

**MODEL
REGULATIONS
FOR
RESIDENTIAL
CONSERVATION
DEVELOPMENT**

First Revision April, 2003

**Section Three
Of the
Countryside Program
Conservation Development Resource Manual**

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Introduction

Purpose

The Model Regulations for Residential Conservation Development are designed to aid local officials in enacting regulations that encourage site development that is sensitive to the unique qualities of the community.

In most communities, new residential development is required to be in conventional subdivisions. This type of development results in the land being subdivided into individual lots – open space is exclusively in private back yards.

In contrast, this model encourages an alternative approach to managing expected development. It is intended to strike a balance between the development rights of the property owner (developer) and the community’s desire to conserve open space and protect sensitive and/or significant resources. The property owner has the choice to develop according to the conservation development regulations or under conventional zoning. To minimize the length of the review process, the model treats conservation developments as permitted uses. The review process gives the Zoning Commission the authority to review and approve the development in the same manner that some communities now utilize as “site plan review” for non-residential projects.

The concept of conservation development has traditionally expected that a minimum of 50% of the project area would be “conserved.” This standard is most applicable and most easily achieved when overall densities are less than one unit per acre. Nevertheless, the Countryside Program understands that the community benefits when the principles of conservation development are applied to projects with densities greater than 1 unit per acre and with less than a 50% conservation or open space component. Therefore, this model includes examples and standards for higher density open space projects even though they do not satisfy the traditional concept and standards for conservation development.

Summary

These model regulations have been written to guide the creation of a Conservation Development Zoning District. This district is a residential district that allows a property owner the option of choosing, by right, either conservation development in the style promoted by the Countryside Program or standard single-family subdivision development as currently permitted in the township’s zoning resolution.

This model includes three principles:

1. A percentage of a proposed development area must be set aside as open space.
2. In exchange, building spacing requirements are reduced (compared to the standard single-family requirements). This flexibility permits the same development potential on the remaining land as is possible for the entire parcel under the standard single-family regulations.

3. Through this location flexibility (and the open space requirement), buildings and streets are arranged to conserve the site's sensitive and significant features.

Some of the more noteworthy elements of the regulations are summarized below:

- The basic Model is “density neutral” – that is to say that the conservation development potential is similar to that of development under conventional regulations. Options are given where higher densities could be offered as further incentive for the property owner to choose the conservation development option.
- The Model sets forth objective standards to preserve floodplains, wetlands, and areas adjacent to rivers and streams.
- The Model also includes design criteria that seek to conserve those features of a site that contribute the most to the character of the community. But first, the community needs to determine the relative importance of these features. Once identified, prioritized and adapted to meet the community's needs, the criteria will guide property owners in designing their projects.
- Conservation development is to be reviewed and approved at the local level. Provisions are given for use by townships, and for adaptation for use by municipalities. However, because subdivisions in townships must also be reviewed and approved by the County Planning Commission, the Model identifies ways in which county subdivision regulations may need to be modified in order to allow for conservation developments. The provisions in the Model Zoning Regulations sometimes overlap the Model Subdivision Regulations. To the extent that a township has adopted resource protection regulations and design criteria, the County Planning Commission should defer to the township's policy decisions.

Open Space Plan Recommended

At the heart of conservation development is the idea that community resources and open spaces can be conserved while still allowing the construction of houses. It is highly recommended that a detailed inventory and evaluation of community resources and open space be conducted in order to provide a sound planning basis for determining priority areas for conservation. Priority areas should be shown on a map and clearly summarized in a public document. Also, such a map would be a useful reference when reviewing and evaluating proposed conservation developments.

How to Use This Document

Presented within these model regulations are several development standards and design criteria. In some cases, examples of standards are included in the appendix to illustrate specific concepts. Therefore, not everything in the model can or should be included in a local township conservation development zoning district. The model regulations should be

carefully reviewed and only those standards and criteria that serve the goals of the community should be selected. THE LANGUAGE OF THE MODEL REGULATIONS SHOULD NOT BE ADOPTED VERBATIM.

These model regulations form Section **Two** of the larger document titled the Conservation Development Resource Manual. Section Two, “Handbook for Design and Review of Conservation Developments”, provides useful illustrations and detailed information to assist in understanding the application and benefits of conservation development.

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See specifically: “Model Regulations for Residential Conservation Development,” First Revision April 2003, Section Three of The Countryside Program: Conservation Development Resource Manual, pp. 1-3.