

ZONING ORDINANCE FOR THE HUTCHINSON JOINT PLANNING AREA, MINNESOTA

The McLeod County Board of the Hutchinson Joint Planning Area ordains: An ordinance regulating the use of land; the location, size and use of buildings; and the arrangement of buildings on lots in the Hutchinson Joint Planning Area, Minnesota, pursuant to the authority granted by Minnesota Statutes Section 462.357.

SECTION 1: TITLE AND APPLICATION

Subdivision 1. TITLE

This Ordinance shall be known as the “Zoning Ordinance of the Hutchinson Joint Planning Area, Minnesota,” except as referred to herein, where it shall be known as “this ordinance”.

Subdivision 2. INTENT AND PURPOSE

The intent of this Ordinance is to protect the public health, safety and general welfare of the Joint Planning Area and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the Joint Planning Area into use districts and establish regulations in regard to location, erection, construction, placement, reconstruction, alteration and use of structures and land. Such regulations are established to provide convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to promote orderly development of the residential, business, industrial, recreational and public areas and minimize exposure for infrastructure costs (ie. assessments) not only for the city but for the homeowner as well; to provide for long range planning for all infrastructure such as: transportation, natural gas, electric, water, sewer; to provide orderly sequence for addressing; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the Joint Planning Area staff, the Board of Adjustment and Appeals, and the Joint Planning Board in relation to the Zoning Ordinance.

Subdivision 3. JURISDICTION

The jurisdiction of this Ordinance shall apply to the joint planning area designated by agreement of sections in Acoma Township, Hassan Valley Township, Hutchinson Township and Lynn Township all of McLeod County. See “**Exhibit A**” Urban Boundary Map

Subdivision 4. SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and/or area, added to or relocated, and every use within a building or use accessory thereto in the Hutchinson Joint Planning Area shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

Subdivision 5. INTERPRETATION/MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subdivision 6. LOTS OF RECORD

All lots which are a part of a subdivision legally recorded with the County Recorder and lot or lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder prior to the passage of this ordinance, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

Subdivision 7. STANDARD REQUIREMENT

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the Town, County, State, or Federal Government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall be met.

Subdivision 8. CONFORMITY WITH PROVISIONS

No structure shall be erected, converted, enlarged, reconstructed, placed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Subdivision 9. LAND USE PERMITS

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no land use permit shall be granted that does not conform to the requirements of this Ordinance.

Subdivision 10. CONDITIONAL USES, VARIANCES, AMENDMENTS, APPEALS

Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, variance, amendment, or appeal.

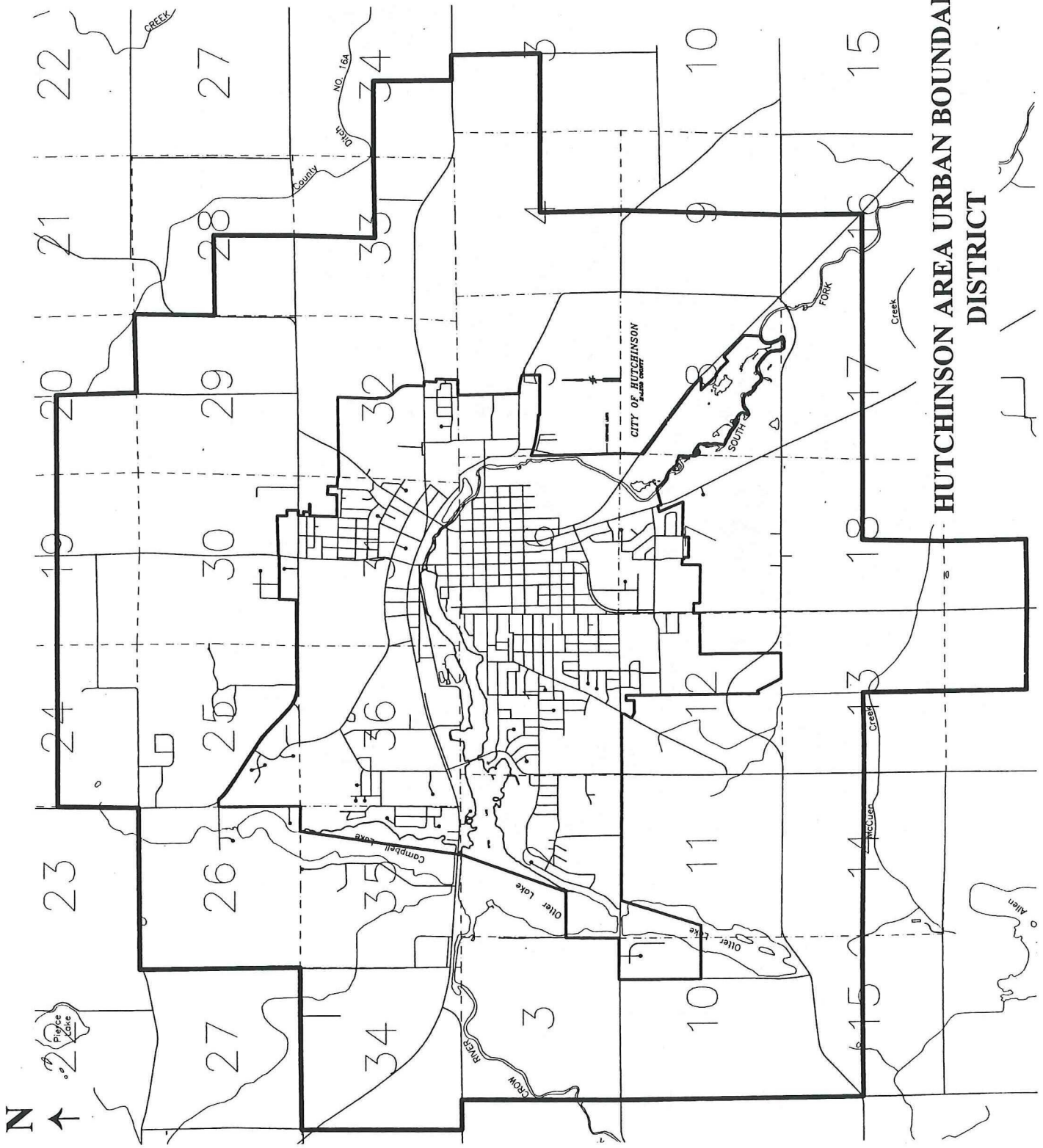
Subdivision 11. USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the Joint Planning Board, on their own initiative with the approval on the McLeod County Board may conduct a study to determine if the use is acceptable, what zoning district would be most appropriate, and the determination as to conditions and standards relating to development of the use. The Joint Planning Board or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration, or shall find that the use is not compatible and therefore not allowed within the Planning Area.

Subdivision 12. SEPARABILITY

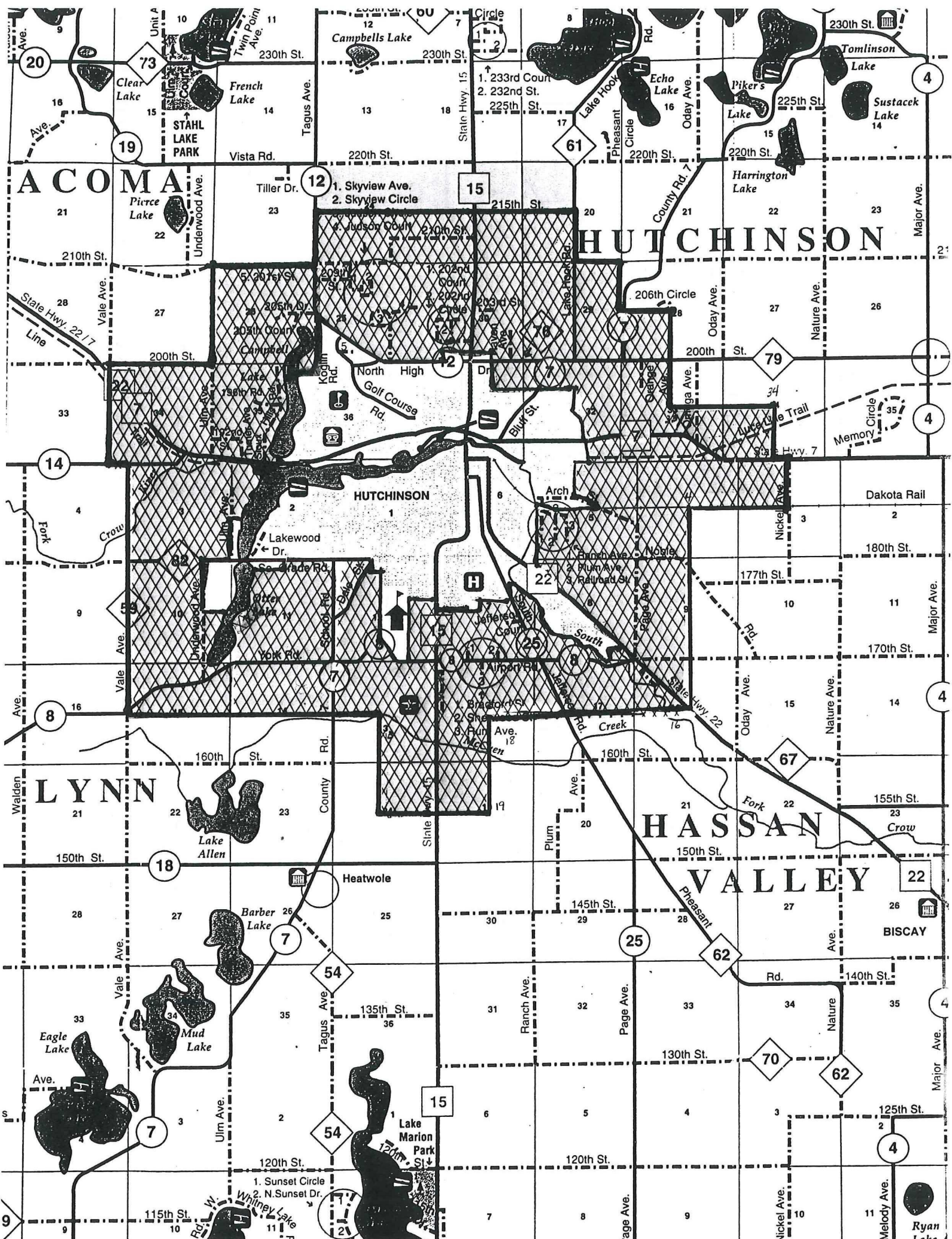
It is hereby declared to be the intention of the Joint Planning Board that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in said judgement.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgement.



**HUTCHINSON AREA URBAN BOUNDARY
DISTRICT**

Exhibit "A"



ACOMA

HUTCHINSON

HUTCHINSON

LYNN

HASSAN VALLEY

BISCAY

Ryan Lake