

## Chapter 4

### Agricultural Protection District (A-1)

---

**4.01 Purpose.** The purpose of this district is to maintain, conserve and enhance agricultural lands that have been historically valuable for crop production, pastureland, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses; preserve prime or productive agricultural farmland, forest lands and natural resources; and stabilizing public expenditures for public services by restricting the location and density of non-farm dwellings and other non-farm land uses. Residential development may be allowed in this District at an overall density not to exceed 1 dwelling per 80 acres (or half quarter section).

**4.02 Permitted Uses.** The following are Permitted Uses in the A-1 District.

- (1) Single-family dwellings and two-family dwellings when in accordance with the provisions of this ordinance.
- (2) A secondary farm dwelling when located in the farmyard and used to accommodate full-time farm labor whether an individual or a family; a property owner's family member; the property owner whether actively farming or retired; or a person(s) that provides supportive care to the property owner due to health, age, or infirmity. The additional farm dwelling may not be split off and sold as a separate parcel and a deed restriction shall be recorded restricting such use prior to issuance of any permits. Only mobile homes with nonpermanent foundations shall be allowed as a secondary farm dwelling.
- (3) Agriculture operations, feedlots less than 500 animal units, tree farms, or community supported agriculture (CSA).
- (4) On-site farm produce stands (off-street parking shall be available)..
- (5) Plant nurseries used for the production of goods to be sold in volume as wholesale.
- (6) Child daycare facilities that conform with MN State Statue and Rules.
- (7) Recreational residences, hunting cabins, camping cabins, or similar uses.
- (8) Micro-WECS (Wind Energy Conversion System)
- (9) Amateur radio towers or television towers/antennas for private use.
- (10) Accessory Solar Energy Systems.
- (11) Advertising devices equal to or less than 16 sq. ft. in area.

**4.03 Conditional/Interim Uses.** The following uses may be allowed with a Conditional/Interim Use Permit.

- (1) The development of two or more dwellings that result from density transfers as authorized by this ordinance.
- (2) Nonmetallic mines and processing facilities.
- (3) Lodging establishments or recreational resorts/campgrounds.
- (4) Seasonal labor camps.
- (5) Parks or recreational areas operated by a government agency.
- (6) Hunting clubs or shooting preserves.
- (7) Indoor or outdoor recreational facilities that include, but are not limited to the following: golf courses, driving ranges, tennis courts, ski hills, swimming pools, motocross tracks, recreational trails, etc.
- (8) Community buildings, churches, cemeteries, or memorial gardens.
- (9) Government buildings or structures.
- (10) Public or private schools.
- (11) Dining establishments, restaurants, taverns, wineries, micro-breweries, or event centers.
- (12) Private aircraft landing fields and associated facilities.
- (13) Commercial radio towers, television towers, or cellular towers.
- (14) Facilities used for the raising of fur bearing animals.
- (15) Veterinary clinics or boarding kennels.
- (16) Sanitary landfills or municipal sewage treatment facilities.
- (17) Light manufacturing facilities.
- (18) Contractor /builder businesses or excavation companies.
- (19) Marine/fishing service, supplies, and sales.
- (20) Farm implement service, supplies, and sales.
- (21) Mini-warehouses or storage facilities.
- (22) Vehicle service, supplies, and sales.
- (23) Small engine service, supplies, and sales.

- (24) Ethanol plants, commercial granaries, and commercial trucking businesses.
- (25) Off-site roadside produce stands.
- (26) Advertising devices greater than 16 sq. ft. in area.
- (27) Small-scale retail businesses.
- (28) Adult orientated businesses as defined by this ordinance.
- (29) Non Commercial WECS or Commercial WECS.
- (30) Feedlots greater than 500 animal units.
- (31) Home occupations.
- (32) Convenience centers/gas stations.
- (33) Junk/salvage yards.
- (34) Multiple Family Dwellings.
- (35) Solid waste and/or recycling facilities.
- (36) Commercial Solar Energy Systems.
- (37) Trap shooting ranges.

**4.04 Dwelling Density.** Dwelling density for the A-1 district shall adhere to the following provisions.

- (1) For any dwelling, there shall be a minimum of eighty (80) acres for each dwelling unit or cabin.
- (2) Parcels with less than eighty (80) acres in size may have a dwelling density of one (1) dwelling unit or one (1) cabin if the parcel existed on February 1, 1998 with its own parcel number and description.
- (3) Secondary farm dwellings when permitted under chapter 4.02(2) shall not count against the maximum residential density allowed.
- (4) Dwelling density may be transferred to contiguous property under common ownership provided that any resulting residential development meets the minimum requirements of this Ordinance, the Subdivision Ordinance and all other applicable codes and ordinances. In no case shall the use of entitlement transfers be used to increase the residential density in the A-1 district. Any transfer that results in the development of two (2) or more residential lots from one parcel shall require the issuance of a Conditional Use Permit. Also, a deed restriction to limit any additional dwellings shall be recorded on the tract(s) of land from which the dwelling density was transferred.

**4.05 Lot size and land divisions.** All land divisions shall adhere to the following requirements.

- (1) Any newly created parcel or residual parcel that would allow for the construction of a dwelling shall have a minimum width of 200 feet; contain a minimum of two (2) dry, buildable acres unless located entirely in a shoreland area which the shoreland standards shall prevail; and also allow for an onsite septic disposal system as per Minnesota Rules 7080.
- (2) If a land division results in a parcel being created that is less than eighty (80) acres, an instrument shall be recorded to limit the number of dwellings.
- (3) Prior to recording any deed to create a parcel less than eighty (80) acres that cannot be described along aliquot lines of a half-quarter section, a survey for the land division shall be filed with the Wabasha County Surveyor.
- (4) A newly created parcel and residual parcel involved in a land division shall have a minimum of thirty-three (33) feet of frontage on a public road or shall have proof of an easement at least thirty-three (33) feet in width to a public road.

**4.06 Setbacks.** All structures in the A-1 district shall adhere to the following provisions.

- (1) Setbacks from public roads shall adhere to the provisions established in the *ORDINANCE REGULATING THE SETBACK DISTANCE TO STRUCTURES FROM THE RIGHT-OF-WAY OF HIGHWAYS*.
- (2) Dwellings shall be located at least 15 feet from a property line. Accessory structures shall be located at least ten (10) feet from a property line. Setback to a property line of a contiguously owned parcel will be required if the parcels can legally be sold separate.
- (3) Any structure where there is an accumulation of manure that is the result of raising livestock, the result of raising fur bearing animals, or the result of any kennel shall be located at least two hundred (200) feet to any dwelling located on adjacent property.
- (4) A new dwelling on any adjacent property shall be located at least 1,000 feet from the farmyard of a feedlot that is currently registered as per the Minn. 7020 Rules unless the dwelling will be owned by an individual that is sole or part owner of the respective feedlot. If a feedlot is not currently registered then the setback shall not apply.
- (5) A new feedlot that is required to register as per the Minn. 7020 Rules shall be located at least 1,000 feet from a dwelling located on any adjacent property unless one or more of the feedlot owners also owns the respective dwelling.

