the Metropolitan Council recommends establishing an urban reserve using large lot zoning and programmatic agricultural protection such as the Metropolitan Agricultural Preserve program. Another tool for establishing urban reserves include creation of an urban expansion district by the County or Township to be applied to those areas envisioned to become annexed by the City within the next ten years, or to the areas under which the Township and City have negotiated an orderly annexation agreement.

Limitations and Risks of Conservation Subdivision

Conservation subdivision zones should be carefully located and designed to meet the community's conservation goals. Allowing the development of homes in areas where active farming and forestry will continue can lead to conflicts over noise, aesthetics, use of roads, etc. The clustering of homes and development flexibility offered by conservation subdivision should enhance the integrity of the conservation priority selected by the community rather than contributing to the priority's decline. Using, as in this model ordinance, conservation subdivision to protect agriculture and rural character should not result in a mixture of urban and rural uses; it should enhance and protect the rural character by shifting development from inappropriate locations to areas that can accommodate development. This conservation subdivision district was written to be used outside a defined urban area (i.e. outside an urban growth boundary). The district presents a sustainable alternative to the often used 2.5, 5, and 10 acre "estate" lots found in typical suburban and exurban areas.

In other words, the goal of conservation development is not to enable development. The goal is to conserve natural or economic resources or community character, and to use development to enhance those priorities if at all possible.



I. Statutory Authorization, Intent, and Purpose

A. **Statutory Authorization** - This ordinance is adopted pursuant to the planning, development and zoning authorization contained in Minnesota Statutes Chapter 394 (for counties) or Chapter 462 (for cities and townships).

B. **Intent** - The Conservation Subdivision (CS) District is intended to provide a non-farm residential development option that supports the sustainable development goals of Model Community, protects open space and natural resources, and retains the predominantly rural character of areas outside the Urban Growth Boundary. It is not the intent of Model Community to create a zone for future expansion of urban services through this ordinance.

C. **Purpose** - The purposes of the Conservation Subdivision District are:

1. To implement the goals of the Model Community Comprehensive Plan for sustainable development;
2. To allow development that permanently preserves the open space, agricultural lands, woodlands, wetlands, critical views and other natural features of rural Model Community;
3. To allow limited development in rural areas that do not contain natural resources, such as agricultural and forest lands, and significant natural areas;
4. To allow limited development in areas outside the Urban Growth Boundary where urban services will not be extended;
5. To connect open space, trails, and recreation sites within the District and to the integrated open space and recreation system of Model Community;
6. To allow flexibility in the placement and type of dwelling units within the subdivision;
7. To promote the use of shared septic, drinking water and stormwater systems that prevent the degradation of water quality;
8. To reduce the amount of new roads and to allow flexibility in road specifications for roads serving residences in the District; and
9. To reduce the amount of impervious surfaces in subdivisions, including driveways.

Intent

The intent section is helpful in identifying the conservation goals that each community wants to meet through the conservation subdivision process. In the example here, the conservation goal is to protect rural character rather than, for instance, the protection of specific natural resources. This ordinance example limits the extent of the ordinance to those areas outside the ultimate urban service area. For such a goal, the comprehensive plan and the zoning district ordinance must clearly state that a conservation subdivision zone is not merely a staging area for future urban development.

Purpose

The purpose statements (Section C) should reference language contained in the comprehensive plan or otherwise adopted as policy by resolution. In the comprehensive plan, a community should clearly define the goals that they want to reach by using a conservation subdivision zone. Conservation subdivisions contribute to the sustainability of a community by reducing the number of individual septic systems, providing for permanent open space and protection of natural resources, reducing the amount of new road construction, and reducing the amount of impervious surfaces.

II. Definitions

For the purpose of this Ordinance, certain words and phrases are defined as follows:

Agricultural Land - Land whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities.

Conservation Easement - As defined in Minnesota Statutes, Chapter 84C: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Conservation Subdivision - Any development of land within the boundaries of the conservation subdivision zone that incorporates the concepts of designated open space and clustering of dwelling units.

Designated Open Space - Open space that is designated within a conservation subdivision to be placed under a conservation easement permanently restricting future development.

Developable Area - All land in a proposed subdivision that are not defined as undevelopable due to environmental conditions or in ordinances adopted by Model Community.

Development - An activity other than agricultural, forestry, or mining practices which materially alters or affects the existing conditions or use of any land.

Gross Density - A density standard establishing the number of dwelling units allowed to be built in a conservation subdivision.

Homeowners Association - A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining common open space and facilities.

Open Space - Land used for agriculture, forestry, natural habitat, pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.

Primary Conservation Area - Lands identified in the resource inventory and subdivision application as having important natural values that should be permanently protected such as wetlands, floodplains, steep slopes, unique habitat, productive agricultural soils, and forested land.

Minimum Size of Subdivision

The minimum size of allowed subdivision must be large enough to allow for creative site design and the protection of open space. If the minimum size is too small, the open space is minimized and clusters may run into each other. The result will be the type of suburban development conservation subdivisions are designed to avoid. The additional requirements placed on subdivisions of smaller parcel size should be used to mitigate the visual and environmental impacts. A community may choose not to even allow smaller subdivisions. This model ordinance allows the subdivision of smaller parcels (down to twenty acres in size) but does not give an density bonus incentive for this size of subdivision.

Parcels of Less than Twenty Acres

As this ordinance is constructed as a district, it includes provisions for lots that are smaller than the minimum size for subdividing. There will be some existing parcels that do not meet the minimum size and/or landowners who do not wish to develop under the conservation requirements. The model ordinance allows one single-family residence on each parcel of record that does not meet the minimum size for subdivision. In effect, this is similar to overlaying a conservation subdivision option over a one unit per twenty acre district. Twenty acres is appropriate for this rural/agricultural conservation area because the pattern of development that will result from a build out at this density will still retain a rural character and minimize the impact on natural resources. To meet other conservation goals, such as natural systems protection in higher density areas, these provisions would need to be substantially changed or deleted.

Secondary Conservation Area - Lands identified in the resource inventory and subdivision application as lands that complement or provide a buffer to the primary conservation areas, or provide additional open space or recreational lands.

Undevelopable Area - Those lands in a proposed subdivision that are restricted from development due to environmental conditions such as steep slopes, the presence of wetlands or waterways, or are restricted from development under ordinances adopted by Model Community such as Natural Resource Protection or Natural Resource Conservation Zones.

III. Development Standards

A. Minimum Size of Subdivision

1. The minimum size of subdivision in the CS District is forty acres.
2. A subdivision of over twenty but less than forty acres may apply for subdivision approval under this ordinance if the subdivision meets all the requirements for a Conservation Subdivision, plus the following additional requirements:
   a. The visual impact of the subdivision from adjacent roadways, residences, and agricultural fields is mitigated through additional landscaping which complements the prevailing landscape.
   b. The maximum allowed gross density is two units per twenty acres and can not exceed four units total for the entire subdivision.

B. Parcels of Less than Twenty Acres

1. Parcels of record as of the effective date of this ordinance under twenty acres in size can not be further subdivided or split.
2. Permitted uses for parcels of less than twenty acres are the same as those for conservation subdivisions served by individual well and septic systems as listed in XX.30.F below.
3. Allowed accessory uses for parcels of less than twenty acres are the same as those for conservation subdivisions served by individual well and septic systems as listed in XX.30.F below.

C. Maximum Gross Density

1. The maximum gross density in Conservation Subdivisions is six dwelling units per forty acres.

2. Gross density for all subdivisions allowed under this ordinance shall be calculated using the following method:

   a. Subtract areas that are defined as undevelopable areas under local natural resource protection ordinances (wetlands, some shorelands, steep slopes, natural resource protection zones, etc) from the total acreage of the parcel(s) in the subdivision application, multiply the resulting developable acreage by 0.15. Any calculation resulting in a fraction of a dwelling unit shall be rounded down to the nearest whole dwelling unit.

   For example, an application for development of 80 acres where 6 acres are defined as undevelopable would result in 72 developable acres. Multiply 72 acres by 0.15 to arrive at 10.8. The fraction (.8) of a unit would be rounded down, so that the allowed gross density would be 10 dwelling units.

D. **Open Space Requirement**

1. Conservation Subdivisions shall identify a conservation theme. Conservation themes may include, but are not limited to: forest preservation, water quality preservation, farmland preservation, or viewshed preservation. The conservation theme should guide the location and use of the designated open space.
2. Fifty percent (50%) of the total acreage in the application, including developable and undevelopable land, shall be designated as open space for natural habitat, active or passive recreation, and/or conservation or preservation, including conservation for agricultural and forestry uses.
3. Where possible, designated open space shall be contiguous with open space uses on adjacent parcels in order to provide large expanses of open space.
4. Open space in Conservation Subdivisions shall be physically connected, whenever possible, to the Model Community Open Space System outlined in the Model Community Comprehensive Plan. Designated public trail systems which abut a Conservation Subdivision shall be connected through the subdivision.
5. Access shall be provided to designated active or passive recreation areas or open space or natural areas from one or more streets in the subdivision.
6. Access will not be required if the open space is to remain in active agriculture or forestry or if the natural areas contain habitat where public access should be limited.
7. No more than fifty percent (50%) of the designated open space shall be wetlands and/or floodplains.

Maximum Gross Density

The maximum gross density discussed in Section C is a local choice that also reflects the specific conservation goal for this ordinance. The model ordinance uses six dwelling units per forty acres because this community has selected rural character protection as the primary conservation goals. The selected density is higher than otherwise allowed in the zoning district, creating a density incentive for developers to assemble larger parcels for development. As noted in the introduction, different types of conservation goals will require different gross density thresholds.

Open Space Requirements

A community can choose to include (rather than exclude as is noted in D.7) undevelopable land in the gross density calculation. The result, however, may be that parcels with a large percentage of wetlands, or lakes will have many homes clustered in a very small area of the subdivision. This result is mitigated by setting a minimum lot size. If you choose to exclude undevelopable land from the gross density calculation, the local ordinances that prohibit development in certain areas should be cited in this section of the conservation subdivision ordinance.

The community may add or change the open space requirements. The goal of the open space requirement is to meet the conservation goal: protect natural resources; preserve a rural character; protect agriculture; or other goal as identified in the conservation development theme.

E. **Open Space Ownership and Management** - All lands and improvements in designated open space shall be established, managed and maintained in accordance with the following guidelines:

1. Designated open space shall be surveyed and subdivided as a separate parcel or parcels.
2. Designated open space must be restricted from further development by a permanent conservation easement (in accordance with Chapter 84C.01- 05 of Minnesota Statutes) running with the land. The permanent conservation easement must be submitted with the preliminary site plan and approved by the Model Community Attorney and Governing Body.
   a. The permanent conservation easement may be held by the following entities, but in no case may the holder of the conservation easement be the same as the owner of the underlying fee:
      i. Model Community, or other governmental agency; and/or
      ii. A private, nonprofit organization that has been designated by the Internal Revenue Service as qualifying under section 501(c)(3) of the Internal Revenue Code.
   b. The permanent conservation easement must specify:
      i. What entity will maintain the designated open space;
      ii. The purposes of the conservation easement and the conservation values of the property;
      iii. The legal description of the land under the easement;
      iv. The restrictions on the use of the land;
      v. The restriction from future development of the land;
      vi. To what standards the open space will be maintained; and
      vii. Who will have access to the open space.
3. **Ownership of Open space Parcel** - Ownership of the underlying fee of each designated open space parcel, subject to the terms of the permanent conservation easement, may be held by:
   a. A common ownership association which owns non-open space land within the subdivision and in which membership in the association by all property owners in the subdivision shall be mandatory;
   b. An individual who will use the land in accordance with the permanent conservation easement;
   c. Model Community, or other governmental agency;

Permanent Conservation Easements

The long-term success of a conservation subdivision zone lies with permanently restricted open space in subdivisions. If the restrictions are not permanent, development of those areas could happen if zoning changes. Conservation easements are a tool that has been specifically authorized and used in Minnesota, and most states, to provide for permanent protection of natural resources. The conservation easement must be held by a separate entity from the underlying fee. The conservation easement holder is responsible for monitoring the easement parcels to ensure development does not occur and for enforcing the terms of the easement if it is violated.

Ownership of Open Space Parcel

Easements that lie across parcels with different owners are difficult to manage, and some conservation organizations will not hold conservation easements when the underlying parcels are not under single ownership. Open space parcels should therefore be platted as separate outlots and held by a single entity, such as a common ownership association.

d. A private, nonprofit organization that has been designated by the Internal Revenue Service as qualifying under section 501(c)(3) of the Internal Revenue Code; or

e. A combination of the entities in subsections a - d above.

4. **Taxes and Assessments** - The owner of the underlying fee shall be responsible for the payment of taxes and assessments on any designated open space parcel.

F. **Utilities** - Individual well and septic systems are allowed in conservation subdivisions, however, common utilities (shared water and/or sewer or septic systems) are encouraged. Common utilities shall meet Minnesota Pollution Control Agency standards for sewage treatment systems and be approved by the Model Community Engineer and the County Health Department.

1. Communal drainfields for shared septic systems may be partially or completely located in designated open space, provided that:

   a. The dedicated open space parcel containing the communal drainfield is owned in fee by a common ownership association which owns non-open space land within the subdivision and in which membership in the association by all property owners in the subdivision shall be mandatory;

   b. The common ownership association is responsible for maintenance and repair of the communal drainfield;

   c. The ground cover is restored to its natural condition after installation;

   d. Recreational uses are prohibited above or within fifty feet of communal drainfields; and

   e. The conservation easement for the dedicated open space parcel describes the location of the communal drainfield.

2. To ensure protection of ground and surface waters in the Conservation area, Conservation subdivisions that do not use common utilities must provide for, in an ownership association, joint maintenance of individual wastewater systems through a Responsible Management Entity, consistent with the Model Community ISTS ordinance.

G. **Lot and Building Site Design** - Lots and building sites shall be designed to achieve the following objectives listed in order of priority:

1. Locating individual and communal septic systems on the most suitable soils for sub-surface septic disposal.

2. Locating lots and building sites on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use.

Community Wastewater and Water

Section F encourages common water and wastewater systems, or jointly managed individual systems within the cluster development. Common systems (or jointly managed individuals systems) are more likely to be maintained and thus less likely to fail. Poorly maintained septic systems are a frequent problem in Greater Minnesota, and can result in degraded surface waters, contaminated groundwater, or other health and environmental problems. A frequent solution to failing septic systems is to extend the nearby centralized wastewater central system, regardless of whether the community had planned to allow urban density lots and urban services in this area of the community.

Conservation Lot and Building Design

The lot design standards in Section G prioritize agricultural soils and fields over forest land. This priority can be reversed depending on community priorities, or other lot design standards may be included. Similarly, in lakeshore areas or in urban subdivisions the protection may be steep slopes, wetlands, rare habitat, natural heritage sites, shoreland areas, or other conservation priorities.

Buffer Zones

The buffer requirement is included to reduce the potential for conflict between agricultural and non-farm residential uses. Other buffers will be included for other conservation goals, such as protecting shoreland and bluff areas, high quality habitat, wetland areas, or other conservation goals.

Streets

The community should define standards for the design of streets within the subdivision and how subdivision streets connect to the community roadway system. Street widths and other design elements should be consistent with street design standards that minimize impervious surfaces and meet low impact development (LID) design standards. This may be a departure from the community's general street standards.

Subdivision Process

The subdivision process for a conservation subdivision outlined in Section J should be a collaborative process between the developer and planning staff. The process included in the model ordinance encourages discussion before submission of an application and several times during the approval process. The site design process includes the following primary steps:

- *Identifying and precisely locating lands that should be permanently protected as primary conservation areas (wetlands, floodplains, steep slopes, unique habitat, etc.);*

3. Locating building sites within any non-production forest land contained in the lot, or along the edges of open fields adjacent to woodlands only as a means to reduce the impact on agriculture, to provide summer shade and shelter from winter wind, and/or to enable buildings to be visually absorbed by natural landscape features.
4. Locating building sites in areas least likely to block or interrupt scenic vistas as viewed from roads.
5. Locating building sites to minimize the impact of blocks of forest land and to maximize the continuity of forest lands.

H. **Buffer Zones** - Buffer zones of at least one hundred (100) feet shall be required between residential structures and agricultural uses. The buffer zone must be included in the area to be subdivided and not within any designated open space. The buffer areas shall be appropriately planted with native grasses, forbs, shrubs and trees, and/or permanent agroforestry features such as fruit or nut trees, and/or a windbreak. Roads may be substituted for the buffer if the road creates an effective barrier separating yards from agricultural uses as determined by the Planning Director.

I. **Streets** - Streets within the conservation subdivision shall be developed according to the following standards that promote road safety, minimize visual impacts, and minimize impervious surfaces:

1. Streets shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
2. Street widths and construction shall conform to the width and standards contained in the street cross section without curb and gutters (or rural cross section) as adopted by Model Community.
3. Street surface for local streets within the subdivision may be gravel, or other surface with high permeability, unless the streets are an extension of existing paved roads.
4. The number of local street intersections with collector and arterial roads should be minimized, however, the applicant must demonstrate that such intersections are adequate, have the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
5. If conservation subdivisions abut one another or existing development, direct links should be made to emphasize the connection between existing and new development.

J. **Subdivision Process** - The subdivision process for a Conservation Subdivision shall comply with the Model Community Subdivision Ordinance and at a minimum shall include the following:

1. A pre-application meeting with the Zoning Administrator to discuss:

a. The application process;

b. The conservation theme;

c. The Model Community Design Guidelines;

d. Any proposed common ownership plans for land and structures; and

e. Management and ownership of designated open space.

2. Submission of a Concept Plan that contains:

a. Base mapping at a scale of 1" = 100' (one inch equals 100 feet);

b. A mapped resource inventory that includes:

i. Topographic contours at 10-foot intervals;

ii. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems;

iii. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways;

iv. Vegetation present on the site according to cover type (pasture, woodland, etc.) and vegetative type (classified as generally deciduous, coniferous or mixed), and described by plant community (such as the Minnesota Department of Natural Resources Natural Heritage Community types), relative age and condition, also noting trees with a caliper of more than 18 inches; and

v. Current land use including all buildings and structures.

c. A site analysis that identifies, precisely locates, and for i. and ii. calculates the acreage of:

i. Primary conservation areas, including protected wetlands, floodplains, natural resource protection zones, steep slopes;

ii. Secondary conservation areas;

iii. Special views;

iv. Connections to the Model Community Open Space System;

d. Net developable acreage and allowed gross density as defined in section C above;

e. Street and open space concept;

f. Street sections;

g. Building setbacks;

- *Identifying and precisely locating secondary conservation areas, those lands that buffer or complement the primary conservation areas, or provide additional open space or recreational lands within the proposed designated open space;*
- *Identifying and mapping the remaining land which becomes the potential development area within which house sites, lot lines, and streets are located; and*
- *Detailing proposed plans or practices for the protection of conservation areas and other natural resource areas during the construction process.*

h. Parcel lines and building placement concepts for residential and accessory buildings;

i. Natural resource and tree protection plan;

j. Landscape plan;

k. Utility easements; and

l. If applicable, statement of intent to establish a homeowners association.

3. A meeting with the Planning Director to review the Concept Plan
4. Submission of a Preliminary Site Plan and review by the Planning Commission
5. Submission of a Final Site Plan and review by the Planning Commission and Governing Body.

Permitted Uses

Since this model ordinance is written as a stand alone district, it includes a listing of permitted, conditional, and accessory uses. The uses listed here are consistent with the rural conservation theme. Other uses may be permitted in conservation subdivisions, provided the uses are compatible with the selected theme. Industrial and commercial uses are generally avoided. Home based businesses, other than day care, are allowed as a permitted accessory use but could be a permitted use if the community has definitions and controls for this type of use.

IV. Permitted Uses - The following are permitted uses in the CS Conservation Subdivision District:

A. In conservation subdivisions served by individual well and septic systems:

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including animal feedlots or other commercial operations;
2. Commercial and non-commercial forestry;
3. Public parks, recreational areas, wildlife areas and game refuges;
4. Conservation easements;
5. Single family detached dwellings;
6. Boarding (house) home - foster children. Restricted to serving six (6) or fewer persons.
7. Day care home - Restricted to a family dwelling in which foster care, supervision, and training for children of school or pre-school age, out of their own home is provided during part of a day (less than 24 hours) with no overnight accommodations or facilities and children are delivered and removed daily. All such uses shall be licensed in accordance with state law and Minnesota Department of Public Welfare Regulations and such facilities are restricted to serving ten (10) or fewer persons.

B. In conservation subdivisions served by approved common utilities;

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including animal feedlots or other commercial operations;

2. Commercial or non-commercial forestry;
3. Public parks, recreational areas, wildlife areas and game refuges;
4. Single-family detached dwellings;
5. Two-family dwellings;
6. Townhouses;
7. Boarding (house) home - foster children. Restricted to serving six (6) or fewer persons.
8. Day Care Home. Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of a day (less than twenty-four hours) with no overnight accommodations or facilities and children are delivered and removed daily. All such uses shall be licensed in accordance with state law and Minnesota Department of Public Welfare Regulations, and such facilities are restricted to serving ten (10) or fewer persons;

V. Accessory Uses - The following are permitted accessory uses in the CS Conservation Subdivision District:

A. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross capacity of nine thousand pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry is carried on. Such space can be rented to nonresidents of the property for private passenger vehicles and/or noncommercial vehicles, trailers or equipment if sufficient off-street parking in full compliance with this title is provided elsewhere on the property. Such garage shall not be used for the storage of more than one commercial vehicle owned or operated by a resident per dwelling unit;

B. Parking of recreational vehicles and equipment;

C. Accessory uses in side yards shall be limited to garages and carports only;

D. Accessory buildings are permitted in any rear yard.

E. Home occupations in accordance with other regulations of Model Community.

F. Non-commercial greenhouses and conservatories;

G. Swimming pool, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests;

H. Tool houses, sheds and similar buildings for storage of domestic supplies and noncommercial recreational equipment;

I. Boarding or renting of rooms to not more than one person;

J. Fencing, screening and landscaping as permitted and regulated by other regulations of Model Community;

K. Boat houses, piers and docks;

L. Signs in compliance with other regulations of Model Community;

M. Solar systems designed to serve on-site electric or thermal load.

Conditional Uses

Conditional uses discussed in Chapter VI. are discretionary and each community will make other choices. As noted previously, if the ordinance is written as an overlay, or as an alternative to the traditional subdivision process, permitted and conditional uses may be set in the base zoning district rather than in the conservation subdivision ordinance.

VI. Conditional Uses - The following are conditional uses in the CS Conservation Subdivision District that require a conditional use permit based upon procedures, factors and conditions set forth in other regulations of Model Community:

A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions, limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues;

B. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

Design Standards

Design standards set in Chapter VII. will vary by community and by the conservation priorities. Minimizing impervious surfaces is a stated goal of this district and is reflected in the driveway design standard. The driveway standard provides one example of how LID standards can be integrated into conservation subdivision. Other design standards may emphasize protection of specific natural resources, protection of timberland, or protection of agricultural soils.

VII. Design Standards - The following are minimum design standards for the CS Conservation Subdivision District.

A. Dwelling units in this zoning district must meet the following minimum structural design standards.

1. Minimum square footage:
   a. Single-family detached dwelling: Minimum ground floor area shall be 800 finished square feet.
   b. Two-family dwelling units: Minimum ground floor area shall be 800 finished square feet and each dwelling unit shall have a minimum of 800 finished square feet.
   c. Townhouses: Each dwelling unit shall have a minimum of 800 finished square feet.
2. Permanent full perimeter frost footings with foundation walls of concrete, concrete block, or wood.
3. Compliance with the requirements of the Uniform Building Code.

B. Garages in this zoning district must meet the following minimum structural design standards.

1. Rear yard or attached garage required.
2. One garage stall shall be built for each dwelling unit. Provisions for an additional parking space must be provided on original plans.

C. Accessory buildings in this zoning district must meet the following minimum structural design standards.

1. Shall not be erected within five feet of any lot boundary or alley.
2. The total area of all accessory buildings to be erected on any lot shall not cover more than twenty percent of the required rear yard area.

D. Driveways in this zoning district must meet the following minimum design standards.

1. May not be constructed from a hard, impervious surface such as tar or concrete, except for the 10' (ten feet) immediately adjacent to the front wall of the garage.
2. Maximum width of driveways - 20 feet.
3. Shall be completed within the same time frame as that of the building permit.

VIII. Yard, Area and Building Size Requirements - The following are yard, area and building size regulations for permitted dwelling units in the CS Conservation Subdivision District.

A. Area and bulk requirements in a conservation subdivision served by individual well and septic systems are as follows:

1. Lot area: a minimum of 1 acre.
2. Lot width at front yard setback line: minimum of 50 feet
3. Yard dimensions:
   a. Front yard: minimum 20 feet
   b. Side yard (each side): minimum 10 feet or 10% of lot width, whichever is greater
4. Build-up line:
   a. Two and one half stories, first finished floor level must be a minimum two feet above grade.
   b. Maximum building height: 35 feet
5. Maximum building coverage, including primary and accessory structures: 10 percent

6. Maximum impervious area: 15 percent

B. Area and bulk requirements in conservation subdivisions served by approved common utilities for single-family, two-family and townhouse units shall be the same as those requirements for Section A above, except as follows:

1. The minimum lot size for single-family dwelling units shall be one-half acre.
2. The minimum lot size for two-family and townhouse units shall be 8,000 square feet per unit.
3. Maximum building coverage, including primary and accessory structures: 20 percent
4. Maximum impervious area: 25 percent

Landscaping Standards

Landscaping requirements and related vegetative management will vary dramatically depending on the conservation theme for the development. This ordinance addresses landscaping requirements for meeting rural character goals. Shoreland conservation development must meet the minimum DNR standards for the shore and bluff impact zone, and should incorporate DNR's alternative standards that address both primary and secondary buffer areas.

IX. Landscaping Requirements - A landscape plan for the entire subdivision is required for final site plan approval, and at a minimum must include the following:

A. All ground cover areas disturbed in the construction process shall be seeded or sodded with low-water usage species or site appropriate native species.

B. The developer of any dwelling unit shall plant native shade trees. At a minimum, one tree shall be planted for every thirty feet of frontage along each road unless the Planning Commission shall grant a waiver. Such waiver shall be granted only if there are trees growing along such right-of-way or on the abutting property which in the opinion of the Planning Commission comply with these regulations.

C. Additional landscaping may be required to satisfy buffering requirements, and landscape requirements contained in other Model Community ordinances.

X. Off-Street Parking and Loading - For permitted single-family, two-family, townhouse and apartment dwellings, two (2) free off-street parking and loading spaces per unit shall be provided and maintained.