

**ARTICLE 3.00
A-1 AGRICULTURAL DISTRICT**

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3.01 INTENT. It shall be the intent of this district to provide for a vigorous agricultural industry by preserving for agricultural production those prime agricultural lands beyond the area of planned urban development. It is recognized that because of the nature of both agricultural activities and residential subdivisions, that these two uses are generally poor neighbors and therefore the concentration of housing in the A-1 Agricultural District shall be discouraged.

3.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the A-1 Agricultural District:

- (a) Agriculture. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
- 1) The parcel(s) consists of not less than forty (40) acres of unplatted land.
 - 2) The property's principal use is devoted to agriculture. *(amended by MC30-14-16 11/19/06)*
- (b) A single-family dwelling if the following provisions for building eligibility are met:
- (1) Each quarter-quarter section shall have one building eligibility when all the following conditions are met: *(amended by MC30-05-04 3/15/04)*
- a) There are no other dwellings on the quarter-quarter section.
 - b) The building site shall be a minimum of one acre.
 - c) Approval has been granted by the appropriate governing entity for access onto a public road.
 - d) The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - e) Prior to any building permit being issued for any new single family residence located in the A-1 Agriculture District, a Right to Farm Covenant shall be filed on the parcel of land upon which the new structure will be located. Only the following shall constitute a Right to Farm Covenant: **“RIGHT TO FARM NOTICE COVENANT**

You are hereby notified that the property on which you are constructing a structure is in or near agricultural land, agricultural operations or agricultural processing facilities or operations. You may be

subject to inconvenience or discomfort from lawful agricultural or agricultural processing facility operations. Agricultural operations may include, but are not limited to, the following: the cultivation, harvesting, and storage of crops; livestock production; ground rig or aerial application of pesticides or herbicides; the application of fertilizer, including animal waste; the operation of machinery; the application of irrigation water; and other accepted and customary agricultural activities conducted in accordance with Federal, State, and County laws. Discomforts and inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24-hour period. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. You are also notified that there is the potential for agricultural or agricultural processing operations to expand. This notification shall extend to all landowners, their heirs, successors or assigns and because it is required pursuant to the issuance of a building permit, may not be removed from the record title without consent of the Minnehaha County and Sioux Falls Planning Commissions.” *(amended by MC30-22-06 5/5/06)*

- (e) Historical sites.
- (f) Church.
- (g) Neighborhood utilities.
- (h) Antenna support structure.

3.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District in conformance with the conditions prescribed herein, or by obtaining a conditional use permit for such use in conformance with the requirements of Article 19.00:

- (a) A building eligibility may be used within a farmstead provided:
 - (1) The building eligibility exists on property contiguous to and under the same ownership as the farmstead.
 - (2) There will be no more than two dwellings within the farmstead.
 - (3) The residential structure may be a single-family dwelling, manufactured home or mobile home.
- (b) Cemetery subject to: said cemetery shall contain an area of 20 acres or more or be an expansion of an existing cemetery.

- (c) Pet cemetery subject to a minimum area of two acres.
- (d) Wind energy conversion system in conformance with Article 15.03.
- (e) Off-premise signs in conformance with Article 17A.00.
- (f) [Reserved.]
- (g) Greenhouses and nurseries provided there is no retail sale of products conducted on the premises.
- (h) A single-family dwelling located on a lot of record in accordance with the following:
(amended by MC30-05-04 3/15/04)
 - (1) A lot of record consisting of less than 80 acres and containing no other dwellings shall have one building eligibility.
 - (2) A lot of record consisting of 80 acres or more shall qualify for building eligibility as follows:
 - a) The acreage of the lot of record shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings shall represent building eligibility.
 - b) If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
 - (3) Approval has been granted by the appropriate governing entity for access onto a public road.
 - (4) Any parcel conveyed from a lot of record must be a minimum of one acre. The remaining portion of the lot shall be retained as agricultural land or in its present use.
- (i) Telecommunications tower, subject to:
 - (1) A minimum distance of 300' from the telecommunications tower to any residential zoning district, existing residential use except a farmstead, or future residential area designated on the adopted Land Use Plan, measured from the base of the telecommunications tower to the property line.
 - (2) A minimum distance of 2 mile between telecommunications towers measured from the base of one telecommunications tower to the base of another.
 - (3) Stealth design approved by the County Planning Director.

3.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the A-1 Agricultural District if a conditional use permit has been obtained in conformance with the requirements of Article 19.00:

- (a) Rock, sand and gravel extraction in conformance with Article 15.14.

- (b) Mineral exploration in conformance with Article 15.05.
- (c) Airport/heliport.
- (d) A single-family dwelling on a parcel which is not a lot of record provided:
 - (1) The deed to the land or the agreement to convey the parcel was recorded with the Register of Deeds prior to September 27, 1988.
 - (2) There are no other dwellings located on the parcel, except a parcel of 80 acres or more shall have building eligibility determined as follows:
 - a) The acreage of the parcel shall be divided by 40 acres. The resulting whole number minus the number of existing dwellings on the parcel shall represent the building eligibility.
 - b) Each building site shall consist of a minimum of one acre.
 - (3) The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - (4) The soil conditions are acceptable for a building site.
 - (5) Approval has been granted by the appropriate governing entity for access onto a public road.
- (e) Group day care.
- (f) Private campground.
- (g) Garden center.
- (h) Kennel.
- (i) Stable.
- (j) Produce Stand exceeding 400 square feet in area. *(amended 8-17-09 by MC30-02)*
- (k) Fireworks sales provided the length of sales does not exceed nine (9) days.
- (l) Golf course, golf driving range.
- (m) Recreation facility. *(amended 8-17-09 by MC30-02)*
- (n) Trap shoot, rifle range, pistol range.
- (o) Sanitary landfill, solid waste transfer station, rubble dump, commercial compost site.
- (p) Livestock sales barn.
- (q) Concentrated animal feeding operation.

- (r) Electrical substation.
- (s) Public utility facility.
- (t) Agriculturally related operations involving the handling, storage and shipping of farm products.
- (u) The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC30-05-04 3/15/04)*
 - (1) The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this ordinance same ownership means: Two or more parcels of land owned or controlled by an individual or combination of individuals, corporations, partnerships, or other legal entities; with said owners described uniformly on the deed or other legally binding conveyance of each parcel. *(MC30-13-06 7/17/06)*
 - (2) Suitability as a building site based on the following factors:
 - a) Agricultural productivity of the soil.
 - b) Soil limitations.
 - c) Orientation of the building site(s) with respect to road circulation and access to public rights-of-way.
 - (3) The minimum lot size shall be one acre but a larger area may be required when soil conditions warrant.
 - (4) The parcel from which the eligibility is transferred shall continue as agricultural land or remain in its present use.
 - (5) Approval has been granted by the appropriate governing entity for access onto a public road.
- (v) Public facility owned and operated by a governmental entity.
- (w) Bed and breakfast establishment.
- (x) Broadcast tower.
- (y) Farmer's Market. *(amended by MC30-05-04 3/15/04)*
- (z) Solar energy conversion system in conformance with Article 15.09. *(amended by MC30-34-14 7/28/14)*

3.05 ACCESSORY USES. Accessory uses and buildings permitted in the A-1 Agricultural District are buildings and uses customarily incident to any permitted use in the district.

3.06 PARKING REGULATIONS. All parking within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 16.00.

3.07 SIGN REGULATIONS. Signs within the A-1 Agricultural District shall be regulated in conformance with the provisions of Article 17.00.

3.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the A-1 Agricultural District shall be as follows:

(a) General Requirements:

Lot area.....	1 acre *
Lot width	125'
Front yard	30' **
Side yard	7'
Rear yard	30'
Maximum height	35' ***

* Unless a larger lot size is required by the granting of a conditional use permit.

** The front yard on a major arterial street or section line road shall be 50 feet.

*** There shall be no height limit for accessory farm structures or wind energy conversion systems except in the airport approach zone.

(b) There shall be a required front yard on each street of a double frontage lot.

(c) If a lot of record has less area or width than herein required and its boundary lines along the entire length abutted lands under other ownership on March 27, 1970, and have not since been changed, such parcel of land may be used for any use permitted in this district.

(d) Buildings with side yard setbacks less than required herein may have additions erected in line with the existing building and provided further that said additions will be erected no closer to the lot line than the existing building.