

CHAPTER 8: AGRICULTURAL DISTRICT "A"

SECTION 801: PURPOSE, AG COVENANT, AND OFFICIAL NOTICE TO LANDOWNERS

To provide a district that will retain, conserve, and enhance agricultural land in the County and to protect this land from scattered residential development.

Ag Covenant

The County will view the agricultural district as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal agricultural operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal agricultural operations.

When an owner of land in an agricultural district has received a permit for purposes of an agricultural use on his or her property and has received those permits by demonstrating that the intended use of his or her property is an agricultural use that is appropriate in an agricultural district, then such use is a part of normal and accepted agricultural practices and operations in Dodge County, Minnesota.

Official Notice to Landowners. The Ag Covenant applies to all properties located in the County's Agricultural District and will be separately recorded in a manner that will cause it to be viewed and acknowledged during title search on all properties located within the Townships of Dodge County.

Also, all permits issued under Part 803 of the Dodge County Zoning Ordinance will require the permittee to acknowledge receipt and understanding of the Ag Covenant with personal signature and date and then record the signed acknowledgement.

SECTION 802: PERMITTED USES

1. One dwelling and general farm buildings located on a farm of 53 contiguous acres or more;

2. One split of the existing farmstead building site that no longer meets the definition of a farm, from the remaining farm. This split will be counted as a "non-farm dwelling" and will affect the density requirements of no more than (1) one non-farm dwelling per quarter section (160 acres) of land.
 - a. if an existing farm building site is split from the remainder of the farm:
 - i. it shall conform to the minimum lot size requirements specified in this district.
3. Field crops, horticulture, nurseries, greenhouses, and tree farms;
4. Dairying, livestock raising, and apiaries;
5. Feed lots up to 500 animal units for which a feed lot permit has been issued by the Minnesota Pollution Control Agency, if needed, and for which performance standards specified in section 1619 apply to this use; Amended 6/9/09

<u><i>Animal</i></u>	<u><i>Unit</i></u>	<u><i>500 Animal Units</i></u>
One mature dairy cow	1.4 animal unit	358
One slaughter steer or heifer	1.0 animal unit	500
One horse	1.0 animal unit	500
One swine over 300 pounds	0.4 animal unit	1,250
One swine between 55 and 300 pounds	0.3 animal unit	1,500
One sheep	0.1 animal unit	5,000
One swine under 55 pounds	0.05 animal unit	10,000
One duck	0.02 animal unit	25,000
One turkey	0.018 animal unit	27,778
One chicken	0.01 animal unit	50,000

6. Wildlife preserves, forest, and wetland management areas;
7. Home occupations operated out of the principal dwelling, subject to the performance standards in section 1610;
8. Public hiking and/or biking trails;
9. Demolition debris landfill (clean fill), as regulated by Dodge County Solid Waste Ordinance;
10. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
11. Minor Essential Services, subject to Section 1711
12. Temporary Meteorological Towers less than two hundred (200) feet in

total height and removed in five (5) years or less, subject to the standards of Chapter 21

SECTION 803: CONDITIONAL USES

1. Related agricultural sales business subject to performance standards in Section 16.
2. Grain and feed sales, fertilizer plants, farm implement repair shops, livestock sales barns.
3. Migrant camps, subject to the performance standards in section 1615.
4. Animal feed lots with the number of animal units being 500 or more, see table listed in the permitted use section, and for which performance standards specified in section 1619 apply to this use;
5. Major Essential Services
6. Transmission towers used for commercial purposes are subject to the performance standards in section 1612.
7. Airports;
8. Demolition debris land disposal facility, as regulated by Dodge County Solid Waste Ordinance No. 1 and the Minnesota Pollution Control Agency;
9. Land treatment sites for the application of contaminated soils, as regulated by the Minnesota Pollution Control Agency in Minnesota Rules, Chapter 7037, (see section 1621 of this ordinance for specific requirements);
10. Campgrounds, subject to the performance standards in Section 1623;
11. Golf courses and their accessory structures; and
12. Gun clubs and their accessory structures.
13. Kennels.
14. Cemeteries
15. Wind Energy Conversion Systems (WECS), subject to the standards of Chapter 21

SECTION 804: INTERIM USES

1. One (1) additional farm dwelling meeting the requirements of the Dodge County Septic & Wastewater Treatment Ordinance, provided:
 - a. the occupants are involved in the farm operations;
 - b. manufactured homes not meeting the requirements established in section 501 will be permitted as a second farm dwelling provided:
 - i. it has a seal affixed certifying it meets the ANSI A119.1 or the NFPA 01B standards;
 - ii. it is not located in any portion of the flood plain or shoreland districts; and
 - iii. it conforms to the performance standards contained in section 1625.
2. One (1) additional non-farm dwelling meeting the requirements of the Dodge County Septic and Wastewater treatment ordinance provided:
 - a. The second dwelling meets the criteria for "as needed" * with a sunset provision as a condition of the permit.

*Example: As needed would include the use of the second dwelling as a home for an immediate family member such as a senior father or mother or father or mother-in-law. A rental of the dwelling to an unrelated person would not meet this criteria.
3. One dwelling on land less than 53 acres that is not considered a farm and subject to the following additional standards:
 - a. no more than one (1) non-farm dwelling unit shall be allowed per quarter section (160 acres) of land effective May 15, 1995;
 - b. no dwelling units shall be permitted on lots which do not abut an existing public dedicated road or which do not have at least a thirty three (33') foot wide access drive;
 - c. no dwelling unit shall be permitted that does not meet the requirements of the Dodge County Septic & Wastewater Treatment Ordinance;
4. Quarrying operations, sand and gravel extraction, other mineral or

material excavation activities which exceed 50 cubic yards in total, (see section 1618 for additional standards applying to this use);

5. Temporary asphalt hot-mix plants or concrete plants utilized for specific road projects located within Dodge County
6. Home Occupations operated out of an accessory structure
7. Meteorological Towers equal to or greater than 200 feet in total height and/or located on site for longer than five (5) years, subject to the standards of Chapter 21

SECTION 805: PERFORMANCE STANDARDS

1. Special Setbacks

- a. FROM FEEDLOTS (Amended 6/9/09) All new dwellings (except dwelling of feedlot owner or operator), golf courses, churches, public buildings, public assembly areas, licensed daycare facility and any facility with public water supply well shall be setback one thousand feet (1000') from an existing registered animal feedlot of 30 animals units or more.
- b. FROM WECS (Amended 10/13/09). The setback for all new dwellings from existing WECS shall be reciprocal and in accordance with the specific performance standards of Chapter 21

2. Lot Area Requirements

- a. lot area required shall be a minimum of three (3) acres, exclusive of road right-of-way;
- b. an increase in the minimum lot size shall be required if it is determined that additional area is needed to meet the Dodge County Septic & Wastewater Treatment Ordinance requirements or any other applicable regulations of the County.

3. Lot Width Requirements

- a. every lot shall have a minimum lot width of 150 at the building setback line;

4. Height Requirements

- a. agricultural structures are exempt from height limitations unless they are located within an airport zone;
- b. non-agricultural structures shall not exceed a height of thirty five (35) feet.
- c. WECS permitted under a Conditional Use Permit are exempt from the height requirements.
- d. Meteorological towers permitted under an Interim Use Permit or Zoning Permit are exempt from height requirements.

5. Front Yard Requirements

- a. there shall be a front yard setback of not less than 50 feet from the right of way line;
- b. in the instance of a corner lot, there shall be two (2) front yard requirements along the street sides.

6. Side Yard Requirements

- a. there shall be a minimum building setback of 25 feet from the side yard property line, with the following exception;
- b. for all non-farm residential uses, a minimum building setback of 25 feet shall be maintained from the side yard property line.
- c. For all new wells, a minimum of 50' shall be maintained from the side yard property line.

7. Rear Yard Requirements

- a. there shall be a minimum building setback of 50 feet from the rear yard property line, with the following exception;
- b. for all non-farm residential uses, a minimum building setback of 25 feet shall be maintained from the rear yard property line.
- c. For all new wells, a minimum of 50' shall be maintained from the rear yard property line.

8. Tree and/or Shrub Planting Regulations

- a. deciduous and coniferous trees that reach a mature height of twenty five (25') feet or more shall be setback a minimum of

twenty five (25') feet from road rights-of-way and all property lines;

- b. all other trees and shrubs shall be setback a minimum of fifteen (15') feet from road rights-of-way and all property lines.

9. Access Drive Regulations

- a. access drives, if providing access to lots not fronting a public road, shall be thirty three (33') feet in width;
- b. access drives, serving two or three residences, shall:
 - i. be sixty six (66') feet in width;
 - ii. provide a twenty four (24') foot driving surface;
 - iii. provide an adequate turnaround area for emergency and public service vehicles; and
 - iv. provide a graveled or better driving surface.
- c. maintenance of access drives shall be the responsibility of the home owner(s) for which the access road is built to serve;
- d. access drives shall not serve more than three residences;
- e. see section 1604 for additional requirements.

10. General Requirements

- a. variance exception: if a building addition does not further encroach upon a public road setback, no variance will be required;
- b. additional requirements for signs, parking, feedlots, and other uses are set forth in Section 16.