

ARTICLE V –AGRICULTURAL DISTRICTS V

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ARTICLE V – AGRICULTURAL DISTRICTS

Section 5.02 A-2 AGRICULTURAL PROTECTION DISTRICT:

The purpose of this district is to maintain, conserve and enhance agricultural lands, which are historically valuable for crop production, pastureland, and natural habitat for plant and animal life. The district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses. The A-2 District does provide a slightly higher density of non-farm dwellings than the A-1 District and is intended to apply to those areas within the Comprehensive Plan's "Resource Protection Area" where major agricultural investments, large farms, and feedlots are more scattered and greater numbers on non-farm uses or small parcels are present.

A. PERMITTED USES:

1. Dwellings;

a. **Farm:** One farm dwelling may be located on a farm. The definition of a farm for this district is "a lot used for agricultural or horticultural uses and (1) comprised of at least thirty five (35) acres, or (2) comprised of at least an undivided quarter-quarter section, less no more than five (5) acres, including the abutting public road right-of-way to the centerline. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area".

b. **Non-Farm:** One non-farm dwelling may be located upon a buildable non-farm lot (See Section 1.26, b, 2 & 3).

c. **Farmstead dwelling:** One farmstead dwelling may be located upon a non-farm lot in conformance with Section 5.00 D.

2. A second farm dwelling or mobile home may be placed on the same farmstead as another when the ownership of such farm exceeds a size of eighty (80) acres of contiguous land and provided that the residents of both dwellings are owners, operators or employees of said farm.

3. General farming, including the raising of crops, livestock, poultry, dairying, horticulture, apiculture, viticulture sod farming, forestry and similar agriculturally related uses, except animal feedlots.

4. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all county, state and soil conservation district minimum regulations.
5. Railroad right-of-ways, but not including freight classification yards and buildings.
6. One seasonal roadside stand where the use is located on a farm, the volume of any road providing driveway access to the use is less than 1,500 vehicles per day, and the posted speed limit on any road providing driveway access to the use is 60 mph or less, provided that:
 - adequate off-street parking is available ; and
 - the road authority approves of the access and location.

No more than one thirty-two (32) square foot sign advertising the stand shall be permitted for each street or road frontage.
7. Forest and game management areas.
8. Home business as regulated in Section 10.02, where Section 10.02 directs consideration as a permitted use.
9. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
10. Small non-utility wind energy conversion system.
11. WECS meteorological towers.

B. CONDITIONAL USES/ INTERIM CONDITIONAL USE: (See also Section 4.02 Conditional Uses)

1. One mobile home as a second dwelling on a lot, under one or more of the following circumstances:
 - a. When there is a need to provide health care services to residents of either of the dwellings for reasons of physical or mental condition; or;
 - b. When all adult residents of either of the dwellings are sixty (60) years of age or older, or;

- c. When at least one of the adult occupants of each dwelling is employed at least seasonally general farming activities carried out on the parcel, or
 - d) When at least one of the adult occupants of each dwelling has at least a partial ownership interest in the parcel.
2. Public utility buildings such as substations, transformer stations and regular stations without service or storage yards.
3. Public parks and buildings.
4. Churches and community buildings, including chapels, temples, synagogues, cemeteries and normal accessory buildings for education and living quarters.
5. Personal-use airports, as defined in Minnesota Rules 8800.1300 Subpart 2, including landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft not engaged in air commerce. [Private airports for restricted or public use are addressed as a conditional use in the Agricultural/Resource Commercial – Land Intensive Low Impact District.].
6. Communications towers and structures, including radio and television and commercial wireless telecommunications services and towers.
7. One seasonal roadside stand not meeting the criteria described in Section 5.00 A (6), provided that:
 - adequate off-street parking is available, and
 - the road authority approves of the access and location.

No more than one thirty-two (32) square foot sign advertising the stand shall be permitted for each street or road frontage.
8. Temporary use not to exceed one year.
9. Animal feedlots exceeding 500 animal units, as regulated in Section 10.26.
10. Kennels.
11. Stables for the commercial boarding of animals on parcels under 35 acres in area.
12. Riding academies.
13. Other uses similar to those uses described as permitted or conditional uses in Section 5.00 (A) or (B).

14. Private parks and open space uses, including hiking areas, trails for cross-country skiing, picnic facilities, and similar activities, but not to include camping or other overnight lodging, nor motorized recreational vehicles such as dirt bikes, motorcycles, snowmobiles, and so on.
15. Bed and Breakfast, provided that it is located within the principal dwelling of an existing farmstead, as an accessory use on a parcel of which the principal use is general farming, and that it is located at least ¼ mile from a feedlot not located on the farm parcel. If the parcel is smaller than 35 acres, the operator shall demonstrate that the parcel with the proposed use is part of a commercially viable agricultural operation. The minimum lot size for the proposed use shall be 5 acres.
16. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.
17. Licensed farm winery as a year-round accessory use on a parcel of which the principal use is viticulture.
18. Landspreading facilities and landspreading sites and landspreading activities within Salem Township.
19. Home business as regulated in Section 10.02, where Section 10.02 directs consideration as a conditional use.

C. STANDARDS FOR NON-FARM DWELLINGS: Non-farm lots or dwellings shall be permitted only when they comply with all of the following standards:

1. No more than one non-farm lot per quarter-quarter section. Should a quarter-quarter section contain a buildable non-farm lot, no additional dwelling shall be permitted.
2. Any non-farm dwelling shall contain at least one (1) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less. When a dwelling, which is not a mobile home, existed in its present locations prior to April 16, 1983, this standard shall not apply.
3. No non-farm dwelling shall be permitted in areas identified as wetlands or flood plain.
4. No non-farm dwelling shall be located within one fourth (1/4) mile of an animal feedlot or manure storage facility not located on the same non-farm lot.

Commentary: The purpose of the following section is to permit an existing farm dwelling to be subdivided from a farm subject to the limitations listed as “standards” in the following section:

D. STANDARDS FOR FARMSTEAD DWELLINGS: A farmstead dwelling may be created provided the following standards are complied with:

1. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983.
2. The farmstead dwelling is located within a farmstead boundary.
3. Each parcel containing a farmstead dwelling must contain a minimum area of five (5) acres, including the abutting public road right-of-way, if any. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area.
4. A parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime cropland excluding non-tilled land within the farmstead boundary.
5. Not more than one (1) farmstead dwelling is permitted per farm.
6. If a farm contains more than one (1) dwelling, only one of the dwellings may become a farmstead dwelling; the remaining dwelling or dwellings must remain on a farm parcel or be removed from the parcel.
7. Parcels containing farmstead dwellings shall conform to the area, lot width and access requirements of this ordinance.

E. GENERAL DISTRICT REGULATIONS:

1. Height Regulations: None
2. Front Yard Regulations:
 - a. A minimum front yard depth of not less than forty-five (45) feet shall be provided.
3. Side Yard Regulations:
 - a. A minimum side street yard width of not less than forty-five (45) feet shall be provided.
 - b. A minimum interior yard width of not less than twenty-five (25) feet shall be provided.

4. **Rear yard Regulations:**
 - a. A minimum rear yard depth of not less than twenty-five (25) feet shall be provided.

5. **Lot Area Regulations:**
 - a. Each lot shall have an area of not less than two (2) acres, not including the abutting road right-of-way, except when additional lot area is required by the County Health Department to meet the Board of Health regulations.

6. **Lot Width Regulations:**
 - a. Each lot shall have a minimum width of one hundred and fifty (150) feet at the proposed building site.
 - b. Each lot shall be provided with either thirty-three (33) feet of frontage along a public road or recorded private easement of not less than thirty three (33) feet for access to the building site.

7. **Dwelling/ Road Regulations:**
 - a. No dwelling shall be permitted that would require a new public road

Section 5.04 A-3 AGRICULTURAL DISTRICT:

The purpose of the A-3 District is to maintain and conserve agricultural investments and prime agricultural farmland, but to permit some non-farm development at a low density, not to exceed one dwelling unit per 10 acres. This district is intended to be limited to the Comprehensive Plan’s “Agricultural Area” and the “Suburban Subdivision Area”. The definition of a farm for this district is “a lot used for agricultural and horticultural uses and comprised of at least thirty-five (35) acres”.

A. PERMITTED USES:

1. Uses permitted in Section 502 (A) Permitted Uses, A-2-1 Agricultural Protection District, except Section 5.02 (A)(3). The definition of a farm for this district is "a lot used for agricultural or horticultural uses and (1) comprised of at least thirty five (35) acres, or (2) comprised of at least an undivided quarter-quarter section, less no more than five (5) acres, including the abutting public road right-of-way to the centerline. However, if the right-

of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area".

2. New animal feedlots up to 100 animal units in size or expansions of existing feedlots up to 300) animal units in size.

B. CONDITIONAL USES: (Also see Section 4.02, Conditional Use.)

1. Uses permitted in Section 5.02_(B) conditional Uses, and A-2 Agricultural District, except Section 5.02 (B) (10) (18).
2. New animal feedlots exceeding one hundred (100) animal units or existing animal feedlots that increase their size to exceed three hundred (300) animal units, as regulated in Section 10.26.
3. Solar energy farm (photovoltaic systems).

C. STANDARDS FOR NON-FARM DWELLINGS: Non-farm dwellings shall be permitted only when they comply with all of the following standards:

1. No more than two (2) dwelling units per quarter-quarter section shall be permitted. Where two (2) dwelling units or buildable non-farm lots, or any combination thereof, exist within a quarter-quarter section, no additional non-farm dwelling shall be permitted.
2. No dwelling unit shall be permitted in areas identified as wetlands or flood plain.
3. Any non-farm dwelling shall be located on at least one-half (1/2) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less, or in a wooded area. When a dwelling, which is not a mobile home, existed in its present location prior to April 16, 1983, this standard shall not apply.
4. No non-farm dwelling in an A-3 district shall be located within one-fourth (1/4) mile of an animal feedlot or manure storage facility upon property located in an A-2 district.

COMMENTARY: The purpose of the following section is to permit an existing farm dwelling to be subdivided from a farm subject to the limitations listed as "standards" in the following section:

D. STANDARDS FOR FARMSTEAD DWELLINGS: A farmstead dwelling may be created provided the following standards are complied with:

1. A habitable farm dwelling must have legally existed on the farm in a habitable condition as of April 16, 1983.
2. The farmstead dwelling is located within a farmstead boundary.
3. Each parcel containing a farmstead dwelling must contain a minimum area of five (5) acres, including the public road right-of-way, if any. However, if the right-of-way is owned by the road authority in fee simple, then the abutting public right-of-way shall not be included in determining parcel area.
4. A parcel containing a farmstead dwelling shall not contain more than five (5) acres of prime cropland.
5. No more than one (1) farmstead dwelling is permitted per farm.
6. If a farm contains more than one dwelling, only one of the dwellings may become a farmstead dwelling; the remaining dwelling or dwellings must remain on a farm or be removed from the parcel.
7. Parcels containing farmstead dwellings shall conform to the area, lot width and acres requirements of this ordinance.

E. GENERAL DISTRICT REGULATIONS:

1. The same as Section 5.02 (E) General District Regulations, A-2 Agricultural Protection District, except for Subdivision 5, Lot Area Regulations.
2. Lot Area Regulations: Each lot shall have an area of not less than two (2) acres not including the road right-of-way, except when additional lot area may be required by the County Health Department to meet Board of Health regulations.