

## **SECTION 16 - GENERAL DEVELOPMENT REGULATIONS**

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### **Subdivision 1: Purpose**

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 of this Section.

### **Subdivision 2: Parking and Loading Regulations**

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of McLeod County.

#### **1. 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 located on the same lot as dwelling.
- 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 fifteen (15) 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 ten (10) feet of an interior side lot line and to within ten (10) feet of a rear lot line.

**3. Design Requirements.**

- A. Minimum Size Regulations: Each space shall have a width not less than 9 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 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.
- D. 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 the gross floor area of the specific use.
- B. Where a fractional spaces results, one (1) additional parking space shall be added for that fraction.

**5. Required Number of On-Site Parking Spaces.** On-site 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 minimum number of required on-site parking spaces for the following uses shall be as follows:

- 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) parking spaces for each bowling lane, plus additional space as required for related uses such as a restaurant.
- D. Church - One parking space for each three (3) seats, based on the design capacity of the main seating area.
- E. Convenience or drive-in restaurant - One (1) space for each fifteen (15) square feet of gross floor area.
- F. Hospital, sanitarium, convalescent home, nursing home, retirement home or similar institution - One (1) space for each two hospital beds, plus one (1) space for each three (3) employees, plus one (1) parking space for each residential unit and staff doctor.
- G. Manufacturing plant, industrial use - One space for each two (2) employees on the major shift or one for each five hundred (500) square feet of gross floor area, whichever is larger.
- H. Medical and dental clinics and animal hospital - Three (3) parking spaces for each doctor.
- I. Motel - One (1) space for each rental room or suite plus one additional space for each employee on the major shift.
- J. Office, business or professional - One parking space for each two-hundred (200) square feet of floor area.
- K. Open sales lot - Three (3) spaces for each five thousand (5,000) square feet lot area.
- L. Restaurant, cafe, nightclub, tavern or bar - One parking space for each three (3) seats based on capacity design.
- M. Retail stores and service establishments - One space for each 200 square feet of floor area.
- N. Schools, Elementary and Junior High - Two (2) spaces for each classroom plus one (1) additional space for each two hundred (200) student capacity.
- O. Schools, High School and College - One space for each seven (7) students based on design capacity, plus two (2) additional spaces for each classroom.
- P. 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.
- Q. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than five spaces per 1,000 square feet of gross floor area.
- R. Warehouse - One parking space for each two employees on the major shift or one parking space for each 2,000 square feet of floor area, whichever is greater.

- S. Wholesale auto sales, repair shop - Three (3) spaces for each one thousand (1,000) square feet of gross floor area.
- T. 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 Planning Commission.

**6. Required Loading Areas - General Provisions**

All required loading berths shall be off-street and located on the same lot as 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 required front yards.

**7. Loading Area Design Requirements**

- A. Unless otherwise specified, a required loading berth shall not be less than fifteen (15) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- B. All loading berths and access ways 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 the required off-street parking area.

**Subdivision 3: Drive-In Business 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 drive-in shall be located on any street other than a thoroughfare or business service road.
- D. No access drive shall be within fifty (50) 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.

**Subdivision 4: Automobile Service Stations or Fuel Stations**

**1. General Provisions.**

- A. For architectural purposes, each side of a service 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 forty-eight (48) hours.
- G. All rental campers, trailers, or motor vehicles shall be stored with the rear and/or side yard not adjacent to the street.

**2. Site Requirements.**

- A. Wherever a service station abuts residential property, a fence or compact evergreen hedge not less than fifty (50) percent opaque nor less than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way line.
- B. A minimum fifteen (15) foot landscaped yard shall be planted and maintained behind all property lines.
- C. The entire service 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. Driveway permits are required and regulated by the McLeod County Highway Department.
- 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 or 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, MR 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 or by the County Board, shall supply 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 prepare a draft EAW for review by the County and supply all information necessary to complete that document, as prescribed by the County Zoning Administrator. The applicant shall pay all costs of preparation and review of the EAW.
  - 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 an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, 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.
  - F. Agreements Concerning Cost of Preparation and Review. The applicant and the County Board may agree in writing as to a different division of the costs of preparation and review of any EAW or EIS as provided in MR 4410.6100.

3. **Administration.**

- A. The County Zoning Administrator shall be the person responsible for the administration of the Minnesota 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 MR 4410.4300. The Zoning Administrator shall also determine those proposed actions for which a discretionary EAW may be required under the provisions of the statute and shall notify the Planning Commission 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 Planning Commission and reviewed and approved by the County Board.
- D. When reviewing an EAW or EIS, the County Zoning Administrator and the Planning Commission 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 Planning Commission 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 an EIS when it finds under MR 4410.4400 that an action 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 according to Minnesota Statute. 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: Mining and Extraction**

1. **Purpose.** To minimize land use conflicts and potential nuisance caused by mining operations.
2. **Conditional Use Permit.** A Conditional Use Permit shall be required for all mining operations over 400 cubic yards. Any person, firm, corporation or governmental unit desiring to commence, expand or enlarge a commercial mining, processing or similar activity shall comply with the requirements of this Subdivision. This includes, but is not limited to, the following types of commercial or processing operations: sand; gravel; crushing; washing; other minerals or earthen materials; and any similar production or manufacturing process related to these activities.
  - A. Said permit shall be valid for up to a five (5) year period, after which a new Conditional Use Permit shall be required. The County Board shall also require a performance bond from the landowner for both reclamation and road repair standards.
  - B. Discontinuance. A Conditional Use Permit shall be discontinued and considered null and void:
    - (1) When mining operations cease and the approved reclamation plan has been completed and approved,
    - (2) If the conditions of the permit are not fulfilled.
  - C. If a new mining area is found on a site that already has a Mining Conditional Use Permit, an additional Conditional Use Permit shall be required for the new area. The applicant shall provide a new survey and fee, and a public hearing will be conducted to address any concerns with Site 1 before Site 2 commences.
  - D. Exclusions – Borrow pits located on property, which is adjacent to or adjoined to a public or private road project, shall be excluded from the provisions of this Subdivision 6 of the McLeod County Zoning Ordinance.
3. **Information Required.** The following information shall be provided by the person requesting the permit:
  - A. A complete McLeod County Mining and Reclamation Plan Proposal Form available from the McLeod County Zoning Office.
  - B. A letter of agreement signed by the Town Board(s) listing all operating agreements and their approval of the proposed haul route as documented in the McLeod County Mining and Reclamation Plan Application.



- C. Any other information requested by the Zoning Administrator, Planning Commission, County Board or governing body as necessary to protect the public's safety, health and general welfare.

#### **4. 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 or artificial subsurface water drainage beyond the boundaries of the mining operation. The mining operation shall not adversely affect the quality of surface or subsurface water resources.

Surface water originating outside and passing through the mining area 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. All new or existing accesses to a public road shall be approved or permitted by the local road authority and/or the McLeod County Board, by the granting of the conditional use permit.

D. Setbacks:

- 1) Processing of minerals 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.
- 2) Mining extraction shall not be conducted closer than one hundred (100) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than ten (10) feet to the boundary of an adjoining property line, unless the written consent of the fee title owner of such adjoining property is first secured in writing.
- 3) Mining extraction shall not be conducted closer than 60 feet to the center of a township road, 75 feet to the center of a county road and 130 feet to the center of a state highway with a 4:1 slope, 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. Screening - Adequate planning, fencing or berming sufficient to screen the operation from public view may be required along all public roads adjacent to the property. Where possible, existing trees and ground cover along public road frontage shall be

preserved, maintained and supplemented for the depth of the required road setback except where traffic safety requires cutting and trimming.

- F. Appearance – All buildings, structures and equipment 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 equipment will not become dangerously dilapidated.
- G. Dust control along all access roads and designated haul routes shall be provided at adequate levels as determined by the Road Authority for the protection of area residents. Proposed dust control methods shall be approved in writing by the Road Authority and shall be submitted as part of the Conditional Use Permit application.
- H. Hours of operation at the site shall run from 5:30 a.m. to 8:30 p.m., unless otherwise authorized by the McLeod County Board.
- I. All stockpiling of topsoil shall be seeded down to grass or other appropriate vegetation to minimize erosion (the Noxious Weed Laws shall apply.)

#### **5. Land Rehabilitation.**

All permits shall contain a restoration plan, as outlined in the McLeod County Mining and Reclamation Plan Proposal Form, providing for the use of the land after project completion. The permittee is responsible for restoration. Phasing requirements for the use of the entire site must be part of the restoration plan. The permittee must have an approved restoration plan and schedule for the current phase before moving into any subsequent phase. Following are the minimum standards for restoration:

- A. All disturbed areas shall be restored within one year from the completion of the project.
- B. All restoration shall include the application of a minimum of four (4) inches of topsoil or similar material that will support plant growth.
- C. Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mark on the landscape.
- D. 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 twelve (12) percent (8:1).
  - (3) If the restoration is not for crop production, no grade shall exceed twenty-five (25) percent (4:1).
- E. Standards D-2 and D-3 above may be raised or modified to accommodate a specific restoration plan.

**6. Performance Securities and Insurance.**

The applicant shall provide a bond to McLeod County in the amount of one thousand dollars (\$1,000) per acre or a minimum of five thousand dollars (\$5,000), whichever amount is greater, to assure proper reclamation of the site and haul roads after completion of the operation. The applicant shall also provide a bond for a minimum of five thousand dollars (\$5,000) for road repairs during mining operations. The exact required bond amount shall be set by the Local Road Authority.

**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 and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

**1. Standards.**

- A. **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 intermittence, beat frequency, shrillness or intensity. Noise generated by agricultural use shall be exempted.
- B. **Vibration.** Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the property line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- C. **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 property line.
- D. **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 other particulate matter.
- E. **Odors.** Odors from any use hereafter begun, enlarged or remodeled shall not be readily detectable at or beyond the property line. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit. Odors from agricultural sources shall be exempted.
- F. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.
- G. **Toxic or Noxious Matter.** Any use shall not discharge into the atmosphere, water or subsoil any toxic or noxious matter.
- H. **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 liquid petroleum or natural gas for normal residential or business purposes.

- I. **Radiation Emission.** All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- J. **Electrical Emission.** All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
- K. **Storage Standards.**
  - (1) **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 materials for use on the premises, agricultural equipment and materials for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreational vehicles less than twenty (20) feet in length may be stored in the rear yard, no less than ten (10) feet from any property line.
  - (2) **Bulk Storage (Liquid)**
    - (a) 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 Marshal and the Minnesota Pollution Control Agency offices and have documents from those offices stating that the use is in compliance.
    - (b) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall comply with the requirements of the Minnesota State Fire Marshal and the Minnesota Pollution Control Agency's office and have documents from those offices stating that the use is in compliance.
- 2. **Compliance.** In order to insure compliance with the performance standards set forth above, the Board of County Commissioners may require the owner or operator of any permitted or 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.
- 3. **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.

**Subdivision 8: Visual Standards.**

- 1. **Screening.**
  - A. 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. 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. Fencing (Residential)**

- A. Fences may be located on any lot line or within any yard to a height of three and one-half (3½) feet. A fence up to six (6) feet in height may be erected in the side or rear yard behind the nearest rear corner of the principal building.
- B. Should the rear lot line adjoin 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.

**Subdivision 9: Drainage and Traffic Standards**

**1. Drainage.**

No land shall be developed and no use shall be permitted that result in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area or other suitable facility.

**2. Traffic.**

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.

**Subdivision 10: Access Driveways.**

The location of any driveway from a public road shall require approval by the County Planning Commission and the Board of Commissioners with advice from the County Engineer. The following standards for access driveways shall apply unless otherwise recommended by the County Engineer and approved by the County Board.

- 1. No driveway shall be located closer than 125 feet to the intersection of two public roads. This distance shall be measured from the centerline of the driveway to the edge of the right-of-way of the parallel road.
- 2. There shall be a maximum of two access points per parcel. Access points should be located as far apart as feasible, and should meet accepted standards for minimum sight distances for vehicles on the public road.
- 3. The entire driveway entrance, including slopes and entrance radii, shall be located entirely within the owner's property.

4. The driveway angle to the street shall be no less than 70 degrees.
5. All access driveways shall be a minimum of 24 feet wide at the entrance, measured along the property line between the curb faces of the driveway.
6. No driveway shall serve or be shared by more than 2 residences. With the third residence, a township approved road shall be constructed.

#### **Subdivision 11: Mobile Home Regulations**

1. **Purpose.** To regulate the individual mobile home that is located outside of a mobile home park. To treat the mobile home in much the same manner as the single-family home recognizing that the mobile home as it is now used, is similar in most but not all respects to the single-family home.
2. The individual mobile home will be given the same privileges and will be placed under the same controls as applied to single-family homes in this Ordinance, except:
  - A. All mobile homes shall be skirted between the bottom of the mobile home and the ground with a fire-proof material harmonious with the appearance of the mobile home within three months of the placement of the mobile 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 mobile home.
  - D. Each mobile 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 mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than four (4) percent and traverse 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.

#### **Subdivision 12: Home Occupations**

In any zoning district where home occupations are a permitted use, the following regulations shall be complied with. Regulations for all home occupations allowed by Conditional Use are listed in Chapter 16 of this Ordinance.

1. **Standards for Home Occupations Permitted in the "A" Agricultural District**
  - A. No more than five (5) non-residents shall be employed in the home occupation other than a member of the household residing on the premises.
  - B. The home occupation shall be incidental and subordinate to the primary use of the premises for farming and/or residential purposes.

- C. The home occupation may be carried on in accessory buildings not to exceed a total of two thousand four hundred (2,400) square feet of gross floor area.
  - D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
  - E. One (1) non-illuminated sign not to exceed six (6) square feet in area shall be allowed on the premises.
  - F. No equipment or process shall be used in the home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
  - G. Any home occupation that exceeds the standards of this Section is permitted only through a Conditional Use Permit, as outlined in Section 17.
- 2. Standards for Home Occupations Permitted in the “R-1” Rural Residential and the “U-E” Urban Expansion Districts**
- A. Only one (1) non-resident person shall be employed in the home occupation other than a member of the household residing on the premises.
  - B. The home occupation shall be incidental and subordinate to the primary use of the premises for residential purposes.
  - C. Up to twenty-five (25) percent of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
  - D. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any parking needed for the home occupation shall be provided off the street and shall not encroach into any required yard.
  - E. No equipment or process shall be used in the home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
  - H. One (1) non-illuminated sign not to exceed six (6) square feet in area shall be allowed on the premises.
  - I. Any home occupation that exceeds the standards of this Section is permitted only through a Conditional Use Permit, as outlined in Section 17.
  - J. Home occupations conducted in any accessory building shall require a conditional use permit.

**Subdivision 13: Accessory Buildings**

- 1. When an accessory building is attached to the main building it shall be made structurally apart of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building.

2. An accessory building not attached to the main building shall be located at least five (5) feet from the main building.
3. A detached accessory building located in any required front yard within the “R-1” Rural Residential District, “U-E” Urban Expansion District, any platted or other described lots of three (3) acres or less within the “A” Agricultural District is permitted only through a Conditional Use Permit.
4. A detached accessory building shall not exceed thirty-five (35) feet in height and shall not occupy more than thirty (30) percent of the area of any rear yard.
5. Detached garages shall have setbacks of ten (10) feet for side and rear lot lines.
6. Accessory structures shall not be allowed without a primary structure.
7. Manufactured homes shall not be used as accessory buildings.

**Subdivision 14: Exceptions to Height and Setback Regulations**

**1. Exceptions to Height Limits.**

- A. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following structures:
  - (1) Monuments
  - (2) Flagpoles
  - (3) Cooling towers
  - (4) Windmills
- B. Height limitations set forth elsewhere in this ordinance may be increased with no limitation when applied to the following, provided that the requirements of Paragraph C below are met:
  - (1) Church spires, belfries or domes, which do not contain usable space.
  - (2) Water towers
  - (3) Chimneys or smokestacks
  - (4) Radio or television transmitting towers
  - (5) Essential service structures
- C. Structures in excess of 200 feet shall only be permitted if a letter of clearance from the Federal Aeronautics Administration accompanies the building or other permit application or filing.



2. **Exceptions to Setback Requirements**

- A. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:
  - (1) Essential service lines.
  - (2) Essential service structures when required to be on line to ensure the proper functioning of the line.

**Subdivision 15: Wireless Telecommunication Towers and Antennas**

1. **Purpose:**

The purpose of this ordinance is to allow for and regulate the design, location, placement, construction, maintenance, and removal of Wireless Communications Towers and antennas and to:

- A. Provide wireless communications services to residents and businesses located within McLeod County
- B. Provide safety/emergency service through use of wireless communications facilities
- C. Strictly control the location and design of wireless communications facilities so that allowed facilities will not be obtrusive or visually unpleasant
- D. Provide clear standards governing all aspects of such facilities
- E. Minimize the number of new towers and to require co-locating
- F. Allow new facilities only when a documented proof of need satisfactory to the County can be shown
- G. Protect residential property and neighborhoods

2. **Definitions:**

**Antennas** means a device placed outdoors on a building or structure and used to transmit and/or receive radio or electromagnetic waves, excluding: satellite dishes, ten (10) feet or shorter whip antennas 1 inch or less in diameter and television antennas having a total length of not more than six feet, which are located on a dwelling or other permitted building.

**Monopole** means a free standing, self-supporting tower that uses a single pole and does not use a lattice design and has no guy wires.

**Satellite Dish or Satellite Earth Station Antenna** means a round or conical or cone shaped device more than 18 inches in diameter and placed outdoors on the ground or on a building or structure and used to transmit and/or receive radio or electromagnetic waves.

**Tower Height** means the vertical distance from the average grade at the base of the tower to the highest point of the tower or to the highest point of the highest telecommunications facilities on the tower whichever is higher.

**Wireless Communication Facility** means cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure but not including a satellite earth station antenna, (satellite dish) two meters or less in diameter.

**Wireless Telecommunications Tower** means a self-supporting monopole, poles or lattice structure constructed at normal grade and extending into the air at least 20 feet and used to support telecommunications facilities.

3. **Proof of Need:**

The applicant shall demonstrate proof of need by providing a coverage/interference analysis and capacity analysis, which indicates that the location of the tower or antennas as proposed is necessary to meet the frequency plus other spacing needs of the “cellular communication system” and/or to provide adequate portable radio coverage and capacity to areas which cannot be adequately served by locating the tower/or antenna at another site. For purposes of the analysis, in-building service is not deemed to be as critical as outside coverage. The proof of need for the tower or antennae must be demonstrated to the satisfaction of the county by providing the county an analysis from a qualified professional RF (Radio Frequency) engineer with experience in radio frequency analysis work, which is subject to acceptance by the county prior to commencing the work. The cost of the County’s review including the County’s review of the proof of need is the applicant’s responsibility. The analysis and the material provided by the engineer shall include at least the following.

**Structural Capacity Analysis**

Provide an analysis of the impact of the proposed facility on the tower’s carrying capacity of at least three (3) antenna arrays required (using a typical maximum facility) under the co-location provision of this code.

**Coverage/Interference** – analysis for:

**County property and other public property:**

With values expressed in dBuv or dBmW (Decibels over a micro-volt – standard RF level) for on street level, in vehicle level and in building level.

With said interference analysis indicating the protection afforded for all the frequencies in use or which could be in use by the county or other public safety agencies.

**Private Property:**

With values expressed in dBuv for on street level, in vehicle level and in building level.

With said analysis indicating the protection afforded property within one-half mile of the proposed facility and site.

**System Capacity Analysis**

If the system coverage analysis does not show a coverage need, provide a system capacity analysis.

**Radio Frequency Radiation Hazard Analysis**

The analysis must address compliance with the most current FCC (Federal Communications Commission) Bulletin OET (Office of Engineering and Technology) 65 radiation standard. A yearly report must be submitted before December 31 showing the results of on-site measurements of the site. A Registered Professional Engineer must sign these measurements and report.

**Map - Existing and Proposed Facilities**

A map showing the location of all existing and any proposed facilities within 2 miles of the site being considered. Telecommunications equipment and towers within this area shall be identified by type, function, ownership/users, and height. The capacity of existing towers located within 2 miles (the study area) to carry additional facilities must be provided.

**Map - Existing Buildings and Structures**

A map showing the location of all existing buildings, water towers and structures over eighty (80) feet or more in height above the ground shall be identified and the potential to use these buildings and structures as a supporting base for an antenna or telecommunications facility purpose must be described and analyzed.

**Exception**

If the request is limited to adding an antenna array on an existing tower without increasing the height of the tower support structure, the County may allow the applicant to dispense with providing some of the information.

All other information deemed necessary by the County in order to protect the health and welfare of the public.

4. **Permit Required:**

No person shall install a Wireless Telecommunication Facility or any portion thereof, at a height greater than is allowed for structures in the underlying zoning district without first being issued a Wireless Telecommunication Tower Permit.

If the property or any portion of the Wireless Telecommunication Facility changes ownership, the county must be informed immediately of the name and address of the new owner(s).

A permit is required under this section for co-location of antennas or accessory equipment on an existing Wireless Telecommunication Facility with the cost paid by the applicant.

5. **Application:**

Applications for a Wireless Telecommunication Tower Permit shall be submitted on forms provided by the County Zoning Administrator, which shall include the following information:

A sketch drawn to scale acceptable to the County Zoning Administrator and County Engineer that illustrates:

- A. The parcel on which the tower and accessory ground facilities.
- B. The buildings located and to be located on the tower parcel.
- C. The buildings located within 100 feet of the perimeter of the tower parcel.
- D. Access easements as necessary to the tower parcel.

6. **Location of New Facilities: (Co-location)**

If a new facility (tower) is needed based on the materials and studies submitted and reviewed by the County, the following preferences, listed in ranked order, shall be followed and each preference shall be analyzed to determine the most appropriate location:

- A. Use of Existing Towers. An existing tower must be used to support the proposed facility. If no existing tower has additional capacity, a determination must be made to show how towers in the study area can be modified to accommodate the proposed facility.
- B. Use of Existing Structures. An existing structure over 80 (eighty) feet high must be used. Preference shall be given to existing light poles, high voltage utility towers and water towers.
- C. Sites with the least impact on residential areas and which are the least offensive to the community's image shall be given preference.
- D. In all cases, except for non-conforming existing towers, the location must meet the zoning requirements.
  - Licensed Amateur Radio Towers in the Rural Residential District are not required to co-locate.

7. **Construction Permits:**

All Wireless Telecommunication Towers erected, constructed, or located within the county, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code.

8. **Tower Standards:**

Wireless Telecommunication Towers shall comply with the current **TIA/EIA/EIA-222 (TIA-Telecommunications Industry Association) (EIA-Electronic Industries Association) (EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures")** unless the county grants a conditional use permit as necessary to reasonably accommodate the Wireless Telecommunication Tower. Monopole is the preferred standard.

**Design**

- A. To blend into the surrounding environment through the use of color and architectural treatment.
- B. To be of a monopole/lattice self-supporting design unless the county determines that an alternative design would better blend into the surrounding environment or as demonstrated in the Proof of Need.
- C. All proposed Wireless Telecommunication Tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users.
- D. Where possible, all proposed Wireless Telecommunication Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

**Setbacks from Lot Lines**

- A. A required setback may be reduced for co-location of an antenna or its location in relation to a public street varied, at the sole discretion of the county, to allow for the integration of a Wireless Telecommunication Tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.
- B. **Height.** The maximum height of any Wireless Telecommunication Tower, including all antennas and other attachments, shall not exceed 199 feet without proof of need and required FAA (Federal Aviation Administration) permits.

9. **Lighting:**

At night, Commercial Wireless Telecommunication Towers shall not be illuminated by artificial means, unless required by the FAA (Federal Aviation Administration), FCC, or other government agency with authority over such matters.

10. **Signs and Advertising:**

The use of any portion of a Commercial Wireless Telecommunication Tower for signs other than warning or equipment information is prohibited.

11. **Interference with Public Safety Telecommunications:**

No Wireless Telecommunication Facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with FCC regulations and licensing requirements.

12. **Minimum Conditions:**

Minimum conditions on an antenna tower permit should include, but not be limited to the following:

- A. An agreement providing for co-location and 12-month removal of unused and/or obsolete towers shall be attached and become part of the permit.
- B. The tower shall be set back a distance equal to the tower height from all property lines. All accessory structures shall be setback a minimum of twenty (20) feet from all side yard and rear yard property lines.
- C. Zoning Permits shall be applied for and issued before any construction is started.
- D. Prior to application for a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
- E. Applicant must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
- F. Applicant must submit proof of liability and Worker's Compensation Insurance.
- G. Proof that towers and their antennas have been designed by, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expenses) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with

accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.

- H. Metal towers shall be constructed of, or treated with, corrosive resistant material.
  - I. The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall typically not be required.
  - J. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet chain link fence with a locked gate.
  - K. All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environmentally to the greatest extent possible.
  - L. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right of way, public street, highway, or sidewalk, without approval by the County through the zoning permit approval process.
  - M. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the County Board. After the facilities are removed, the site shall be restored to its original or an improved state which includes removal of all concrete to 6-feet below normal grade and surrounding area returned to normal grading. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. To ensure compliance, the applicant must submit a performance bond or letter of credit in the amount of \$100,000 to cover the removal costs. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and assess the cost against the required bonding or letter of credit instrument.
  - N. Yearly report showing compliance with RF Radiation Hazard Standard and certification of required removal bond is required to be received before December 31 of each year.
13. **General EAW Regulation** (Local Governmental Unit)  
Environmental Assessment Worksheet for the construction of communication towers equal to or in excess of 500 feet in height, or 300 feet in height within 1,000 feet of any protected water or protected wetland.
14. **Exceptions to Towers and Antennas**  
Licensed Amateur Radio Towers greater than 100 feet in height shall require a conditional use permit, towers less than 100 feet in height are exempt from this ordinance.