

## **SECTION 7. CONSERVANCY (C) DISTRICT**

### **SUBDIVISION 1. PURPOSE**

The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity with the Conservancy (C) District. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

### **SUBDIVISION 2. PERMITTED USES**

The following uses shall be permitted within the Conservancy (C) District:

- A. Agriculture, including crop production and pasturing, utilizing agricultural best management practices and accessory structures.
- B. One (1) single-family dwelling per existing building site, Lot of Record, or per quarter-quarter section.
- C. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- D. Home Occupations, Level I.
- E. Seasonal produce stand.
- F. Sensitive resource management of hiking trails, nature areas, wildlife preserves, official wetland areas and forest preserves owned or operated by governmental agencies.
- G. Flood control, watershed structures, erosion control, and fish and game hatcheries.
- H. Forest management.
- I. Nurseries and tree farms.
- J. Non-Commercial Wind Energy Conversion Systems.
- K. Small Solar Energy System.

- L. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvements of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Plan	Land Alteration(s) Plan Requirements
< 5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion
<25 cubic yards outside Bluff Impact Zone	25-50 cubic yards outside Bluff Impact Zone	<p><b>Parcels &lt; 5 acres:</b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Parcels 5-20 acres:</b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Parcels &gt; 20 acres:</b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

**SUBDIVISION 3. CONDITIONAL USES**

The following uses may be allowed in the Conservancy (C) District as Conditional Uses:

- A. Expansion of existing feedlots-up to a total of five hundred (500) animal units.
- B. Expansion of any existing feedlot within one (1) mile of a city boundary.
- C. One (1) temporary dwelling per lot that will be occupied for one (1) year or more.
- D. Mineral extraction.
- E. Home Occupations, Level II.
- F. Antique sales, service and restoration.

- G. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- H. Parks, recreational areas and historic sites.
- I. Bed and Breakfast Inns.
- J. Campgrounds.
- K. Transfer of Development Rights.
- L. Commercial Wind Energy Conversion Systems.
- M. Self Service Storage.
- N. Special Events.
- O. Grading, excavating or filling within the bluff.
- P. Grading, excavating or filling activities involving the movement of more than (50) fifty cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvements of public roads are exempt.

<b>Conditional Use</b>	<b>Conditional Use Requirements</b>
> <b>10</b> cubic yards within the Bluff Impact Zone	<p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>
> <b>50</b> cubic yards outside Bluff Impact Zone	<p><b>Parcels &lt; 5 ac:</b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Parcels 5-20 ac:</b> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Parcels &gt; 20 ac:</b> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b>Site Plan(s) and As-Built completed by a surveyor or engineer.</b></p>

**SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS**

The following uses shall be permitted accessory uses within the Conservancy (C) District.

A. Having no more than two (2) boarders by a resident family.

**B. ACCESSORY STRUCTURES**

1. In the Conservancy (C) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

<b>Lot Size</b>	<b>Maximum Structure Area</b>	<b>Maximum Structure Height</b>
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

**C. SWIMMING POOL. PERMANENT**

1. No pool shall be located within ten (10) feet of a septic tank.~~/drain field.~~
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
6. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

**D. HEIGHT AND SEPARATION REGULATIONS**

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

2. An accessory structure shall not be closer than five (5) feet to the principal structure.
  - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

#### E. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- F. Other accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

### **SUBDIVISION 5. DIMENSIONAL REGULATIONS**

#### ~~A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS~~

- ~~1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:~~
  - ~~a. The use of the structure is conforming to the zoning district in which it is located.~~
  - ~~b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.~~
  - ~~c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.~~
  - ~~d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, and structure height.~~
  - ~~e. The height of the expansion shall not be greater than the existing structure at the existing building line.~~

#### A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.

3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

#### B. SIDE YARD SETBACKS

All structures shall have a side yard setback of not less than fifty (50) feet.

#### C. REAR YARD SETBACKS

All structures shall have a rear yard setback of not less than fifty (50) feet.

#### D. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
  - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
  - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent.
  - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
  - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
    1. Shall be exempt from bluff setback.
    2. May be located within the bluff impact zone.
    3. Shall not be located within the bluff.

3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

#### E. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

#### F. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

#### G. FEEDLOT & ANIMAL REQUIRMENTS

1. Effective June 10, 2010 any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:
 

a. 10-50 AU	500 feet
b. 51-2000 AU	1000 feet
c. Greater than 2000 AU	1500 feet
2. All new dwellings shall be separated from an existing animal feedlot by the following:
 

a. 10-50 AU	500 feet
b. 51-2000 AU	1000 feet
c. Greater than 2000 AU	1500 feet
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the lot requirement as follows:
 

a. Up to 100 AU	5 acres
b. 101-500 AU	10 acres
5. In the Conservancy (C) District, the following standards shall be applicable for allowable animal units: *(TABLE ON NEXT PAGE)*

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 2.49 acres	2
2.5 to 3.49 acres	3
3.5 to 4.49 acres	4
4.5 or more acres	5 plus 1 additional animal unit for each additional acre owned to a maximum of 49 animal units

6. In the Conservancy (C) District the following maximum number of domestic animals are allowed.

Number of Cats	Number of Dogs	Kennel (CUP)	Animal Shelter (CUP)
10	5	> Than # allowed	> Than # allowed

#### H. LOT AREA

Every lot or plot of land on which a single-family dwelling is erected shall contain an area of not less than five (5) acres.

#### I. LOT WIDTH AND DEPTH

Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than four hundred (400) feet at the structure setback line and a minimum depth of not less than four hundred (400) feet.

#### J. BUILDABLE LOT STANDARDS

1. A Lot of Record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance and which has frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
  - a. Area of a slope in excess of eighteen (18) percent.
  - b. An impact zone.
  - c. Floodplain.
  - d. Wetlands.
2. Each new building site created after the adoption of this Ordinance must have a minimum of 40,000 square feet of contiguous buildable lot area.
- ~~3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.~~
3. [All lots created after January 23, 1996 must have a minimum of two \(2\) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.](#)



4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a dwelling.

## **SUBDIVISION 6. DWELLING STANDARDS**

### **A. PROHIBITED DWELLINGS**

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

### **B. DWELLING REGULATIONS**

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

## **SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS**

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
1. A minimum driving surface width of fourteen (14) feet.
  2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  3. Base material depth sufficient to support access by emergency vehicles.
  4. Unobstructed width of not less than twenty (20) feet.
  5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff impact zone.

#### **SUBDIVISION 8. GENERAL REGULATIONS**

All land uses and development shall follow all other applicable regulations of this Ordinance.