

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. Home Occupations, Level I.
- D. Sensitive resource management of hiking trails, nature areas, wildlife preserves, official wetland areas and forest preserves owned or operated by governmental agencies.
- E. Flood control, watershed structures, erosion control, and fish and game hatcheries.
- F. Forest management.
- G. Nurseries and tree farms.
- H. Non-Commercial Wind Energy Conversion Systems.
- I. Small Solar Energy System.
- J. 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.

(TABLE ON NEXT PAGE)

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit 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><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES

The following uses may be allowed in the Conservancy (C) District with the issuance of an Administrative Special Use Permit:

- A. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- B. Seasonal produce stands.
- C. Transfer of Development Rights.
- D. Driveway construction and associated land preparation prior to issuance of a zoning permit. Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state.
- E. Cannabis Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events of one (1) but less than four (4) requests per year.
- F. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events of one (1) but less than four (4) requests per year.

G. Home Occupations, Level I.

H. Cannabis Delivery Service

SUBDIVISION 4. INTERIM USES

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

- A. One (1) temporary dwelling per lot that will be occupied for one (1) year or more.
- B. Mineral extraction.
- C. Home Occupations, Level II.
- D. Bed and Breakfast Inns.
- E. Cannabis Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding two (2) days in length.
- F. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding two (2) days in length.
- G. Short-Term Private Lodging Rental.
- H. Grading, excavating or filling within the bluff.
- I. Cannabis Cultivation.
- J. Cannabis Transporter
- K. Cannabis Wholesaler
- L. 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.

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

SUBDIVISION 5. 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. Antique sales, service and restoration.
- D. 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.
- E. Parks, recreational areas and historic sites.
- F. Campgrounds.
- G. Commercial Wind Energy Conversion Systems.
- H. Self Service Storage.

SUBDIVISION 6. 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.

Lot Size	Maximum Structure Area	Maximum Structure Height
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.

3. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.

C. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.

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 barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.

a. Pools equipped with a lockable safety cover complying with ASTM F 1346 safety specifications shall be exempt from the barrier requirement.

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 any other structure on the subject or neighboring property.
 - 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.
 - b. Grain Bins, Grain Legs, and all other components of a Grain Handling System (as determined by the County Zoning Administrator) shall be exempt from meeting this standard when measured from one another. These structures shall be required to meet this standard when measured from all structures determined to not be a part of the Grain Handling System.

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 Subdivisions 2-5 of this Section.

SUBDIVISION 7. DIMENSIONAL REGULATIONS

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.

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 conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Bluff.
 - c. Floodplain.
 - d. Principle Structure Setbacks.
 - e. Wetland.

2. An undeveloped legal non-conforming lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Area that meet the County’s definition for a Bluff.
 - c. Floodplain.
 - d. Structure Setbacks.
 - e. Wetland.

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 to qualify for placement of a dwelling.

SUBDIVISION 8. 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 affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
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 shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms 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. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
9. 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.
10. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
11. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
12. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.
13. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
14. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

SUBDIVISION 9. 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 10. GENERAL REGULATIONS

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