

CHAPTER 8: AGRICULTURAL DISTRICT "A"

SECTION 8.1 PURPOSE

The purpose of the Agricultural District is to retain, conserve, and enhance agricultural land in Dodge County and to protect this land from scattered residential development.

SECTION 8.2 AGRICULTURAL COVENANT ("AG COVENANT")

Dodge County views the Agricultural District as a zone in which land is used primarily for Agricultural uses and crop production. When an owner of land in the Agricultural District is legally engaged in an appropriate Agricultural use of a property and is in compliance with Ordinance, permit provisions and/or other applicable regulations for the Agricultural use, then such use is a part of "normal and accepted agricultural practices and operations" in Dodge County. Owners, residents, and other users of property in this district may be inconvenienced from, exposed to, or impacted by *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 property within the Agricultural District should be prepared to accept such inconveniences, exposure or impacts from *normal and accepted 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.

The Ag Covenant applies to all non-agricultural uses located in the Dodge County's Agricultural District, listed in this Chapter. For all non-agricultural uses which are required to obtain a CUP or IUP, the Ag Covenant is required to be signed, notarized and separately recorded in the Dodge County Recorder's Office in a manner that will cause it to be viewed and acknowledged during title search on all properties located within Dodge County.

SECTION 8.3: PERMITTED USES

- 8.3.1. One single family Primary Dwelling Unit on a individual parcel containing fifty-three (53) acres or more;

- 8.3.2. One split of the existing building site which creates a new parcel containing a building site that is less than fifty-three (53) acres. This split will be counted as new single family Primary Dwelling Unit on less than fifty-three (53) acres and applies towards the density limitation of no more than one (1) dwelling on less than fifty-three acres per quarter section (160 acres) of land. Splits

shall meet all performance standards and sewage treatment requirements for newly created lots.

- 8.3.3 Field crops, horticulture, nurseries, greenhouses, and tree farms;
- 8.3.4 Dairying, livestock raising, and apiaries;
- 8.3.5 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>Animal</u>	<u>Unit</u>	<u>500 Animal Units</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

- 8.3.6 Wildlife preserves, forest, and wetland management areas;
- 8.3.7 Home occupations operated out of the principal dwelling, subject to the performance standards in section 1610;
- 8.3.8 Public hiking and/or biking trails;
- 8.3.9 Demolition debris landfill (clean fill), as regulated by Dodge County Solid Waste Ordinance;
- 8.3.10 Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 8.3.11 Minor Essential Services, subject to Section 1711
- 8.3.12 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
- 8.3.13 Township Halls

SECTION 8.4: CONDITIONAL USES

- 8.4.1 Related agricultural sales business subject to performance standards in Section 16.
- 8.4.2 Grain and feed sales, fertilizer plants, farm implement repair shops, livestock sales barns.
- 8.4.3 Migrant camps, subject to the performance standards in section 1615.
- 8.4.4 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;
- 8.4.5 Major Essential Services
- 8.4.6 Transmission towers used for commercial purposes are subject to the performance standards in section 1612.
- 8.4.7 Airports;
- 8.4.8 Demolition debris land disposal facility, as regulated by Dodge County Solid Waste Ordinance No. 1 and the Minnesota Pollution Control Agency;
- 8.4.9 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);
- 8.4.10 Campgrounds, subject to the performance standards in Section 1623;
- 8.4.11 Golf courses and their accessory structures; and
- 8.4.12 Gun clubs and their accessory structures.
- 8.4.13 Kennels.
- 8.4.14 Cemeteries
- 8.4.15 Wind Energy Conversion Systems (WECS), subject to the standards of Chapter 21

8.4.16 Local government maintenance facilities

8.4.17 Fairgrounds

SECTION 8.5: INTERIM USES

8.5.1 One Single Family Primary Dwelling Unit on an individual parcel of land less than fifty-three (53) acres, provided:

- A. The quarter section has not previously received a CUP or IUP for a Non-Farm Dwelling, or
- B. The quarter section had not been previously closed through the creation of a new parcel which contains a dwelling under Section 8.3.2 of Permitted Uses.

8.5.2 One Temporary Second Dwelling Unit for a period of no more than five (5) years, provided:

- A. The quarter section of land does not have an existing active IUP for a Temporary Second Dwelling Unit, or
- B. The quarter section of land has not previously received a CUP or IUP for an Second Farm or Non-Farm dwelling with a "sunset" provision as a condition of the permit, and
- C. All performance standards for Temporary Second Dwelling Units listed in Chapter 16 can be met without the need for variances.

8.5.3 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);

8.5.4 Temporary asphalt hot-mix plants or concrete plants utilized for specific road projects located within Dodge County

8.5.5 Home Occupations operated out of an accessory structure

8.5.6 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 8.6: PERFORMANCE STANDARDS

8.6.1 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

8.6.2 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 Sewage & Wastewater Treatment Ordinance No 4, (or successor) requirements or any other applicable regulations of the County.

8.6.3 Lot Width Requirements

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

8.6.4 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.

8.6.5 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.

8.6.6 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.

8.6.7 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.

8.6.8 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.