

## **SECTION 24: "SP-1" SPECIAL PROTECTION-AG DISTRICT**

### **Subdivision 1: INTENT**

The Special Protection-Ag District is an overlay district composed of those soils located on lands in the four (4) highly productive soil classification as well as all cultivated lands in the "A-40" District. These areas need protection from permanent development, yet need to allow for a reasonable amount of recreational usage. The principle use is agriculture and is an area not proposed to be serviced by city sewer.

The Planning Commission will recommend for approval no more than four (4) residential construction site permits per annum in the SP – 1 zone. Platted lots of record as of 4/16/03 are exempt from this restriction. The Planning Commission to decide site approval by ballot.

### **Subdivision 2: PERMITTED USES**

1. Agricultural uses except those listed as conditional uses
2. Forestry and nurseries, not to include greenhouses
3. Public utility lines under thirty-five (35) KV
4. Historic sites and areas
5. Wildlife management areas
6. Public parks and public park facilities
7. Erosion control and wildlife developments
8. Seasonal produce stands
9. Accessory uses to the above described uses

### **Subdivision 3: CONDITIONAL USES**

1. New single family dwellings as provided for below:
  - A. New dwellings on legal platted lots of record as of the date of enactment of this Ordinance.
  - B. New dwellings at a maximum density of one per forty (40) acres on lots of record after the date of enactment of this Ordinance that meet minimum lot size requirements in this Ordinance provided the proposed residential site is on non-tillable land. Site must be platted.
2. Greenhouses
3. Cemeteries
4. Essential services
5. Temporary dwellings and construction buildings
6. Home Occupations
7. Home Extended Business
8. Government buildings
9. Timber removal, commercial
10. Structures over thirty-five (35) feet in height
11. Bed and Breakfast Establishments
12. Event Centers

### **Subdivision 4: LOT, YARD, AREA AND HEIGHT REQUIREMENTS**

1. Height Regulations.
  - A. Maximum of thirty-five (35) feet.
  - B. This height limitation shall not apply to non-residential farm structures.
2. Setback Regulations.

- A. Required Setbacks from Road Right-of-Way in the A-40 District of this Ordinance.
- B. Minimum setback from property lines of fifty (50) feet.
- C. Minimum setback from a ditch of one hundred (100) feet.

#### **Subdivision 5: USE OF PLANNED UNIT DEVELOPMENT IS RESTRICTED**

Planned unit developments are not permitted within the SP-1 Zone, except as required by Section 16, Subdivision 12 for purposes of platting property for subdivision. In no event may Planned Unit Development be used to alter, amend, vary or avoid the requirements of this SP-1 overlay zoning district.

#### **Subdivision 6: SINGLE FAMILY DWELLING REQUIREMENTS**

Single Family Dwellings requiring a conditional use permit must meet the following requirements in addition to those found in Section 27.

1. The structure must be located to avoid impacts on tillable land and on highly productive soils. This includes both the location of the structure, the driveway, and outbuildings. This also includes the impacts on tillable lands adjacent to the dwelling (for example dwellings will not be permitted to be sited in the center of an otherwise tillable field).
2. The soils and topography must be more amenable to the construction of a single family dwelling than to farming or wildlife habitat.
3. The vegetative cover must be more amenable to the construction of a single family dwelling than to farming or wildlife habitat.
4. The location of the dwelling must have a buffer from adjacent agricultural land (permitted for agricultural activities). This buffer may be accomplished by distance, vegetative screening, or other means.
5. The location of the dwelling must be of adequate distance from intensive farming operations (including feedlots) to avoid impacts on and conflicts with those farming operations.
6. The location of the dwelling must minimize wildlife habitat destruction. For example tree removal must be minimized and the structures must be located so as to have the least amount of impact on habitat.
7. The location of the dwelling must minimize and/or avoid impacts on wetlands both through direct filling or proximity affecting water quality or

wildlife habitat. The dwelling and construction must also avoid negative impacts on storm water drainage.

8. The location of the dwelling and residential land use must be consistent with adjoining permitted land uses.
9. The dwelling must be located on land which is of marginal use as tillable land or wildlife habitat.
10. The use of the property for single family residential purposes must be consistent with the Comprehensive Plan of the City.