

## **SECTION 8. AGRICULTURE (A) DISTRICT**

### **SUBDIVISION 1. PURPOSE**

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that 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 Agriculture (A) District:

- A. Agriculture, including crop production, pasturing utilizing agricultural best management practices, and accessory structures.
- B. Feedlots up to a total of three hundred (300) animal units, located more than one (1) mile from city boundaries.
- C. One (1) single-family dwelling per existing building site, Lot of Record, or per quarter-quarter section.
- D. Parks, recreational areas, wildlife areas, historic sites, game refuges and forest preserves owned or operated by governmental agencies.
- E. Flood management and control, watershed structures, erosion control and fish and game hatcheries.
- F. Forest management.
- G. Wireless Telecommunications Service Antenna when located on existing towers.
- H. Public Utility and Service Structures.
- I. Non Commercial Wind Energy Conversion Systems.
- J. Vineyard/Orchard.

- K. Tree farms.
- L. Agricultural related services such as feed and seed sales, custom applicators of animal livestock wastes, and custom tillage/harvesting.
- M. Government administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings.
- N. Small Solar Energy System.
- O. **For parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of five hundred (500) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

<b>Permitted Use</b>	<b>Permitted Use with Land Alteration(s) Permit</b>	<b>Land Alteration(s) Permit Requirements</b>
<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
<250 cubic yards outside Bluff Impact Zone	250-500 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. **For parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of one thousand (1,000) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

<b>Permitted Use</b>	<b>Permitted Use with Land Alteration(s) Permit</b>	<b>Land Alteration(s) Permit Requirements</b>
< 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
<500 cubic yards outside Bluff Impact Zone	500-1000 cubic yards outside Bluff Impact Zone	Scaled site plan w/10-foot contours depicting existing and proposed topography. As-Built upon completion.

**SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES**

The following uses may be allowed in the Agriculture (A) 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 USE PERMITS**

The following uses may be allowed in the Agriculture (A) District as Interim Uses:

- A. One (1) temporary dwelling per lot that will be occupied for more than one (1) year.

- B. Riding academies and stables.
- C. Mineral extraction.
- D. Home occupations, Level II.
- E. Bed and Breakfast Inns.
- F. Contractors and Construction Companies along with Shops and Yards.
- G. Outdoor Commercial Recreational Areas.
- H. 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.
- I. Short-Term Private Lodging Rental.
- J. Cannabis Cultivation.
- K. Cannabis or Lower-potency Hemp Edible Manufacturer.
- L. 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.
- M. Cannabis Transporter.
- N. Cannabis Wholesaler.
- O. Grading, excavating or filling within the bluff.
- P. **Parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than five hundred (500) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

*(TABLE ON NEXT PAGE)*

Interim Use	Interim Use Requirements
> <b>10</b> cubic yards within 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>500</b> cubic yards outside Bluff Impact Zone	<p><b><u>Parcels &lt; 5 ac:</u></b> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><b><u>Parcels 5-20 ac:</u></b> Scaled site plan w/ 5-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>

Q. **Parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than one thousand (1,000) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Interim Use	Interim Use Requirements
> <b>10</b> cubic yards within 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>1000</b> cubic yards outside Bluff Impact Zone	<p>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 5. CONDITIONAL USES**

The following uses may be allowed in the Agriculture (A) District as Conditional Uses:

- A. All feedlots greater than three hundred (300) to three thousand (3,000) animal units.
- B. A new feedlot or expansion of an existing feedlot within one (1) mile of a city boundary.
- C. Agriculture and Industrial machinery sales and service.
- D. Fertilizer and chemical sales.
- E. Value Added Agriculture.
- F. Commercial grain storage facilities.
- G. Organized group camps.
- H. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater n 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- I. Public or private schools, churches, cemeteries and memorial gardens.
- J. Antique sales, service and restoration.
- K. Retail nursery and garden supplies and greenhouses.
- L. Animal hospitals, veterinary clinics, animal crematoriums and related facilities for the care and breeding of animals including kennels.
- M. Campgrounds.
- N. Wireless telecommunication towers.
- O. Commercial Orchards.
- P. Winery.
- Q. Indoor Commercial Recreational Areas.
- R. Self Service Storage.
- S. Commercial Wind Energy Conversion System.

T. Commercial Grain Elevators.

U. Forest Land Conversion.

V. Large Solar Energy System.

W. Commercial Green House.

**SUBDIVISION 6. PERMITTED ACCESSORY USES AND STANDARDS**

The following uses shall be permitted accessory uses within the Agriculture (A) District:

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

B. Light aircraft, unpaved landing fields used solely by the property owner.

**C. ACCESSORY STRUCTURES**

1. Accessory structures in the Agriculture (A) 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.

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

**D. 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.

#### E. 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.

#### F. DRAINAGE

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

- G. 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

1. All structures shall have a side yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a side yard setback of not less than fifteen (15) feet.

#### C. REAR YARD SETBACKS

1. All structures shall have a rear yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a rear yard setback of not less than fifteen (15) 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 AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010, all new animal feedlots shall be separated from a school, park, golf course, licensed campground, or residential zoning district, and conversely, a 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 animal feedlots shall be separated from an existing dwelling and conversely, 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 new animal feedlot or expansion of an existing animal feedlot shall conform to the lot requirement as follows:
  - a. Up to 100 AU 5 acres
  - b. 101-2000 AU 10 acres
  - c. 2001-3000 AU 15 acres

5. In the Agriculture (A) District, the following standards shall be applicable for allowable animal units:

<b>Suitable Area Acreage</b>	<b>Animal Units Allowed</b>
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 4.99 acres	Up to 10 AU
5 to 9.99 acres	10 to 100 AU (50 AU or more-required to be registered feedlots)
10 to 14.99 acres	101 to 2,000 AU
15 or more acres	2,001 to 3,000 AU

6. In the Agriculture (A) District the following maximum number of domestic animals are allowed.

<b>Number Of Cats &amp; Dogs</b>	<b>Kenel (CUP)</b>	<b>Animal Shelter (CUP)</b>
10	> 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 one and one-half (1.5) 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 two hundred (200) feet at the-setback line and a minimum depth of not less than three hundred (300) 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.**

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