

## SECTION 13: GENERAL REGULATIONS

### Subdivision 1. GENERAL REGULATIONS

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various use districts, the permitted, accessory and conditional uses shall conform to the standards enumerated in this Section.

### Subdivision 2. OFF-STREET PARKING AND LOADING REGULATIONS

All parking and loading areas hereafter constructed and maintained shall conform to the provisions of this Subdivision.

1. Off-street Parking General Provisions.
  - A. On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use.
  - B. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
  - C. Required parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.
2. Location Requirements. All off-street parking shall be located according to the following provisions:
  - A. Parking spaces accessory to any dwelling shall be on the same lot as the principal use served.
  - B. Combined or joint parking facilities may be provided for one or more buildings or uses in the Business or Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
  - C. There shall be no off-street parking space within ten (10) feet of any street right-of-way.
  - D. No off-street open parking area containing more than four (4) parking spaces shall be located closer than ten (10) feet from an adjacent lot zoned or used for residential purposes.

- E. Garage stalls and open parking spaces accessory to residential structures, may be located anywhere on the lot other than a required yard area except that garages may be located to within five (5) feet of an interior side lot line and to within eight (8) feet of a rear lot line.
  - F. Business and industrial off-street parking spaces may be located abutting the property line.
3. Design Requirements.
- A. Minimum Size Regulations: Each space shall have an area not less than 9 feet by 18 feet.
  - B. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width.
  - C. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material which controls dust and drainage. Parking areas for less than three (3) vehicles shall be exempt. Plans for surfacing and drainage shall be subject to county approval.
  - D. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and right-of-ways.
  - E. All open off-street parking areas shall provide a curb or a guard of normal bumper height to ensure that no portion of a vehicle encroaches into the required setback.
  - F. All off-street parking spaces shall have access off driveways and not directly off the public street.
4. Computing Requirements. In computing the number of such parking spaces required, the following rules shall govern:
- A. Floor area shall mean gross floor area of the specific use.
  - B. Where a fractional space results, one (1) additional parking space shall be added for that fraction.
5. Minimum Required Number of Off-Street Parking Spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Board of County Commissioners. The minimum number of required off-street parking spaces for the following uses shall be as follows:

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- A. Assembly or exhibition hall, auditorium, theater, funeral home or other place of assembly: One parking space for each three (3) seats, based on maximum design capacity.
- B. Automobile service station, motor fuel station: Four (4) spaces plus two (2) spaces for each service stall.
- C. Bowling Alley: Five (5) spaces for each alley, plus additional space as may be required herein for related uses such as a restaurant.
- D. Church: One (1) parking space for each three (3) seats, based on the design capacity of the main seating area.
- E. Convenience Store: One (1) space for each fifteen (15) square feet of gross floor area.
- F. Drive-In Food Establishment: One (1) space for each ten (10) square feet of gross floor space in the building.
- G. Hospitals, Sanitarium, Convalescent Home, Rest Home, Nursing Home, or Similar Institution: One (1) space for each two (2) hospital beds, plus one (1) space for each three (3) employees, plus one (1) parking space for each resident and staff doctor.
- H. Hotel, Motel: One (1) space per unit plus one (1) space per employee.
- I. Manufacturing Plant, Industrial: One (1) space for each two (2) employees on maximum shift or one (1) for each five hundred (500) square feet of gross floor area, whichever is larger.
- J. Medical and Dental Clinic: Three (3) spaces for each doctor or dentist.
- K. Office, Business or Professional: One (1) parking space for each two hundred (200) square feet of floor area.
- L. Open Sales Lots: Three (3) spaces for each five thousand (5,000) square feet lot area.
- M. Retail Stores and Services Establishments: One (1) space for each two hundred (200) square feet of floor area.
- N. Restaurants, Cafes, Bars, Taverns, Night Clubs: One (1) space for each three (3) seats based on capacity design.
- O. Schools, Elementary and Junior High: Two (2) spaces for each classroom plus one (1) additional space for each two hundred (200) student capacity.



- P. Schools, High School and Colleges: One (1) space for each seven (7) students based on design capacity, plus two (2) additional spaces for each classroom.
  - Q. Single Family Dwelling: Two parking spaces. No garage shall be converted into living or work space unless other acceptable on-site parking space is provided.
  - R. Wholesale Auto Sales, Repair Shops: Three (3) spaces for each one thousand (1,000) square feet or gross floor area.
  - S. Uses Not Specifically Noted: Shall be based on requirements of a similar use, as determined by the Board of County Commissioners following review by the Joint Planning Board.
5. Required Loading Areas General Provisions.
- A. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than one hundred (100) feet from the intersection of two (2) street rights-of-way in a residential district. Loading berths shall not occupy the required front yard space.
6. Design Requirements
- A. Unless otherwise specified, a required loading berth shall be not less than fifteen (15) feet in width and fifty (50) feet in length and fourteen (14) feet in height exclusive of aisle and maneuvering space.
  - B. All loading berths and accessways shall be improved with a durable material to control the dust and drainage.
  - C. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
7. Minimum Number of Required Loading Spaces
- A. Retail sales and service stores and offices: One (1) loading berth for each ten thousand (10,000) square feet of floor area.
  - B. Manufacturing, fabrication, processing and warehousing: One (1) loading berth for every 5,000 to 20,000 square feet of floor area, plus one (1) loading berth for each additional 10,000 square feet of floor area.
  - C. Uses not specifically noted shall be determined by the County Board.



- D. If, in the application, a fractional number is obtained, one (1) loading space shall be provided for that fraction.

**Subdivision 3. DRIVE-IN BUSINESS ESTABLISHMENT REGULATIONS**

1. Location Requirements.

- A. No drive-in business shall be located within five hundred (500) feet of a school or church.
- B. No drive-in shall be located within three hundred (300) feet of any residentially zoned or developed property.
- C. No access drive shall be within seventy five (75) feet of intersecting street right-of-way lines.

2. Site Requirements.

- A. No less than thirty (30) percent of the gross lot area shall be landscaped.
- B. The entire area other than that occupied by structure or landscaping shall be paved surface which will control dust and drainage.
- C. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- D. Lighting shall have no direct source visible from the public right-of-way or adjacent land.
- E. A six (6) inch curb shall separate all walks and landscape areas from parking areas.
- F. See screening requirements in Section 6, Subdivision 7, of this ordinance.

**Subdivision 4. AUTOMOBILE SERVICE STATIONS OR MOTOR FUEL STATIONS**

1. General Provisions

- A. For architectural purposes, each side of a motor fuel station shall be considered as a front face.
- B. The storage of items for sale outside the principal building shall be displayed in specially designed containers.

- C. All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
  - D. All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
  - E. Sales of motor vehicles or trailers or campers shall be permitted by Conditional Use Permit only.
  - F. Open storage of inoperable motor vehicles that have no substantial, potential further use consistent with their usual functions shall not be permitted for a period of more than 48 hours.
  - G. All rental campers, trailers, or motor vehicles shall be stored in the rear and/or side yard not adjacent to the street.
2. Site Requirements
- A. See screening requirements in Section 6, Subdivision 7, of this Ordinance.
  - B. The pump islands shall observe the required front yard setback, 15 feet or more of which shall be landscaped and protected by a curb at least six (6) inches high except for approved driveway crossings.
  - C. The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
  - D. Driveways shall be not less than thirty (30) feet in width and be spaced no closer than thirty (30) feet apart measured at the property line. No more than two (2) access drives to any street shall be permitted.
  - E. A six (6) inch curb shall separate all walks and landscape areas from parking and maneuvering areas.
3. Setback Requirements. Every service station shall meet the following setback requirements:
- A. The setback of any overhead canopy of weather protection free-standing or projecting from the station structure shall be not less than ten (10) feet from the street right-of-way line nor less than twenty (20) feet from an adjacent property line.

**Subdivision 5. ENVIRONMENTAL REVIEW PROGRAM**

1. The provisions of the rules for the Environmental Review Program, 4410.0200 to 7800, one copy of which is on file in the office of the County Auditor, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures McLeod County will follow in implementing the provisions of Minnesota Statutes Chapter 116 D relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this Ordinance shall have the same meaning as the terms used in Chapter 116 D and the rules adopted thereunder.
2. Cost of Preparation and Review.
  - A. Information to be provided. The applicant for a permit for any action for which environmental documents are required either by state law or rules by the County Board shall supply in the manner prescribed by the McLeod County Zoning Administrator all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
  - B. Environmental Assessment Worksheets. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the County Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
  - C. Environmental Impact Statement. The County and the applicant for a permit for any action for which an environmental impact statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements, one copy of which is on file in the office of the County Auditor, unless the applicant and the County Board, provide otherwise by a written agreement.
  - D. Payment of Costs. No permit for an action for which an EAW or EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance, and pursuant to any written agreement entered into by the applicant for the permit or permits and the County Board under the provision of Paragraph 2 E of this Subdivision.
  - E. Agreements Concerning Cost of Preparation and Review. The applicants for a permit for any action for which an EAW or EIS is required and the County Board



may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in 4410.6100.

3. Administration.
  - A. The County Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program, this Ordinance, and the rules adopted by reference by this Ordinance.
  - B. The County Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under 4410.4300. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of the ordinance and shall notify the Joint Planning Board and the County Board of these proposed actions.
  - C. All EAW's and EIS's shall be prepared under the supervision of the County Zoning Administrator reviewed by the Joint Planning Board and reviewed and approved by the County Board.
  - D. When reviewing an EAW or EIS, the County Zoning Administrator and the Joint Planning Board may suggest design alterations which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
  - E. After an EAW is prepared, is distributed to all parties on the EQB Distribution list, and has undergone the 30-day review period, the Joint Planning Board shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS for a particular proposed action. The County Board shall require the preparation of an EIS when it finds under 4410.4400 that an action is major and has potential for significant environmental effects. Minnesota Rule 4410.1700 Subp. 7, identifies the factors used to determine the "significance" of the proposed action.
4. Discretionary Environmental Assessment Worksheet.

The County Board may, upon recommendation by the County Zoning Administrator, require that a discretionary EAW be prepared on any proposed action if, because of the nature and location of the project, the project may have the potential for significant environmental effects. Public questions or controversy concerning the environmental effects of the proposed action should also be considered in determining the need for a discretionary EAW.
5. Enforcement and Penalty.
  - A. No permit shall be issued for a project for which environmental documents are required

until the entire environmental review procedures established by this Ordinance are completed.

- B. Any person who violates any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$500 or imprisonment for ninety (90) days or both. Each day that the violation is permitted to exist constitutes a separate offense.
- C. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.

Exemptions from this provision may be granted for projects for which a substantial portion of the project has been completed and for which an EIS would not influence remaining implementation or construction.

**Subdivision 6. EXTRACTION OF MINERALS, MATERIALS, OPEN PITS AND IMPOUNDING**

- 1. Purpose. To minimize land use conflicts and potential nuisance caused by mining operations.
- 2. Definition: Excavations, as used in this Subdivision, shall mean any artificial excavation of the earth, within the Hutchinson Joint Planning Area, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of installation erected or to be erected, built, or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are permitted, if a permit has been issued for such construction or installation. Excavations not exceeding four hundred (400) cubic yards and excavations including impounding of water for agricultural purposes are exempted.
- 3. Conditional Use Permit. A Conditional Use Permit shall be required for all commercial mining operations. Said permit shall be valid for a three (3) year period; after which a permit renewal shall be required. The County Board may also require a performance bond from the landowner.
- 4. Information Required. The following information shall be provided by the person requesting the permit:
  - A. Name and address of person requesting the mining permit.
  - B. The exact legal property description and acreage to be mined.
  - C. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

Map A - Existing conditions to include:

Contour lines at five (5) foot intervals



Existing vegetation  
Existing drainage and permanent water areas  
Existing structures  
Existing wells

Map B - Proposed operations to include:

Structures to be erected  
Location of sites to be mined showing depth of proposed excavation  
Location of tailings deposits showing maximum height of deposits  
Location of machinery to be used in the mining operation  
Location of storage of mined materials, showing heights of storage deposits  
Location of vehicle parking  
Erosion and sediment control structures

Map C - End use plan to include:

Final grade of proposed site showing elevations and contour lines at five (5) foot intervals  
Location and species of vegetation to be replanted  
Location and nature of any structures to be erected in relation to the end use plan

- D. A soil erosion and sediment control plan.
  - E. A plan for dust and noise control.
  - F. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
  - G. - Any other information requested by the Joint Planning Board or governing body.
5. Renewal of Mining Permits.
- A. All property owners and residents within one thousand (1,000) feet of the mining operation shall be notified of a mining permit renewal request.
  - B. A public hearing shall be conducted for renewal permit approval if seventy-five (75) percent of the property owners or residents of voting age within one thousand (1,000) feet of the mining operations request such a hearing in writing.
6. Performance Standards.
- A. General Provisions. Weeds and any other unsightly or noxious vegetation shall be



cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

- B. Water Resources. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

The mining operation shall not adversely affect the equality of surface or subsurface water resources.

Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

- C. Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.

- D. Setback. Processing of materials shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures.

Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such productions or processing be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

- E. Appearance. All buildings, structures and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- F. Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

Dust control through watering or other methods must be provided along all incoming and outgoing transport routes to a mining site.

7. Land Rehabilitation.

All permits shall contain a restoration plan providing for the use of the land after project completion. The permittee is responsible for restoration. Following are the minimum standards for restoration:

- A. All disturbed areas shall be restored at the completion of the project.
- B. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support growth.
- C. Grading standards:
  - (1) Final grades shall be in conformity with the topography of the surrounding land.
  - (2) If the land is to be restored to crop production, no slope shall exceed 20 percent (5:1).
  - (3) If the restoration is not for crop production, no grade shall exceed 35 percent (3:1).
- D. All restored areas shall be seeded with a mixture recommended by the Soil Conservation Service or returned to crop production. The permit may require a reforestation. Reforestation requirements shall be based on the recommendation of the Soil Conservation Service and / or the District Forester.



- E. Standards 2 and 3 above may be raised or modified to accommodate a specific restoration plan.
8. Performance Securities and Insurance.
- A. The permittee shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the project. The permittee shall provide certification of insurance.
  - B. A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after non-renewal of the permit and failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of the restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.

**Subdivision 7. PERFORMANCE STANDARDS**

It is the intent of this Subdivision to provide that uses of land and buildings in all Districts shall be established and maintained with proper appearance from streets and adjoining properties by the control of the following:

1. Relationship to Other Laws. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.
2. Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittent beat frequency, shrillness or intensity, except for noise from agricultural sources. Noise generated by agricultural use shall be exempted.
3. Vibration. Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
4. Glare and Heat. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
5. Smoke and Particulate Matter. Any use established, enlarged or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or particulate matter.



6. Odors. Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources.
7. Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties.
8. Explosives. Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.
9. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
10. Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
11. Toxic or Noxious Matter. Any use shall not discharge into the atmosphere, water, or subsoil, any toxic or noxious matter.
12. Storage Standards.
  - A. Exterior Storage. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: construction on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreational vehicles, less than twenty (20) feet in length, are permissible if stored in the rear yard not less than ten (10) feet distant from any property line.
  - B. Bulk Storage (Liquid)
    - 1.) All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall's and Minnesota Department of Agriculture offices and have documents from those offices stating that the use is in compliance.
    - 2.) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall comply with the requirements of Minnesota State Fire Marshall's office within twelve (12) months following

enactment of this Ordinance.

- C. Relationship to Other Laws: Regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

14. Visual Standards.

A. Screening

- 1.) Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential area, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator.
- 2.) The screening required herein shall consist of a solid fence or wall of at least fifty (50) percent opacity, not less than five (5) feet nor more than six (6) feet in height, located at least fifteen (15) feet from any street or driveway. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and the pavement.

B. Fencing (Residential)

- 1.) Fences may be located on any lot line to a height of three and one-half (3½) feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building.
- 2.) Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than three and one-half (3½) feet.

15. Drainage Standards.

- A. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area or other suitable facility.
- B. The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic



through residential areas.

16. Access Driveways.

The following standards for access driveways shall apply unless otherwise recommended by the County Engineer and approved by the County Board.

- A. The distance from a driveway to the intersection of two (2) or more street rights-of-way shall be at least forty (40) feet. The distance shall be measured from the edge of the driveway to the edge of the closest street right-of-way.
- B. The minimum distance between driveways of single-family residences shall be twenty-five (25) feet, measured from the curb return of each driveway. The minimum distance between driveways serving nonresidential uses shall be forty (40) feet, measured from the centerline.
- C. The driveway angle to the street shall be ninety (90) degrees unless otherwise recommended by the Engineer and approved by the County Board.
- D. The distance from a driveway to the property line of an adjacent property shall not be less than five (5) feet measured along the street curb line between the point of intersection of the street curb line with the property line extended and the point of tangency of the street curb line with the curb return of the driveway unless otherwise recommended by the Engineer and approved by the County Board.
- E. Access driveways for other than single family dwellings shall be thirty (30) feet wide measured along the property line between the curb faces of the driveway unless otherwise recommended by the Engineer and approved by the County Board.
- F. Access driveways for single family dwellings shall be not less than twelve (12) feet nor more than twenty-four (24) feet wide measured along the property line between curb faces of the driveway unless otherwise recommended by the Engineer and approved by the County Board.

17. Compliance. In order to insure compliance with the performance standards set forth above, the County Board of Commissioners may require the owner or operator of any Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County, at the applicant's expense.

**Subdivision 8. SPREADING OF PETROLEUM CONTAMINATED SOILS**



The spreading of petroleum contaminated soils is not permitted in the Hutchinson Joint Planning Area.

**Subdivision 9. MANUFACTURED HOME REGULATIONS IN AGRICULTURAL DISTRICT**

1. Purpose. To regulate the individual manufactured home that is located outside of a mobile home park. To treat the manufactured home in much the same manner as the single family home, recognizing that the manufactured home as it is now used, is similar in most but not all respects to the single family home.
2. The individual manufactured home will be given the same privileges and will be placed under the same controls as provided in this Ordinance as applied to single family homes, except:
  - A. All manufactured homes shall be skirted between the bottom of the manufactured home and the ground with a fire-proof material harmonious with the appearance of the manufactured home within three months of the placement of the manufactured home. Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.
  - B. Steps and stoops shall be of acceptable wood, metal, or concrete construction.
  - C. Storm entries and porches must be of durable materials harmonious in appearance with the manufactured home.
  - D. Each manufactured home not having a garage shall have an outside storage building of at least five foot by seven foot by six foot (5' x 7' x 6') in height.
  - E. The manufactured home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the manufactured home with a car, tow truck, or other customary moving equipment is practical. The manufactured home stand shall have a longitudinal grade of less than four (4) percent and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

All manufactured homes as defined by M.S. 327.31-327.35 shall be anchored in accordance with the Minnesota Code of Agency Rules, Building Code Division, Section 2; MCAR 1.904.50, "Stabilizing System for Mobile Homes."

Any newly installed manufactured home older than 15 years from time of the Building Permit will require an inspection to confirm the following life safety criteria.

All relocated manufactured homes pre-June 14, 1976, require a conditional use permit. Approval may be granted, provided the following criteria are met:

- 1) Smoke detectors are required in each bedroom and in the corridor.
- 2) The windows must be double glaze. Minimum
- 3) One egress window is required from each bedroom.
- 4) Gas piping installation must be retested, reinspected and approved by the City Building Inspector. Hutch Utilities provides 7inch water column.
- 5) The electrical service must be a minimum of 100 amp circuit breaker type with ground fault interruption. ALL electrical must be intact and safe (i.e. no exposed wiring)
- 6) A land use permit is required after approval of the conditional use permit.
- 7) Compliance with MN Statutes 327.32 and 327.34 and other applicable building codes and standards and regulations.
- 8) Common sense items including but not limited to: no broken windows, handrails, guardrails, safe heating appliances, and water heaters, no holes in floors, no exposed wiring, a shower/bathtub, functional water closets, etc.

**Subdivision 10. HOME OCCUPATIONS**

In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with:

1. Permitted Home Occupations in the "A" AGRICULTURAL DISTRICT. The following standards shall apply to permitted home occupations in the above said district.
  - A. No more than one (1) person other than a member of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
  - B. The home occupation shall be incidental and subordinate to the use of the premises for farming and residential purposes.
  - C. The conduct of a home occupation may be carried on in accessory buildings not to exceed a total of two thousand (2,000) square feet in gross floor area.
  - D. The use shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the district in which it is located.
  - E. Only one (1) non-illuminated sign not to exceed twelve (12) square feet in area shall be allowed in conjunction with the home occupation.
  - F. No unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use or use of the premises shall be permitted. Further, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.



- G. It shall not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.
  - H. No special use within the principal building shall be designed or arranged for such use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.)
  - I. There shall be no use of utilities or community facilities beyond that which is reasonable to the use of the property for residential purposes.
2. Conditionally Permitted Home Occupations in the "A" AGRICULTURAL DISTRICT . The following home occupations shall require a Conditional Use Permit when operated in the above said districts.
- A. Home occupations employing more than one (1) non-resident employee on the premises.
  - B. Home occupations carried on in an accessory building greater than two thousand (2,000) square feet of gross floor area.
3. Standards for Conditionally Permitted Home Occupations. The following standards shall apply to conditionally permitted home occupations in the "A" AGRICULTURAL DISTRICT .
- A. The number of employees in conjunction with a conditionally permitted home occupation shall be determined by the Joint Planning Board.
  - B. The home occupation shall be incidental and subordinate to the use of the premises for farming and residential purposes.
  - C. The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Joint Planning Board.
  - D. The use shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the district in which it is located.
  - E. Only one (1) non-illuminated sign not to exceed twelve (12) square feet in area shall be allowed in conjunction with the home occupation.
  - F. No unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use or use of the premises shall be permitted. Further, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference

detectable off the premises.

- G. It shall not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.
  - H. No special use within the principal building shall be designed or arranged for such use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.)
  - I. There shall be no use of utilities or community facilities beyond that which is reasonable to the use of the property for residential purposes.
4. Home Occupations in the "R-1" RURAL RESIDENTIAL DISTRICT. The following standards shall apply to home occupations when operated in the "R-1" RURAL RESIDENTIAL DISTRICT.
- A. No more than one (1) person other than a member of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
  - B. The home occupation shall be incidental and subordinate to the use of the premises for farming and residential purposes.
  - C. No accessory building or space outside of the principal building shall be exclusively used for such purposes.
  - D. The use shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the district in which it is located. Any need for parking generated by the conduct of such home occupation shall be met off the street in other than any required yard.
  - E. Only one (1) non-illuminated sign not to exceed twelve (12) square feet in area shall be allowed in conjunction with the home occupation.
  - F. No unreasonable use of materials or mechanical equipment not recognized as being part of and compatible with normal household use or use of the premises shall be permitted. Further, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
  - G. It shall not involve the unreasonable or inappropriate use of commercial vehicles for delivery of occupational materials to or from the premises.
  - H. No special use within the principal building shall be designed or arranged for such



use so that it would require any major internal or external alterations or involve construction features not customary to dwellings (either by color, materials, or construction, lighting, sound or noise, vibration, or electrical interference, etc.)

- I. There shall be no use of utilities or community facilities beyond that which is reasonable to the use of the property for residential purposes.
  - J. The home occupation shall cover no more than twenty-five (25) percent of the livable area excluding unfinished area.
5. Home occupations shall not in any event be deemed to include:
- (a) Funeral homes
  - (b) Restaurants
  - (c) Stables, kennels, or veterinary hospitals
  - (d) Nursery schools or boarding homes for children as regulated by Minnesota Statutes.

**Subdivision 11. ACCESSORY BUILDINGS**

- 1. Whenever an accessory building/detached garage is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building, shall not be closer than five (5) feet to the main building.
- 2. A detached accessory building shall not be located in any required front yard.
- 3. A detached accessory building shall not exceed twenty (20) feet in height and shall not occupy more than thirty (30) percent of the area of any rear yard, providing further that no detached accessory building shall be located within ten (10) feet of any rear or side lot line.

**Subdivision 12. EXCEPTIONS AND MODIFICATIONS TO THE ZONING DEVELOPMENT STANDARDS**

- 1. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
  - A. Monuments
  - B. Flag poles

- C. Cooling towers
  - D. Elevator penthouses
  - E. Grain elevators
  - F. Windmills
2. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
- A. Church spires, belfries or domes which do not contain usable space.
  - B. Water towers.
  - C. Chimneys or smokestacks.
  - D. Essential service structures.
3. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:
- A. Essential service lines.
  - B. Essential service structures when required to be on line to ensure the proper functioning of the line.

**Subdivision 13. TELEVISION AND RADIO ANTENNA**

1. **Antennas and Dish-Type Antennas Having a Diameter No Greater than 30 Inches.** Antennas and towers having over-all heights of 75 feet or less are a Permitted Use in all Districts and are permitted encroachments on height requirements of this Code. This includes towers of all types and antennas of all types and sizes except dish-shaped antennas having a diameter greater than 30 inches. Antennas and dish-shaped antennas having a diameter of 30 inches or less are exempt from any requirement for a building permit, but are subject to excavation permit requirements when applicable. Antennas and towers higher than 75 feet require a conditional use permit.

- A. Vertical Antennas. The bottom of the base of a mast-or tower-mounted vertical antenna may be at a height of 75 feet or less with no over-all height limit for the top of the antenna. The highest point of any ground-mounted vertical antenna, however, may be no more than 75 feet.
- B. Directional Satellite Communications Antennas. The point at which the main boom of a directional, non-dish-type satellite communications antenna or antenna array is



attached to its support structure (tower, mast, rotator, etc.) can be no more than 75 feet high. The uppermost part(s) of such antenna(s) can be at 100 feet.

C. Height. The height of an antenna, dish antenna, or tower shall be measured from the adjacent ground elevation at the base of the antenna, dish, or tower to the highest point of the antenna or tower. If the antenna or tower is mounted on a building, height is measured from the average grade level on which the building is constructed.

D. Definitions.

- . An antenna is a wire or other device that receives or transmits radio waves.
- . A tower is defined as a structure to which an antenna is attached.
- . A directional satellite communications antenna is defined as any directional antenna or antenna array designed to provide radio communications using satellites, manned or unmanned spacecrafts, moonbounce, tropo-scatter, meteor-trail ionization, or similar vehicles or propagation modes.

2. **Installation Requirements.** An excavation permit is required for all towers and antennas for which excavation is required. All antennas and towers must conform to the Uniform Building Code, the National Electric Code, the City/County Airport Zoning ordinance, and the regulations of the Federal Airways Administration (FAA) and Federal Communications Commission (FCC). Antennas or towers may be installed in utility easements if a waiver is obtained from the County Engineer and the Utilities.

3. **Tower Locations.** Antennas and towers shall not be allowed (1) nearer the street than the principal building on the lot; and (2) nearer the rear or side lot lines than the minimum rear or side yard setback. Wire antennas are exempt from this requirement.

4. **Encroachment.** No part of an antenna may extend beyond the lot line over an adjoining lot without written permission from the owner or lessee of that adjoining lot.

5. **Reservations.** McLeod County/City of Hutchinson reserves the right to permit antennas, in its sole discretion, on the top of water towers, high rise buildings and other structures. McLeod County/City of Hutchinson, may also require a verification of approval from the Hutchinson Area Health Care and the Municipal Airport when height limitations are of concern for helicopter and flight operations

# HUTCHINSON AREA URBAN BOUNDARY DISTRICT SITE PLAN REVIEW CHECKLIST

The Joint Planning Board declares it necessary and appropriate to require site plan approval of development in all Zoning Districts to preserve and promote attractive, well-planned stable conditions. This includes all proposed commercial developments, industrial developments, and all proposed developments in the Flood Plain District. Site plan approval by the Joint Planning Staff must be obtained before a Land Use Permit is issued. True and accurate representation of the following requirements are the responsibility of the applicant. In all cases, the Site Plan shall contain:

- A Registered Land Survey
- Name of project
- Location of project, including a vicinity map
- Name and mailing address of developer/owner
- Name, telephone number, and mailing address of the project engineer and/or architect/registered land surveyor
- Date of preparation
- North point and graphic scale
- Boundary line of project site with dimensions. All site plans shall be drawn at an engineering scale

The site plan shall also contain the following features, both existing and proposed, drawn by a Registered Engineer, Architect, Landscape Architect and/or Land Surveyor:

- Topographic contours at a minimum interval of two feet
- Adjacent and on-site streets and street right-of-way
- Utilities and utility right-of-way easements, man-hole rim elevations and pipe elevations and sizes
- Infrastructure - Sizes and Locations
  - On-Site sewer system design and location
  - Well Location
  - Natural Gas Size
  - Electricity Size
  - Detention pond dimensions
  - Field/Drain tile locations
  - Surface water collection and conveyance features including arrows indicating the direction of surface water flow over the map of proposed contours
  - Surface water ponds, ditches, and wetlands



- Access driveways
  - If on Trunk Highway, submit to MnDot. Application forwarded by County thru the County Engineer
  - If on County Roads or State Aid Roads application is submitted through the County Engineer
  - Traffic flow on- and off-site
- Principle Building Dimensions
  - Building setbacks
  - Building first floor and lowest floor elevations (mean height above sea level)
  - Accessory building locations, dimensions, and setbacks
- Open Site
  - Hard surface parking lot and access drive locations, dimensions, setbacks, typical stall dimensions, handicapped stall dimensions
  - Required parking stalls \_\_\_\_\_ Stalls provided \_\_\_\_\_
  - Loading berth(s) - if applicable
  - Existing and proposed 2' contours
  - Landscaping Plan
  - Shoreland, flood fringe/floodway boundaries
  - Wetland delineation (if applicable)
  - On-site signage
    - Sign dimensions and setbacks
    - Handicapped parking signage
  - For your information: No portable or off-site premise signs
  - Dumpster locations/screening
  - Adjacent residential zones/screening
  - Postal locations/arrangements
  - Outdoor storage/screening
  - Exterior lighting
  - Temporary roadways - only if R-O-W work is proposed
  - The location of tree cover, including the designation of trees of 15 inches or more in diameter
  - Fences and retaining walls
  - The current zoning of the property and a listing of all required federal, state, and city permits and the status of such applications

The Joint Planning Board may require the developer to submit the following items if they are important for adequate understanding of the project by the McLeod County Board and/or public:

- Aerial photograph(s) of the site
- Cross-section drawings
- Perspective sketch(es)
- A professional analysis of traffic impact or other infrastructure impact

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