

SECTION 7. AGRICULTURE PROTECTION (A-2)

(AS AMENDED 19 APRIL 2022)

7.1 PURPOSE:

The purpose of this district is to maintain and enhance agricultural land in the County which is and has historically been farmed, and to protect the agricultural and natural resource land from scattered residential development and land use conflicts resulting from such development. Residential development in this zone is strongly discouraged.

7.2 PERMITTED USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Accessory Solar Energy Systems: Agricultural/Farm Use, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- C. Accessory structures.
- D. Single family dwelling. Maximum of two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- E. Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds and including existing animal feedlots and new or expanded feedlot requiring a permit or agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from Pope County, having a capacity of fewer than 500 animal units, except swine facilities, which are limited to having a capacity of fewer than 300 animal units. *(AS AMENDED 17 JULY 2018)*
- F. Agricultural structures.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Existing golf courses and other similar commercial recreational facilities.
- I. Farm drainage systems, flood control and watershed/erosion control devices meeting all County, State, and Federal minimum regulations.
- J. Guest cottage or guest quarter, subject to performance standards in Section 10.8.
- K. Home occupations meeting Section 10.9 requirements.
- L. Vacation rental use, subject to performance standards in Section 10.30.3.2.a.
- M. Parks and playgrounds.
- N. Recreational camping vehicles used for seasonal, intermittent recreational or guest use, subject to performance standards in Section 10.15.
- O. Special events with a capacity of less than two hundred (200) people, subject to performance standards in Section 10.29.4.D.4.
- P. Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner, subject to performance standards in Section 10.15.

7.3 CONDITIONAL USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- C. Manufacturing/Processing-light.
- D. Cemeteries.
- E. Expansion of existing golf courses.
- F. Game farms, shooting ranges, and commercial hunting establishments.
- G. Home occupations.
- H. Motor vehicle salvage facilities, subject to performance standards in Section 10.14.
- I. Municipal wastewater treatment facilities.
- J. New and expanded feedlots having a permitted capacity of up to 2000 animal units.
- K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.). Prior to the issuance of a conditional use permit for a non farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgment shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the office of the Pope County Zoning Administrator.
- L. Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- M. Commercial storage units, subject to performance standards in Section 10.6.
- N. Towers, subject to performance standards in Section 10.5.
- O. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

7.4 INTERIM USES:

- A. A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- B. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.

- C. Adult oriented use, subject to performance standards in Section 10.1.
- D. Mining and extraction, subject to performance standards in Section 10.2.
- E. Non-confinement feeding areas, subject to performance standards in Section 10.3.
- F. Seasonal worker housing.
- G. Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days, subject to performance standards in Section 10.15.
- H. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- I. Special events with a capacity of more than two hundred (200) people, subject to performance standards in Section 10.29.
- J. Vacation rental properties, subject to performance standards in Section 10.30.
- K. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

7.5 MINIMUM LOT AREA FOR LOTS/STRUCTURES:

Farm Residence	3 Acres
New Residence	3 Acres
Preserved Farm Homestead	3 Acres

7.6 SETBACKS:

- A. **Side Yard Setback:** 10 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as:**
 - Arterials 225 Feet
 - Major Collectors 150 Feet
 - Minor Collectors 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector:** 100 Feet.
- E. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located or will be located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Non Farm Residence	Feedlot	***
Farm Residence	Feedlot	***
Feedlot	Residence	***
Feedlot	Feedlot	***

*** 1320 foot minimum setback increasing at the rate of two feet for each permitted animal unit in excess of 300.

In the case of an unpermitted feedlot, the setback shall be estimated based upon the size and number of animals reported by the feedlot operator or observed by others, whichever is larger.

Notwithstanding the foregoing, the county may grant a conditional use permit for the construction of a residence or establishment of a feedlot which does not meet the setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant’s proposed use. The covenant must be in recordable form and binding on the grantor’s heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

The reciprocal setbacks established by this subpart shall not apply to feedlots which have been unused or abandoned for five years or more and also shall not apply to residential structures which have not been used as a dwelling or otherwise used for human habitation for five or more years.

7.7 LOTS OF RECORD:

- A. Lots of record in the County Recorder's office prior to December 31, 1999, which are located in an A-2 district and which do not meet the requirements of this section may be allowed as building sites provided:
 1. Such use is permitted in the zoning district.
 2. The lot is in separate ownership from abutting lots or lands prior to December 31, 1999; and
 3. All sanitary and setback requirements of this ordinance are complied with.

7.8 EXISTING BUILDING SITES:

- A. Existing building sites which are split from farm properties and converted to non-farm residential uses after the date hereof shall be nonetheless deemed a lot of record provided the minimum lot size established for the district is met.