

**RC/RECREATION/CONSERVATION
DISTRICT**

**ARTICLE 9.00
RC RECREATION/CONSERVATION DISTRICT**

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9.01 INTENT. This district is intended to protect natural drainage courses in their capacity to carry run-off water, to limit permanent structures and uses of land in areas subject to flooding, to prevent the pollution of underground water supplies (aquifers), to provide open space and natural areas for recreation, and add to the aesthetic quality of the area.

9.02 PERMISSIVE USES. A building or premises shall be permitted to be used for the following purposes in the RC Recreation/Conservation District:

- (A). Agriculture. A building for the storage of agricultural equipment or products shall be allowed provided the following conditions have been met:
 - 1) Ownership of contiguous parcel(s) of not less than forty (40) acres.
 - 2) The property's principal use is devoted to agriculture. *(amended by MC16-90-06 9/12/06)*
- (B). Public park; forest preserve.
- (C). Public golf course.
- (D). Historic sites.
- (E). A single-family dwelling if the following provisions for building eligibility are met: *(amended by MC16-69-04 3/16/04)*
 - (1). Each quarter-quarter section shall have one building eligibility when all the following conditions are met:
 - a). There are no other dwellings on the quarter-quarter section.
 - b). The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - c). The building site shall be a minimum of one acre.
 - d). Approval has been granted by the appropriate governing entity for access onto a public road.
 - e). The remaining portion of the quarter-quarter section is retained as agricultural land or in its present use.
 - f). Prior to any building permit being issued for any new single family residence located in the RC Recreation/Conservation 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**

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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 Planning Commission.” *(amended by MC16-83-06 5/16/06)*

- (F). Antenna support structure. *(amended by MC16-65-03 10/21/03)*

9.03 PERMITTED SPECIAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District in conformance with the conditions prescribed herein, or by obtaining a Conditional Use for such use in conformance with the requirements of Article 19.00:

- (A). A single-family dwelling located on a lot of record in accordance with the following: *(amended by MC16-69-04 3/16/04)*
- (1). A lot of record consisting of less than 80 acres and containing no other dwellings shall have one eligible building site.
 - (2). The building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - (3). 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.

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- (b). If there is more than one building eligibility, each additional building site shall be required to obtain a conditional use.
 - (c). Each building site shall consist of a minimum of one acre.
 - (4). Approval has been granted by the appropriate governing entity for access onto a public road.
 - (5). 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.
- (B). A building eligibility may be used within a farmstead provided: *(amended by MC16-69-04 3/16/04)*
- (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.
 - (4). The residential structure shall not be located in the 100-year flood plain as identified on the Flood Insurance Rate Map.
- (C). Plant nursery provided there are no buildings located in the 100 year flood plain as identified on the Flood Insurance Rate Map.
- (D). Off-premise signs in conformance with Article 17.00.
- (E). Telecommunication and broadcast tower in conformance with Article 12.12. *(amended by MC16-53-00 5/23/00, MC16-65-03 10/21/03)*
- (F). Agricultural Tourism in conformance with Section 12.13. *(amended by MC16-105-09 6/16/09)*

9.04 CONDITIONAL USES. A building or premises may be used for the following purposes in the RC Recreation/Conservation District if a Conditional Use for such use has been obtained in conformance with the requirements of Article 19.00:

- (A). 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). The building site is not in the 100 year floodplain as identified on the Flood Insurance Rate Map.
 - (3). 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.
 - (4). The building site shall not conflict with other existing or potential land use activities or the prevailing pattern of development.
 - (5). The soil conditions are acceptable for a building site.

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- (6). Approval has been granted by the appropriate governing entity for access onto a public road.
- (B). Manufactured home in conformance with Article 12.06(C) if there is building eligibility on the parcel.
- (C). Group day care.
- (D). Recreation Facility. *(amended by MC16-105-09 6/16/09)*
- (E). Day or summer camp.
- (F). Rifle and pistol range; trap shoot.
- (G). Stable.
- (H). Kennel.
- (I). Produce Stand exceeding 400 square feet in area. *(amended by MC16-105-09 6/16/09)*
- (J). Fireworks sales provided the length of sales does not exceed nine (9) days.
- (K). Cemetery.
- (L). Fairgrounds.
- (M). Rock, sand and gravel extraction in conformance with Article 12.08.
- (O). Electrical substation.
- (P). Public utility facility.
- (Q). Farmer's Market. *(amended by MC16-105-09 6/16/09)*
- (R). Major home occupation in conformance with Sections 12.0302 and 12.0303. *(amended by MC16-53-00 5/23/00)*
- (S). The transfer of a building eligibility from one parcel to another parcel when all the following conditions are met: *(amended by MC16-69-043/16/04)*
 - (1). The transfer of building eligibility shall occur only between contiguous parcels under the same ownership. For purposes of this section, 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. *(amended 16-87-06 7/18/06)*
 - (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 building site is not in the 100-year flood plain as identified on the Flood Insurance Rate Map.
 - (5). The parcel from which the building eligibility is transferred shall continue as agricultural land or remain in its present use.
 - (6). Approval has been granted by the appropriate governing entity for access onto a public road.
- (T). Agriculturally related operations involving the handling, storage and shipping of farm products. *(amended by MC16-106-09 6/23/09)*
- (U). Shooting/Hunting Preserve. *(amended by MC16-105-09 6/16/09)*
- (V). Adaptive reuse. *(amended by MC16-111-10 9/19/10)*

9.05 ACCESSORY USES. Accessory uses permitted in the RC Recreation/Conservation District are accessory buildings and uses customarily incident to any permitted uses in this district.

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9.06 PARKING REGULATIONS. Parking within the RC Recreation/Conservation District shall be regulated in conformance with the provisions of Article 15.00.

9.07 SIGN REGULATIONS. Signs within the RC Recreation/Conservation District shall be regulated in conformance with the provisions of Article 16.00.

9.08 DENSITY, AREA, YARD AND HEIGHT REGULATIONS. The maximum height and minimum lot requirements within the RC Recreation/Conservation 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.

** 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.