

SECTION 9. SPECIFIC ZONING DISTRICT REGULATIONS

9.1 DESCRIPTION:

The regulations set forth in Section 9.1 shall apply to the following districts: SP, SR, SC, SG, H, SA, SU

9.1.1 Purpose:

The following described Specific Zoning Districts are overlay districts located within the General Districts as described above. Through further study of the General areas, it has been determined that some areas are more compatible with certain types of land use that are defined under this section. Specific Zoning Districts will be determined by the County Board of Commissioners from time to time as an amendment to this ordinance following the procedures for rezoning or amendment to the ordinance set forth in Section 11.7.

9.1.2 Requirements:

Specific zoning districts established under this section must

- A. Be precisely defined using standard legal descriptions;
- B. Be as small in area and compact in shape as minimally necessary to accomplish the intended purpose;
- C. Compatible in purpose with the purpose of the zone in which it is to be established; and
- D. Not exceed 640 acres provided, however, that creation of a new specific district in an area contiguous to an existing specific district of the same type shall not be considered a violation of the 640 acre limitation if all other criteria for the district are independently satisfied. Applications for creation of specific zoning districts may be made by the Pope County Environmental Service Department on its own initiative, by fee owners of land within the proposed district, or by an organization formally organized and existing under the laws of the state of Minnesota declaring and claiming a specific and tangible interest in the use of the land within the proposed district. The county need not accept or process an application for specific zoning district submitted by an individual who does not have a fee interest in real property located within the proposed district, or by any other entity which does not identify a specific and tangible interest in the property within the proposed district. The county also need not accept or process an application for specific zoning district which does not meet the informational requirements established in this section for the specific zone to be established or which, in the opinion of the zoning administrator, is otherwise incomplete. Specific zoning districts specified under this section and located within shoreland areas shall be consistent with the Public Waters Classification requirements. Specific zoning districts specified under this section and located outside shoreland areas shall be consistent with requirements established for the zone in which it is located. Unless otherwise stated, restrictions established in specific overlay districts are in addition to those established for the underlying zone and shall not serve to replace, reduce or lessen the effect of the restrictions established for the underlying zone.

9.2 SPECIAL PROTECTION DISTRICT (SP):

9.2.1 Purpose:

The purpose of this district is to manage areas unsuitable for development, industrial use, or intensive livestock production due to wet soils, steep slopes, excessive soil permeability or specific geologic feature which allows mingling of ground and surface waters, or large areas of exposed bedrock; and to manage areas of unique natural or biological characteristics in accordance with compatible uses.

9.2.2 Requirements:

- A. Prior to the adoption of a special protection district for any parcel, a protection plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any organization having a stated interest in the property, by a landowner within the proposed district, or by the County.
- B. Said protection plan must identify those specific characteristics of the proposed protection area which render it unusually vulnerable to degradation, contain specific recommendations for use restrictions to be imposed on the identified land, and be accompanied by objective scientific data in support of the plan.
- C. Each application and proposed protection plan for a special protection district must be submitted for review by the Pope County Soil and Water Conservation District. The Pope County Soil and Water Conservation shall in turn submit written comments and recommendations regarding the application to the County Board. The planning commission or the board may also request review and comment by any appropriate state or federal agency. Comments and recommendations received pursuant to this subpart shall be deemed a part of the record of the public hearing held in the course or processing the application.

9.2.3 Permitted Uses: (Unless restricted in the underlying zone)

- A. General agricultural pasture and minimum tillage cropland uses, except that no wetlands shall be drained to facilitate cultivation of shorelands and shorelands shall not be cultivated within 150 feet of ordinary high water mark.
- B. Forestry, except that clear-cutting practices shall not be used within 150 feet of the normal high water mark.
- C. Parks and waysides that do not maintain overnight camping facilities.
- D. Nature areas, hiking and riding trails (except for motor vehicles), wildlife preserves, and designated official wetland or wildlife areas.
- E. Designated Historical Sites.
- F. Single family residential provided that the minimum lot is ten (10) acres in size and a minimum of 400 feet wide in a shoreland or residential district; that the proposal meets the minimum area requirements for other underlying general districts; that no structure shall be placed within 500 feet of the lake; and that soils shall be suitable for on-site sewage system. Essential Services as necessary for a permit issued under this subsection shall be permitted.

9.2.4 Conditional Uses:

- A. All aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a Special Protection District.
- B. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the County Board of Commissioners as being compatible with other general, allowable uses of the district.
- C. Public access or controlled access in a shoreland district provided that the access is as wide as minimum lot size on the lakeshore and that no more than one such access is allowed per 1000 feet of lakeshore.

9.3 SPECIAL RESIDENTIAL DISTRICT (SR):

9.3.1 Purpose:

The purpose of this district is to preserve areas suitable for residential development from encroachment by commercial and industrial establishments and to allow limited and concentrated residential development in those parts of agricultural zones which are already residential in character or are otherwise more suitable for residential than agricultural uses. Special residential districts established in agricultural zones must be developed in a manner which acknowledges the agricultural character of the underlying district, gives notice to future residents that the purpose of the underlying district is to preserve and promote agricultural production in the county, and minimizes the impact of the development on current and future agricultural uses in the area.

9.3.2 Requirements:

- A. Prior to the adoption of a residential district in an area zoned for non-intensive agricultural uses (A-1) or for agricultural protection (A-2), a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any developer, organization, by an individual, or by the County.
- B. **Said comprehensive plan must:**
 - 1. Identify all existing non-farm uses within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 2. Identify all permitted and operating feedlots within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 3. Identify those characteristics or policy considerations which render the lands contained within the proposed boundaries more suitable for residential use than agricultural use. Such characteristics or considerations may include proximity to rural municipalities or existing residential development, residential growth trends, proximity to and nature and capacity of existing public roads, public utilities including telecommunications, electric, public water and sewer facilities, suitability of soils for on-site sewage treatment systems, nature and proximity of existing agricultural, commercial, or industrial development, and suitability of soils (e.g. quality, erodibility, and drainage) for continued agricultural use.

- 4. Identify proposed density, structure placement and roads within the proposed development.
 - 5. Identify measures to be taken by the proponent, owner, or developer to minimize the impact of the proposed residential use on existing and future agricultural uses. Such measures may include screening, dedication of lands owned by or subject to the control of the proponent to green space, wildlife production, or non-intensive agricultural practices, covenants given for the benefit of adjacent agricultural lands restricting the developer’s successors in interest from interfering with accepted agricultural practices, and covenants purchased or otherwise acquired from adjacent landowners restricting specific agricultural practices within a given area.
- C. A person who applies for creation of a special residential district shall, not later than ten business days after the application is submitted, provide notice to each owner of agricultural real property within 5,000 feet of the perimeter of the proposed development. The notice may be delivered by first class mail, in person, or by publication in a newspaper of general circulation within the affected area and must include information on the number of residential units. This notice shall not be required if Minnesota Statutes Section 394.305 is repealed subsequent to the effective date hereof.

9.3.3 Permitted Uses:

- A. Agriculture - limited, however, to plant husbandry.
- B. Single family seasonal or year-round uses.
- C. Parks and playgrounds.
- D. Duplex, triplex and quad residential uses providing the conditions of the district to be located are met.
- E. Home occupations provided criteria found in Section 10.9 are met.

9.3.4 Conditional Uses:

- A. Manufactured Home Parks provided the criteria found in Section 0 are met.
- B. Controlled access provided the criteria found in Section 0 are met.
- C. Residential planned unit development.

9.3.5 Minimum Lot Area:

Notwithstanding a more restrictive density restriction in the underlying district, the minimum lot size in a Special Residential District shall be as follows: For single family residences utilizing an Individual Septic System ISTS, three acre minimum is required. For sewerer lots of lots utilizing a common drain field governed by an approved drain field agreement, the following minimum areas (exclusive of any area used for drain field purposes) shall apply:

Single	40,000 square feet
Duplex	80,000 square feet
Triplex	120,000 square feet
Quad	160,000 square feet

9.4 SPECIAL COMMERCIAL DISTRICT (SC):**9.4.1 Purpose:**

The purpose of this district is to centralize service facilities for recreational areas and to enhance the economic growth potential of those areas suitable for limited commercial development.

9.4.2 Permitted Uses:

- A. Any permitted use allowed in the Residential District.
- B. Duplex, triplex and quad residential uses provided that the requirements of the district to be located are met.
- C. Home occupations provided the criteria found in Section 10.9 are met.

9.4.3 Conditional Uses:

- A. Manufactured Home Parks, provided the criteria in Section 10.13 are met.
- B. Churches, chapels, temples, and synagogues, including Sunday Schools, Convents, and Parish houses meeting the requirements of the district.
- C. Public meeting places.
- D. Recreational camping areas (Campgrounds) provided the conditions specified in Section 10.19 are met.
- E. Commercial uses provided that the lot is compatible with the proposed use in matters of appearance, lighting, hours of operation, parking, building height, sewage disposal, signs and lot size; and PUD standards are met.
- F. Commercial planned unit development.

9.5 SPECIAL GENERAL USE DISTRICT (SG):**9.5.1 Purpose:**

The purpose of this district is to manage areas where use may be directed toward urban or municipal activities or for any type of land use not provided for in the other zoning districts. Generally, the uses of this zoning district should be separated from adjacent residential areas by a buffer zone to ease the effects of their incompatibility. Permitted uses for this district are generally commercial and industrial in nature, but for any proposed use in this district, a Conditional Use Permit may be required at the discretion of the County Board.

9.6 HISTORIC DISTRICT (H):**9.6.1 Purpose:**

The purpose of this district is to provide the opportunity for the encouragement and promotion of historic integrity in areas of proven historic significance as evidenced by data compiled by the County Historical Society, the State Historical Society, or by inclusion on the National Register of Historic Places.

9.6.2 Requirements:

- A. Parcels may be placed in a historic district by the County Board of Commissioners as an amendment to this ordinance.
- B. Prior to the adoption of a historic district for any parcel, a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said comprehensive plan may be submitted by any organization or society, by an individual, or by the County.
- C. Said comprehensive plan may include a recommendation for a text of land use rules or regulations which may vary from existing ordinance requirements. If the comprehensive plan is adopted by the County, the land use rules or regulations in the plan shall become a part of this ordinance.
- D. If a Historic District is adopted for a parcel of land, the County Board may grant review and comment authority to a bonafide historical organization or society. The review and comment authority shall be named in the amendment as shall be the extent of the review and comment authorization.

9.7 SPECIAL AGRICULTURAL DISTRICT (SA):**9.7.1 Purpose:**

The purpose of this district is to enhance the economic growth potential of those areas most suitable for concentrated livestock production and to minimize conflicts with other land uses in the area. A Special Agricultural District may be established only in an Agricultural Protection District.

9.7.2 Requirements:

- A. Prior to the adoption of a Special Agricultural District, a comprehensive plan for the parcel shall be submitted for review by the Planning Commission and the County Board. Said plan may be submitted by any developer, organization, by an individual, or by the County.
- B. In addition to all requirements for a feedlot Conditional Use Permit set forth in Section 10.3.4. said comprehensive plan must:
 - 1. Identify all existing non-farm uses within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 2. Identify all permitted and operating feedlots within the boundaries proposed for the district and within one half mile outside the proposed boundaries.
 - 3. Identify those characteristics or policy considerations which render the lands contained within the proposed boundaries suitable for concentrated livestock production. Such characteristics or considerations may include proximity to rural municipalities or existing residential development, residential growth trends, proximity to and nature of public roads, suitability of soils for on-site manure storage, nature and proximity of existing agricultural, commercial, or industrial development, and suitability of soils (e.g. quality, erodibility, and drainage patterns) for application of manure as proposed.
 - 4. Identify capacity of any proposed feedlot and species to be sheltered.

5. Identify measures to be taken by the proponent, owner, or developer to minimize the impact of the proposed livestock production activities on existing uses in the area. This portion of the plan must include a discussion of proposed odor mitigation strategies and of emergency response plans in the event of a threatened manure spill.

9.7.3 Permitted Uses:

- A. All uses permitted in an Agricultural Protection District (A-2) are permitted uses in a Special Agricultural District.

9.7.4 Conditional Uses:

- A. All uses which are conditional uses in an Agricultural Protection District (A-2).
- B. Planned Agricultural Development.
- C. Industrial Planned Unit Development for Processing of Agricultural Products.

9.8 SPECIAL URBAN EXPANSION DISTRICT (SU):

9.8.1 Purpose:

The purpose of this district is to provide for deferred development of areas adjacent to municipal areas pending extension of services and orderly development in conformity with municipal planning goals. A Special Urban Expansion District may be established only in areas zoned A-1 (Non-Intensive Agriculture) which are adjacent to a municipality or property owned by a municipality and used for municipal purposes.

9.8.2 Permitted Uses:

- A. All uses permitted in a Non-Intensive Agriculture District (A-1) are permitted uses in a Special Urban Expansion District except feedlots or feedlot expansions.

9.8.3 Conditional Uses:

- A. All uses which are Conditional Uses in a Non-Intensive Agriculture District (A-1) except feedlots or feedlot expansions, towers, and motor vehicle salvage facilities.