

SECTION 17 - CONDITIONAL USES

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Subdivision 1: Conditional Uses

This section presents the conditions that must be met for each possible Conditional Use listed in the various Zoning Districts and the procedure for review and approval of a Conditional Use Permit.

Subdivision 2: List of Conditional Uses

The following table indicates in which District(s) each Conditional Use is found. (Note that the table does not indicate permitted or non-permitted uses in these districts.)

Conditional Uses	Zoning District(s) in Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Accessory Building, Garage (exceeding size limits)	CU	CU	CU			
Accessory Mobile Home	CU					
Accessory Structures						CU
Activities Requiring Rural Isolation	CU					
Adult Business					CU	
Airplane Landing Strip, Private	CU				CU	
Bed and Breakfast Inn, Retreat Center	CU					
Church, Cemetery, Memorial Garden	CU	CU	CU			

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Commercial Development			CU			
Commercial Business (not specifically permitted)				CU		
Commercial Outdoor Recreation	CU	CU				
Convenience Store				CU	CU	
Day Care, Commercial			CU	CU		
Essential service line/ structure	CU	CU	CU	CU	CU	
Conditional Uses	Zoning District(s) In Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Extraction of Minerals	CU				CU	CU
Farm-Related Business	CU					
Confined Feed Lots	CU		CU			
Flood Control Structure						CU
Heliport					CU	
Home Occupation (exceeding standards in Sec. 15)	CU	CU	CU			
Indoor Recreational Facility				CU		
Industrial Development			CU			
Junk, Salvage Yard	CU				CU	
Livestock Holding Facility	CU					
Marinas, Boat Rentals, etc.						CU
Placement of Fill						CU
Public Park, Wildlife Preserve, etc.	CU					
Railroad Yard, Freight Terminal, etc.					CU	
Railroads, Streets, Utility Lines, etc.						CU
Recycling -- Non-Hazardous Waste					CU	
Residential Development (at higher densities, etc.)			CU			
Sanitary Landfill	CU					
Sawmill, pallet mfg.	CU					
School, Public or Private			CU			
Second farm dwelling (not meeting dimens. standards)	CU					

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Special Events	CU					
Storage Yards						CU
Temporary Demolition Landfill	CU					
Travel Trailers, etc.						CU
Conditional Uses	Zoning District(s) in Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Veterinary or Animal Clinic, Kennel	CU					
Wastewater Treatment - Municipal	CU					

Subdivision 3: Conditions

1. **Accessory Building - Oversized:** In the Agricultural District within platted or other described lots of 10 acres or less, and in the R-1 and U-E districts, accessory buildings exceeding the size limits are Conditional Uses, provided that the roofing, siding and eaves of the garage must match or complement the siding of the house and a satisfactory landscaping plan is presented.

2. **Accessory Mobile Home.** Any one mobile home may be allowed as an accessory use to another dwelling provided that it meets the following conditions:
 - A. The occupants are in need of special care because of a disability or infirmities of advanced age as affirmed by a physician and are members of the immediate family of the person owning the principal dwelling.
 - B. The unit at the time of placement is in compliance with the Federal H.U.D. Code for mobile homes and Section 16, Subdivision 11, of this Ordinance.
 - C. The mobile home shall be considered a temporary use and an agreement shall be executed between the landowner and the Planning and Zoning Administrator and on file with the County Recorder stipulating that the mobile home is removed no greater than 180 days after the occupancy of the unit is terminated.
 - D. The applicant shall demonstrate need.
 - E. There shall be a separate septic system for each of the dwellings.
 - F. The permit shall be reviewed yearly to ensure compliance.
 - G. The minimum lot size shall be three acres.
 - H. The temporary mobile home may not be replaced by a permanent structure.

3. **Accessory Structures.** Structures accessory to permitted uses are Conditional Uses in the Floodway District, according to the standards in Section 13, Subdivision 4 of this Ordinance.

4. **Activities Requiring Rural Isolation.** Recreational, educational, institutional, or religious facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land subject to the following criteria:
 - A. The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township. The access must meet the access requirements of this Ordinance.
 - B. A certificate of insurance and/or a performance surety may be required.
 - C. Soils are suitable for construction of an on-site sewer system large enough to accommodate the use and there are two sites on the parcel that could be utilized. The second site shall be preserved for a future system. The sewer system shall be designed by an engineer registered in the State of Minnesota and approved by the Minnesota Department of Health.
 - D. An operational plan is established and all activities are conducted in accordance with the operational plan.
 - E. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - F. Any type of special event that will attract or involve more than the number of people stipulated in E above shall require approval of the County Board.
 - E. The permit shall be subject to annual administrative renewal.
5. **Adult Business, provided:**
 - A. All existing businesses conform with licensing and permits on or before the adoption of the Adult Business Ordinance. Failure to comply will result in the permit being revoked effective immediately.
6. **Airplane Landing Strip, provided:**
 - A. The airplane landing strip has the approval of the Minnesota Department of Transportation.
 - B. The use of the airport is limited to the property owner.
7. **Bed and Breakfast Inn, Retreat Center** provided that:
 - A. The owner or resident manager of the Inn shall operate, though need not reside there; but shall be readily available for assistance to the guests.
 - B. The facility meets all State Health and Building Code requirements.
 - C. The facility's owner must furnish evidence that licenses required by the State of Minnesota either have been issued or will be issued before commencing operation.

- D. The facility shall be limited to five (5) guest rooms.
 - E. Guests shall not stay at the facility for more than 30 days within any 90-day period.
 - F. One (1) off-street parking space shall be provided for each guest room plus one (1) for the owner of the facility.
 - G. Identifying signs for the facility shall meet the requirements for signs for home occupations in this Ordinance.
 - H. No cooking or cooking facilities shall be allowed or provided for in guestrooms.
 - I. Meals may be provided only to overnight guests at the facility.
8. **Cemetery, Memorial Garden, Church**, including related structures and activities located on the same site which are an integral part of the church proper, and convents or homes for persons related to the religious functions.
9. **Commercial Development**, in the Urban Expansion District, meeting the requirements of that district, in Section 9, Subdivision 4 of this Ordinance.
10. **Commercial Business (other)**, in the Highway Business District, provided that the proposed use is similar in intensity and traffic generation to other uses permitted in the Highway Business District.
11. **Commercial Outdoor Recreation**, conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
- A. A certificate of insurance and/or a performance surety may be required.
 - B. Sanitary facilities shall be installed as judged necessary by County staff.
 - C. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
 - D. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - E. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
 - F. The permit shall be subject to annual administrative renewal.
12. **Confined Feedlots**, provided:
- A. Any new animal feedlots shall not be located within a Floodplain, Shoreland, or Urban Expansion District.

13. **Convenience Store, Convenience Gas-and-Goods Business**, provided that sales area does not exceed 5,000 square feet and that if gasoline is sold, the requirements for automotive service stations in the General Regulations, Section 16, Subdivision 4, of this Ordinance are met.
14. **Day Care Center (commercial)**, provided that any state licensing or permitting requirements are met.
15. **Essential Service Line or Essential Service Structure**, meeting the requirements of Section 18 of this Ordinance.
16. **Extraction of Minerals**, meeting the standards for Mining and Extraction in the General Regulations, Section 16, Subdivision 6, of this Ordinance, and the standards of the Flood Plain District (Section 12) if applicable.
17. **Farm-Related Business**. Business directly related to the conduct of commercial agriculture, provided:
 - A. The business is primarily farm-related under one or more of the following criteria:
 1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations.
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities.
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.
 - B. Sewage is treated by an on-site sewage system in accordance with the McLeod County Individual Sewage Treatment System Ordinance.
 - C. The business is of a scale that the demand for support services such as sewer, water, police, fire protection, roads or streets, can be accommodated within the context of the service levels available in the Agricultural District.
 - D. The business is operated in conformance with the conditions of an approved plan of operation.
 - E. The applicant submits a copy of Workers' Compensation Insurance or signs an affidavit stating that he will not have any employees.
18. **Heliport, Commercial**, provided:
 - A. The facility has the approval of the Minnesota Department of Transportation.
 - B. The use of the facility will not unduly interfere with the use and enjoyment of other properties, including by the effects of noise.

19. **Home Occupation.** Home occupations that exceed the Home Occupation Standards in Section 16, Subdivision 12, may be allowed as Conditional Uses, provided that:
- A. The business must be located on the homesteaded property of the business owner.
 - B. There may be no more than two employees other than a member of the household residing on the premises, except that in the Agricultural District, no more than five employees shall be permitted.
 - C. All equipment, supplies and products must be either stored entirely within an enclosed structure at all times or screened from view from the public road and/or nearby residences.
 - D. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Conditional Use Permit.
 - E. The County Board may impose further conditions limiting the square footage used for the business, the daily hours of operation, or other aspects of the conduct of the business.
 - F. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
20. **Indoor Recreational Facility,** such as athletic club, bowling alley, skating rink, dance hall, etc. provided that:
- A. Driveway access and traffic circulation are judged adequate by County staff for the intended use.
 - B. A certificate of insurance and/or a performance surety may be required.
 - C. Sanitary facilities shall be installed as judged necessary by County staff.
 - D. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
 - E. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - F. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
 - F. The permit shall be subject to annual administrative renewal.
21. **Industrial Development** in the Urban Expansion District, meeting the requirements of that district, in Section 9, Subdivision 4 of this Ordinance.
22. **Junk Yard, Salvage Yard,** provided that:

- A. The facility is located on a hard surface road unless access via a gravel road is approved by the Township
 - B. The County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
 - C. The County Planning Commission finds it is in compliance with Minnesota Pollution Control Agency regulations.
23. **Livestock Holding Facility** provided that:
- A. The facility is located on a hard surface road unless access via a gravel road is approved by the Township.
 - B. The County Planning Commission reviews and approves plans for site planning, visual screening, loading and traffic operations, control of odor, noise and dust, control, and surface water ponding and runoff.
 - C. The County Planning Commission finds it is in compliance with Minnesota Pollution Control Agency Regulations.
24. **Marinas, Boat Rental Facilities, Docks, Piers and Water Control Structures** are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13; Subdivision 4 of this Ordinance.
25. **Placement of Fill** is a Conditional Use in the Floodway District, according to the standards of the Flood Plain District, Section 13; Subdivision 4 of this Ordinance.
26. **Publicly-owned Parks or Open Space Areas, Wildlife Areas, Game Refuges or Forest Preserves**, provided that
- A. The County Planning Commission reviews and approves plans for site planning, traffic management, and any visitor facilities.
 - B. The Planning Commission determines that the operation of the facility will not adversely impact neighboring property owners or agricultural activities; or that any adverse impacts will be adequately mitigated.
27. **Railroad Freight Terminals, Switching and Classification Yards, Repair Shops and Related Facilities**, provided that the County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
28. **Railroads, Streets, Utility Transmission Lines, and Pipelines** are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13, Subdivision 4, of this Ordinance.
29. **Recycling Facility for Non-Hazardous Waste**, provided that the requirements listed below (refer to 38) for Waste Disposal Sites are met.

30. **Sanitary Landfill for Municipal Solid Waste**, provided that the requirements listed below (refer to 38) for Waste Disposal Sites are met.
31. **Sawmill, Pallet Manufacturing Plant**, provided that the County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
32. **School, Public or Private**, provided the school has the approval of the State Department of Education.
33. **Second Farm Dwelling** not meeting the dimensional standards for a lot in the Agricultural District, provided that future conveyance as a separate lot is prohibited.
34. **Special Events**, under the following conditions:
 - A. An application is submitted which includes the following:
 1. A plot plan showing:
 - a. Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
 - b. Location of any temporary buildings, stockpiled materials, and or industrial equipment.
 - c. Location of storage area for equipment.
 2. A letter giving an in-depth description of the proposed operation. Said letter should contain at a minimum:
 - a. The number of employees reporting to the site.
 - b. Plans for traffic control.
 - c. A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - d. Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
 3. The Board of Commissioners approves the application.
35. **Storage Yards** for equipment, machinery or materials are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13, Subdivision 4 of this Ordinance.
36. **Temporary Demolition Landfill**, provided that the requirements listed below for Waste Disposal Sites are met.

37. **Veterinary or Animal Clinic, Kennel**, provided that:
- A. Confinement and shelter is provided through the use of fences and structures.
 - B. If a kennel is present, it is operated in conformance with an approved plan of operation.
38. **Waste Disposal Sites**. The following regulations cover private or government owned or operated sites for: solid waste land disposal facility, transfer station, demolition debris land disposal facility, recycling facility, incinerator, public or private tree waste utilization site:
- A. The County Planning Commission has reviewed and approved plans for site planning, visual screening, traffic, parking and internal circulation, and surface water ponding and runoff.
 - B. The facility/operation is in compliance with the McLeod County Solid Waste Ordinance and any other applicable ordinance.
 - C. Any required environmental assessment documents have been developed and required review procedures have been completed, and any required County, State, or Federal licenses have been issued.
 - D. The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.
 - E. An operational plan shall be developed and the activity conducted in accordance with the operational plan.
 - F. The permit shall be subject to annual renewal. Renewal shall occur during the same month as County license renewal.
39. **Wastewater Treatment Plant, Municipal**, provided that:
- A. Any required County, State, or Federal licenses have been issued.
 - B. The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.

Subdivision 4: Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Legal description of the property.
2. Site plan drawn to scale showing parcel and building dimensions.

3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Such other information as is necessary and reasonable to adequately review the request.

Subdivision 5: Notification and Public Hearing

1. Upon receipt in proper form of the application and other required material, the Zoning Administrator shall refer the proposed conditional use request to the affected Board of Town Supervisors. The Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
3. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (¼) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. Written notice shall also be given to the affected Board of Town Supervisors and all municipalities within two (2) miles of the proposed conditional use.
4. No application for a conditional use which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the grounds of new evidence or proof of change on conditions found to be valid.

Subdivision 6: Approval, Disapproval or Modification

The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendations to the Board of County Commissioners, the County Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall make a decision upon the application for a Conditional Use Permit.

Subdivision 7: Findings

No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

1. That the specific requirements listed in Subdivision 3 above for the use in question have been met.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
4. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Subdivision 8: Conditional Use Permits within Floodplains and Shoreland Areas

1. A copy of a request for a Conditional Use Permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. A copy of all decisions granting any Conditional Use Permit within any designated floodplain, shoreland or scenic rivers district, shall be forwarded to the Commissioner of the Department of Natural Resources within ten (10) days after such decision.

Subdivision 9: Compliance

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit.

Subdivision 10: Review

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued on a specific parcel for a particular use and not for a particular person or firm.

Subdivision 11: Revocation

A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and automatically terminate the permit.

Subdivision 12: Discontinuance

A Conditional Use Permit shall become void one (1) year after it was granted unless made use of with the exception of a Mining and Extraction Permit, which shall become void five (5) years after it was granted.

Subdivision 13: Recording

1. A certified copy of any Conditional Use Permit shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
2. The Zoning Administrator shall be responsible for recording with the County Recorder, any Conditional Use Permit issued by the Board.