

Washington County Development Code

CHAPTER ONE ADMINISTRATION

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REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER ONE

ADMINISTRATION

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Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

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|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Subsurface Sewage Treatment System Regulations |
| (5) | Chapter Five | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6) | Chapter Six | Shoreland Management Regulations |
| (7) | Chapter Seven | Mining Regulations |
| (8) | Chapter Eight | Buffer Regulations |
| (9) | Chapter Nine | Floodplain Management Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER ONE

ADMINISTRATION

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Summaries in this column are for commentary and/or interpretive purposes only.

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER ONE ADMINISTRATION

This Chapter of the Washington County Development Code shall be known as Chapter One, Administration and may be referred to within this chapter as, "this Ordinance" or "this chapter". This administration regulation is adopted by Washington County Ordinance No. 203 pursuant to the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 1. INTENT AND PURPOSE

1.1 With the exception of Subsurface Sewage Treatment System Regulations and Buffer Regulations which are applicable in all portions of the County, the County's Land Use authority is limited to the following areas within the unincorporated areas of the County:

- (1) Subdivision of land in areas that are subject to Chapter Three.
- (2) Subsurface Sewage Treatment Systems.
- (3) St. Croix River Management Overlay District.
- (4) Shoreland Management Overlay District.
- (5) Mining operations.
- (6) Riparian Vegetative Buffers.
- (7) Floodplains.
- (8) Official Map areas.

The Development Code is intended to preserve and protect natural resources and the environment, and to guide development in those portions of the unincorporated areas of the County where the County has Land Use authority.

1.2 The Revised Development Code (hereinafter referred to as Development Code) is adopted for the following purposes:

- (1) To implement the policies established in the Washington County Comprehensive Plan.
- (2) To stage development and redevelopment to coincide with the availability of necessary public services.
- (3) To provide for the compatibility of different land uses and the most appropriate use of land within the bounds of the County's zoning authority.
- (4) To regulate uses and development in Shoreland areas, Saint Croix River Bluffland and Shoreland areas and Floodplain areas by creating overlay districts with regulations applicable to land and structures located within those districts.

- (5) To regulate the placement of sanitary and waste treatment facilities.
- (6) To conserve and protect natural resources and maintain a high standard of environmental quality.
- (7) To provide for riparian vegetative buffers and water quality practices.
- (8) To regulate the placement of structures in flood prone areas.
- (9) To regulate alterations of natural vegetation and topography.
- (10) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the County.
- (11) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
- (12) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.
- (13) To prevent environmental pollution and to protect surface water and groundwater from contamination.
- (14) To preserve the value of land and value of structures throughout the County.
- (15) To provide for the wise use and conservation of energy resources.
- (16) To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.
- (17) To provide for the orderly, economic and safe removal and processing of sand, gravel, rock, soil and other material.
- (18) To provide for the orderly development of land through subdivision regulation.
- (19) To protect areas needed for future public use from further development through Official Maps.
- (20) To provide for the enforcement of the Development Code and to define and limit the powers and duties of the administrative officers and bodies responsible therefor.

SECTION 2. DEFINITIONS

- 2.1 For the purpose of the Development Code, certain words and phrases are defined as follows

Unless specifically defined here, interpretation of words and phrases shall be consistent with common usage.

- (1) **Accessory Apartment:** A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.
- (2) **Accessory Building:** A detached single-story building greater than 120 square feet in size used or intended to be used for the storage of personal property or for agricultural purposes.
- (3) **Accessory Use:** A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
- (4) **Administrator:** The County Zoning Administrator i.e. Washington County Public Works Department.
- (5) **Agricultural Building:** A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sub lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.
- (6) **Agricultural Business, Seasonal:** A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.
- (7) **Agricultural Use:** Use of land that consists of the production of horticulture and nursery stock, fruit, vegetables, forage, grains, bees, apiary products and raising domestic farm animals. This use does not need to be the principal source of income to be considered agricultural use.
- (8) **Alteration:** To change or make different; to remodel or modify.
- (9) **Animal Unit:** A unit of measure used to compare differences in the production of animal wastes.
- (10) **Animals, Domestic Farm:** Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.
- (11) **Animals, Domestic Pets:** Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots and similar animals are not considered domestic pets.
- (12) **Apartment:** A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.

- (13) **Appraised Valuation:** The market value of a structure as determined by the current records of the County Assessor.
- (14) **Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level is classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
- (15) **Bed and Breakfast Inn:** An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.
- (16) **Board of Adjustment and Appeals:** A judicial type body appointed by the County Board to hear requests for building permits within Official Map Areas and administrative appeals and requests for variances in all unincorporated areas where the County has land use/zoning authority.
- (17) **Boarding House:** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more persons unrelated to the owner, but not to exceed eight (8) persons.
- (18) **Buffer:** A strip of land intended to create physical separation between potentially incompatible uses of land. Also see the buffer definition per Minn. Stat. Section 103F.48, subd. 1(c) as it pertains to the Washington County Buffer Ordinance.
- (19) **Buildable Land:** Land with a slope of less than twenty five (25) percent, above any floodway, drainageway, or drainage easement and outside of any required setbacks, except on natural environment lakes where a two hundred (200) foot structure setback is required, the buildable area calculation is measured from a one hundred fifty (150) foot setback rather than the required two hundred (200) foot setback.
- (20) **Building:** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property. Any portion thereof completely separated from every other part thereof is deemed a separate building.
- (21) **Building Code:** The Minnesota State Building Code.
- (22) **Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:
 - (A) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the

exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.

- (B) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item (A) above is more than ten (10) feet above the lowest grade.
- (23) **Building Official:** The designated authority charged with the administration and enforcement of the State Building Code.
- (24) **Building Permit:** A permit required from the responsible governmental agency before any site work, construction or alteration of structures can be started.
- (25) **Building Setback Line:** A line that is parallel to a right-of-way line, a lot line, a bluffline or a high water line, and which delineates the minimum horizontal distance buildings or structures may be placed from those lines.
- (26) **Building Setback:** The minimum horizontal distance between a building or structure and a lot line, right of way line, bluffline, or high water line.
- (27) **Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (28) **Car Wash:** A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.
- (29) **Cellar:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level is classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
- (30) **Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
- (31) **Certificate of Compliance:** See the Development Code, Chapter One, Section 10.
- (32) **Certificate of Occupancy:** A certificate issued by the building official authorizing the use or occupancy of a building or structure.
- (33) **Columbarium:** A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.
- (34) **Commercial Food Producing Farm Operations:** See “Farm” definition.

- (35) **Common Open Space:** Land held in common ownership used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes which is protected from future development.
- (36) **Community Garden:** Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly to consumers through membership in the garden.
- (37) **Comprehensive Plan:** The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the unincorporated area of the County.
- (38) **Conditional Use:** See the Development Code, Chapter One, Section 9.
- (39) **Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.
- (40) **Conservation Easement:** An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (41) **Contiguous:** Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of the Development Code.
- (42) **Conveyance:** A deed or other instrument conveying land or an interest in land.
- (43) **Cost of Renovation, Repair or Replacement:** The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
- (44) **County Road:** Any highway, road or street under the jurisdiction of the County including but not limited to County Roads and County State Aid Highways (CSAH).
- (45) **Crematorium or Crematory:** A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.
- (46) **Cultural Resource:** The historic and archeological characteristics of the land, including buildings and landscapes, which provide

- information regarding the history of Washington County and its people.
- (47) **Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (48) **Cutoff:** The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- (49) **Cutoff Type Luminaire:** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- (50) **Decibel:** The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute".
- (51) **Density:** The number of dwelling units permitted per acre of land.
- (52) **Density Units:** The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of the Development Code, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.
- (53) **Depth of Lot:** The horizontal distance between the road/street frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.
- (54) **Depth of Rear Yard:** The horizontal distance between the rear building line and the rear lot line.
- (55) **Development Agreement:** An agreement with the owner of a parcel which specifies the number of density units allocated amongst the parcels being created, the zoning district the parcels are located in, and that the use and development and further conveyance of the parcels is subject to the regulations contained in the Development Code.
- (56) **Development Code:** The official controls adopted by Washington County regulating the physical development of land in those portions of the unincorporated areas where the County has zoning/land use authority.
- (57) **Dredging:** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

- (58) **Driveway Access Permit:** A permit issued by the responsible governmental agency which allows driveway access to a public road and which must be acquired prior to the issuance of a building permit.
- (59) **Dwelling:** A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, or boarding houses. (Also see Dwelling Unit.)
- (60) **Dwelling, Duplex or Two Family:** A residential building containing two (2) complete dwelling units.
- (61) **Dwelling, Multiple Family:** A residential building, or portion of a building, containing two (2) or more dwelling units.
- (62) **Dwelling Unit:** A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three (3) principal types:
- (A) Single-family detached: A free-standing residence structure designed for or occupied by one (1) family only.
- (B) Single-family attached: A residential building containing two (2) or more dwelling units with one (1) common wall.
1. Duplex: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
 2. Townhouse: A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit oriented so as to have all exits open to the outside.
 3. Quadplex: A residential building containing four (4) dwelling units with at least one (1) common wall, each unit oriented so as to have all exits open to the outside.
- (C) Multiple-family: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
1. Apartment: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single family unit.
 2. Condominium: A form of individual ownership within a multi-family building with joint responsibility

for maintenance and repairs of the land or other common property.

3. Operative: A multi-unit development operated and owned by its occupants. Individual occupants own shares in the enterprise rather than owning a specific housing unit as in a condominium.
- (63) **Environmental Impact Worksheet or Statement:** A document which may be required per Minnesota Statute Chapter 116C and D. See Development Code, Chapter One, Section 12.
- (64) **Essential Services - Utility Substation:** A utility use that functions to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size through long distance transmission lines to small retail quantities in neighborhood distribution systems. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.
- (65) **Exterior Storage:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (66) **Family:** An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.
- (67) **Farm:** Land use consisting of agricultural uses or the raising and/or breeding of livestock.
- (68) **Farmstead:** A group of buildings and adjacent service areas which support the functions of a farm. Structures may include, but are not limited to, homes, barns, machinery sheds, granaries, pump houses, chicken coops and garages.
- (69) **Feedlot:** A lot or building or combination thereof intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry are considered feedlots. Pastures are not considered feedlots.
- (70) **Fence:** A partition, structure, wall or gate erected as a dividing device, visual or physical barrier, or enclosure.

- (71) **Fill:** Soil, earth, sand, gravel, rock or any similar material that is deposited, placed, pushed or transported. Fill does not include crushed concrete.
- (72) **Final Plat:** A map of an approved subdivision, meeting all requirements of the Development Code, Chapter Three, Subdivision Regulations and in such form as required for purposes of recording.
- (73) **Flashing Light:** A light source which is not constant in intensity or color at all times while in use.
- (74) **Floodplain:** The beds and the areas adjoining a wetland, lake or watercourse which have been or may be inundated by a regional flood.
- (75) **Floor Area:** The gross area measured in square feet, of the main floor of a residential building not including attached garages, breezeways or similar attachments.
- (76) **Frontage:** That boundary of a lot which abuts a public or private street or road.
- (77) **Golf Course:** An area of land laid out for golf with a minimum of nine (9) holes with each hole including a tee, fairway, and green and often one or more natural or artificial hazards.
- (78) **Governing Body:** The County Board of Commissioners.
- (79) **Hazardous Buildings or Hazardous Property:** Any building or property which due to inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health.
- (80) **Hazardous Material:** A chemical or substance, or mixture thereof which:
- (A) Is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - (B) Is either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

- (81) **Historic Building and Structure:** A structure which has been identified by the Washington County Historical Society inventory or the State Historic Preservation Office as having public value due to notable architectural features relating to the cultural heritage of the County.
- (82) **Home Occupation:** Use for gainful employment, of a property zoned residential or agricultural which a) is clearly incidental and subordinate to the use of the property as residential; b) is carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) is created and operated by the occupant of the dwelling.

Examples of potentially allowable home occupations include: office, professional service, hairdressing by occupant only, minor repair services excluding automobile or truck repair, photo/art studio, dressmaking or alterations, and teaching/tutoring limited individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically qualify.

Examples of uses not allowed under this definition include: auto repair and painting, barber shops and/or beauty salons, kennels for the keeping of any domestic or non-domestic animals, medical offices, private schools with organized classes, tourist homes, restaurants, and retail sales. Prohibited uses are not limited to this list.

- (83) **Homeowners Association:** A formally constituted non-profit association or corporation consisting of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (84) **Hotel:** A building having provision for nine (9) or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
- (85) **Individual Parcel:** A parcel as a whole according to the tax roll, or two or more contiguous parcels under common ownership on the effective date of the Development Code.
- (86) **Kennel, Private:** Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are owned by any member of the household. Private kennels are accessory to the principal use of the property.
- (87) **Land Alteration:** The changing of land by depositing or moving material so as to alter the grade or topography.

- (88) **Land Clearing:** The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.
- (89) **Landscaping:** Planting trees, shrubs and turf cover such as grasses and shrubs.
- (90) **Light Fixture, Outdoor:** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including but not limited to the hardware casing. Such devices include but are not limited to search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.
- (91) **Light Source:** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- (92) **Lighting, Outdoor:** Any light source or collection of light sources, located outside of a building including but not limited to light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.
- (93) **Livestock:** Domestic farm animals including but not limited to cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.
- (94) **Livestock Operations:** A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.
- (95) **Loading Space:** A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.
- (96) **Lot:** A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (97) **Lot Area:** The area of a horizontal plane encompassed within the lot lines.
- (98) **Lot Area, Minimum per Dwelling Unit:** The minimum number of square feet or acres of lot area required per dwelling unit.

- (99) **Lot, Buildable:** A lot which meets or exceeds all requirements of the Washington County Development Code without the necessity of variances.
- (100) **Lot, Corner:** A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- (101) **Lot Coverage:** That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.
- (102) **Lot Depth:** The mean horizontal distance between the front and rear lines of a lot.
- (103) **Lot, Interior:** A lot other than a corner lot, including through lots.
- (104) **Lot Line:** The property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or proposed public right-of-way, the right-of-way line is considered the lot line for purposes of the Development Code.
- (105) **Lot Line, Front:** That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it is the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot is deemed to have frontage on both streets.
- (106) **Lot Line, Rear:** That boundary of a lot which is opposite of the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- (107) **Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.
- (108) **Lot, Through:** Any lot other than a corner lot which abuts more than one (1) street. On a through lot, all property lines abutting the road right-of-way are considered the front lines.
- (109) **Lot Width:** The horizontal distance between the side lot lines of a lot measured at the setback line.
- (110) **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (111) **Major Highway:** Those highways and/or roadways which are classified as principal and minor arterials and collectors in Figure T-

- 1, Existing Functional Classification System of the Comprehensive Plan.
- (112) **Manufactured Home:** A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes Chapter 327.31, Subd. 3. No manufactured dwelling shall be moved into the unincorporated areas of Washington County that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31, Subd. 3.
- (113) **Manure:** Any solid or liquid containing animal excreta.
- (114) **Mausoleum:** A structure for the entombment of the dead in crypts or vaults in a placed used, or intended to be used, for cemetery purposes.
- (115) **Mining:** The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of the Development Code, mining does not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:
- (A) Excavation for the foundation, cellar, or basement of a pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
 - (B) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
 - (C) Landscaping purposes on a lot used or to be used as a building site.
 - (D) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed within one year.
 - (E) The removal of excess materials in accordance with approved plats or highway construction.
- (116) **Municipality:** A city or township, however organized.

- (117) **Natural Drainageway:** A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.
- (118) **Natural Resources:** The physical values of the land supplied by nature including but not limited to animal life, plant life, soil, rock, minerals and water.
- (119) **Neighborhood:** An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.
- (120) **Nonconforming Lot:** A separate parcel or lot of record on the effective date of the Development Code, or any amendments thereto, that does not conform to the regulations, including dimensional standards, contained in the Development Code or amendments thereto.
- (121) **Nonconforming Structure:** Any structure lawfully and legally existing on the effective date of the Development Code or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of the Development Code or amendments thereto.

And

Any structure that was built, altered or modified subject to a variance granted due to the structure not conforming to the regulations and/or dimensional standards of the Development Code.

- (122) **Nonconforming Use:** Any legal and lawful use of land or any legal and lawful use of a structure existing on the effective date of the Development Code, or any amendments thereto, which does not conform to the regulations for the district in which it is located after the effective date of the Development Code or such amendment.
- (123) **Noxious Matter:** Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.
- (124) **Nursing Home:** A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder.
- (125) **Office:** Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. Such activities include but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

- (126) **Official Control:** Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by Washington County as the Development Code.
- (127) **Official Map:** A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.
- (128) **Open Space:** Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes that is undivided and permanently protected from future development.
- (129) **Open Space Development:** A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.
- (130) **Open Storage:** Storage of any material outside of a building.
- (131) **Ordinance:** The Washington County Development Code.
- (132) **Overlay District:** A zoning district shown as an overlay on the zoning map.
- (133) **Owner:** All persons possessing interest in a property such as fee simple owner, life estate holder and encumbrancer.
- (134) **Parking Space:** A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- (135) **Pasture:** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.
- (136) **Pedestrian Way:** A public or private right-of-way across or within a block or tract, to be used by pedestrians and/or non-motorized vehicles.
- (137) **Performance Standards:** The minimum development standards as adopted by the governing body and on file in the office of the Zoning Administrator.
- (138) **Perimeter Road:** A road lying outside of and abutting the development parcel.

- (139) **Person:** Any person, corporation or association, including governmental agencies and political entities.
- (140) **Planning Advisory Commission:** The duly appointed planning and zoning advisory commission of the County.
- (141) **Plant Community:** A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.
- (142) **Plat Commission:** An appointed advisory body which makes recommendations to the County Board on the platting and subdivision of land in those portions of the unincorporated areas of the County where the county has subdivision authority. See Chapter One, Section 7.
- (143) **Prime Farmland:** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.
- (144) **Principal Structure or Use:** One which determines the predominant use as contrasted to accessory use or structure.
- (145) **Protective or Restrictive Covenant:** A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (146) **Public Land:** Land owned and/or operated by a governmental unit, including school districts.
- (147) **Public Waters:** All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.
- (148) **Quarter-Quarter Section:** A tract of land legally described as a full quarter-quarter section or a nominal forty (40) acre parcel not reduced by more than ten (10) percent due to road right-of-way dedication.
- (149) **Recreation Equipment:** Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.
- (150) **Refuse:** Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street

sweepings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

- (151) **Regional Flood:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on the average frequency in the magnitude of 100 year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.
- (152) **Resource Inventory:** A survey of the land’s features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.
- (153) **Restaurant:** A commercial establishment with a principal business consisting of preparing and selling of unpackaged food to the customer in a ready-to-consume state.
- (154) **Road, Approved Private:** A private road which has been approved by Town Board resolution identifying the road, indicating that it is capable of supporting emergency vehicles and specifying that provisions exist for the ongoing maintenance of the road.
- (155) **Road, Public:** A road owned and maintained by a government jurisdiction.
- (156) **School:** A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools and technical or college instruction.
- (157) **Screening:** Earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or exclusively, so as to block direct visual access to an object throughout the year.
- (158) **Septic Permit:** A permit issued by the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.
- (159) **Setback:** The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.
- (160) **Shielding:** A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

- (161) **Sign:** A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.
- (162) **Sign, Advertising:** A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
- (163) **Sign Area:** The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter does not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- (164) **Sign, Development Identification:** A sign that identifies the name of a residential, commercial or industrial development at a street entrance to the development
- (165) **Sign, Flashing:** An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.
- (166) **Sign, Real Estate:** A sign offering property (land and/or buildings) for sale, lease or rent.
- (167) **Sign, Roof:** A sign erected upon or above a roof or parapet of a structure.
- (168) **Spillage:** Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.
- (169) **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six (6) feet above the grade as defined in the Building Code for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in the Building Code at any point, such usable or unused under-floor space is considered a story.
- (170) **Street:** A public right-of-way which affords a primary means of access to abutting property.
- (171) **Street, Collector:** A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.
- (172) **Street, Intermediate or Minor Arterial:** A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

- (173) **Street, Local:** A street intended to serve primarily as an access to abutting properties.
- (174) **Street Pavement:** The wearing or exposed surface of the roadway used by vehicular traffic.
- (175) **Street Width:** The width of the right-of-way measured perpendicular or radially to the centerline of the street.
- (176) **Structural Alteration:** Any change, other than incidental repairs, which affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (177) **Structure:** Anything built or constructed; used interchangeably with “building” for purposes of the Development Code.
- (178) **Structure, Nonconforming:** Any structure lawfully and legally existing on the effective date of the Development Code or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of the Development Code or amendments thereto.

And

Any structure that was built, altered or modified subject to a variance granted due to the structure not conforming to the regulations and/or dimensional standards of the Development Code.

- (179) **Subdivision:** The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (180) **Subdivision, Major:** All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (181) **Subdivision, Minor:** Any subdivision containing three (3) or fewer lots fronting on an existing street, not requiring a new street or road, the extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Regulations or this Ordinance.
- (182) **Tavern or Bar:** A building with facilities for the serving of beer, liquor, wine, set-ups and short order foods.
- (183) **Temporary Dwelling Unit, Care Facility:** A manufactured home which temporarily serves as a residence for an infirm relative of the

occupants residing in the primary single family residence on the property where such relative requires care by the family.

- (184) **Temporary Dwelling, During Construction:** A mobile home which temporarily serves as a residence for the present or potential occupant for whom the primary single family residence is being constructed, reconstructed or altered.
- (185) **Temporary Dwelling, Farm:** A mobile home which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises located in an agricultural district and meeting other criteria specified in the Development Code.
- (186) **Use:** The function for which property is used.
- (187) **Use, Accessory:** A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
- (188) **Use, Open Space:** The use of land without a structure or including a structure incidental to the open space use.
- (189) **Use, Primary:** That use which is the normal use for property within a district. Primary uses do not require a Certificate of Compliance or a Conditional Use Permit.
- (190) **Variance:** See Development Code, Chapter One, Section 6.4.
- (191) **Vegetation, Natural:** Plant life which is native to the location and which would grow naturally if the ground was left undisturbed.
- (192) **Wetland:** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of the Development Code, wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and c) under normal circumstances, support a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.
- (193) **Yard:** The open space on an occupied lot which is not covered by any structure.
- (194) **Yard, Rear:** A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
- (195) **Yard, Side:** A yard between the side line of the lot and the nearest building line.

- (196) **Yield Plan:** A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the Washington County Development Code.
- (197) **Zoning District:** An area or areas within the county in which the regulations and requirements of zoning regulations are applied.

SECTION 3. RULES OF INTERPRETATION

Much of the Land Use and Zoning authority has been transferred to the individual Townships. The County has retained authority in certain areas and regarding specific functions. The Washington County Development Code only applies to those areas and functions where the County has retained Land Use authority.

Zoning Regulations can be complex to understand and administer. These are the rules that the Zoning Administrator will use to interpret and enforce the Development Code.

Of particular importance to note is that rules in several chapters may apply to your situation. For example, if you are building in a shoreland area and you will have a septic system, rules in Chapters One, Two, Four and Six need to be considered.

- 3.1** Interpretation and application of the Development Code is required as it applies to the following functions within the unincorporated areas of the County, with the exception of Subsurface Sewage Treatment System Regulations and Buffer Regulations which are applicable in all areas of the County:
- (1) Subdivision Regulations – Chapter Three
 - (2) Subsurface Sewage Treatment System Regulations – Chapter Four
 - (3) Lower St. Croix River Bluffland and Shoreland Management Regulations - Chapter Five, within the St. Croix River Management Overlay District
 - (4) Shoreland Management Regulations – Chapter Six, within the Shoreland Management Overlay District
 - (5) Mining Regulations – Chapter Seven
 - (6) Buffer Regulations – Chapter Eight
 - (7) Floodplain Regulations – Chapter Nine
 - (8) Official Map Regulation and Designation – Chapter Ten
- 3.2** In the event of conflicting provisions within the Chapters of the Washington County Development Code, statute, resolution or regulation of any kind, the more restrictive provision shall apply.
- 3.3** In the application of the Development Code, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Development Code.
- 3.4** Properties located in an overlay district are subject to regulations for that overlay district as well as the regulations in the other Chapters of the Development Code.
- 3.5** The words and phrases used in the Development Code shall be construed in their plain, ordinary and usual sense except that technical words and

phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.

- 3.6 Unless the context clearly requires otherwise, the use of either past, present or future tense includes the other tenses.
- 3.7 Whenever the Development Code requires an act to be performed and when such act may legally be performed by an agent or employee as well as by the principal, such requirement is satisfied by the performance of such act by an authorized agent or employee.
- 3.8 The rules of statutory construction established for the State of Minnesota by statute or case law apply in the construction of the Development Code.
- 3.9 Nothing contained in the Development Code shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.
- 3.10 Except as provided herein, the provisions of the Development Code are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as the Development Code.
- 3.11 The explanations contained in the left-hand column of the Development Code are for interpretive purposes only and are not part of the Development Code for the purpose of enforcement and administration.

SECTION 4. COMPLIANCE

Structures and uses in those portions of the unincorporated areas of the County that are subject to the Development Code must be in compliance with the Development Code.

- 4.1 **Except as this chapter specifically provides:**
 - (1) Structures shall not be erected, moved, or altered except in conformity with the regulations specified in the Development Code.
 - (2) Structures and/or land shall not be used or occupied for any purpose or in any manner which is not in conformity with all regulations contained in the Development Code.

SECTION 5. ZONING ADMINISTRATOR

The Public Works Department is the Administrator for Chapters One, Two, Three, Five, Six, Seven, Nine and Ten of the Development Code.

For questions related to these rules or to apply for zoning permits, please contact the department at 651-430-4300.

- 5.1 The Public Works Department is designated as the Zoning Administrator, with the exception of Chapters Four and Eight of the Development Code, for which the Department of Public Health and Environment is the Zoning Administrator.
- 5.2 The Zoning Administrator shall enforce the Development Code and is responsible for the following functions:
 - (1) Issuing permits required by the Development Code.

Fees are charged for various zoning applications. These fees are set annually by the County Board of Commissioners.

- (2) Reviewing all matters pertaining to applications and enforcement of the Development Code.
- (3) Reviewing all building permits issued for structures in those portions of the unincorporated areas of the County subject to the Development Code to ensure compliance with the regulations contained in the Development Code.
- (4) Conducting inspections of structures and use of land to determine compliance with the terms of the Development Code.
- (5) Reviewing and approving all proposed subdivisions in the Shoreland Management Overlay District, the St. Croix River Management Overlay District and any other unincorporated areas of the County subject to Chapter Three of the Development Code.
- (6) Maintaining permanent and current records as required by this Chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications therefor.
- (7) Receiving, filing and forwarding all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- (8) Notifying in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- (9) Instituting, with the advice and approval of the County Attorney, in the name of the County, any appropriate legal actions or proceedings against a violator as provided for in the Development Code.
- (10) Recommending appropriate fees for applications, permits or other matters processed under the Development Code.
- (11) Collecting fees, as set by County Board resolution, for all applications, permits or other matters covered under the provisions of the Development Code.
- (12) Issuing stop work orders for violations of the Development Code.

SECTION 6. APPEALS AND VARIANCES

The Board of Adjustment and Appeals is a quasi-judicial body which hears administrative appeals, requests for variances, and requests for building permits in Official Map Areas.

6.1 Board of Adjustment and Appeals.

The Washington County Board of Adjustment and Appeals has the following powers with respect to the Washington County Development Code.

- (1) Administrative Appeals. The Board of Adjustment and Appeals has the exclusive authority to hear and decide appeals from and review any order, requirement decision or determination made by

the Zoning Administrator with respect to the administration of the Washington County Development Code.

- (2) Variances. The Board of Adjustment and Appeals has the exclusive power to order the issuance of variances from the terms of any official control, including restrictions placed upon nonconformities.
- (3) Official Map. Where an Official Map has been adopted by the County, the Board of Adjustment and Appeals shall hear and decide an appeal by the owner of land who has been denied a permit to build within the limits of land delineated on an Official Map.

6.2 Board Membership and Meetings.

The Board of Adjustment and Appeals has seven members. Six members are appointed by the County Board; one member is the Chair (or designee) of the Planning Advisory Commission.

- (1) The Board of Adjustment and Appeals consists of seven (7) members. There shall be at least one (1) member from each Commissioner District and at least two (2) members shall reside in the unincorporated area of the County. At least one (1) member of the Board of Adjustment and Appeals shall be a member of the Washington County Planning Advisory Commission. All members will be appointed by the County Board. No elected official of the County or any employee of the County shall serve as a member of the Board of Adjustment and Appeals.

Members serve three year terms with no limit on the number of terms or consecutive years of service.

- (2) Member Terms.

Each member shall serve for a period of three (3) years and the terms of the members shall be staggered so that no more than four (4) terms expire in any one (1) year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term, provided however that any member shall continue to serve after the expiration of their term until a successor is appointed. Any member who misses three (3) consecutive meetings without a reasonable excuse may be replaced by the County Board of Commissioners. Vacancies on the Board of Adjustment and Appeals shall be filled as soon as practical after the vacancy occurs, provided that the member's term shall continue until a successor has been appointed.

- (3) Election of Officers and Rules for Proceedings.

The Board has a chair, vice-chair, and a recording secretary. Records of the Board's proceedings are maintained by the Zoning Administrator.

The Board of Adjustment and Appeals shall elect a chair and vice-chair from its members and shall appoint a recording secretary who need not be a member of the Board. Subject to such limitations as may be imposed by the Governing Body, the Board may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide for a record of its proceedings which shall include minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

(4) Meetings and Quorum.

A quorum of four members is required to conduct business of the Board; a majority vote of the quorum can decide questions and take action.

The meetings of the Board of Adjustment and Appeals shall be held as required by the Zoning Administrator. A majority of the Board shall constitute a quorum and a majority vote of that quorum is sufficient to conduct business and take action. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular Board Member from voting thereon shall be decided by a majority vote of all members, except the member being challenged. In the event that the disqualification of a member due to conflict of interest results in less than a quorum (four (4) members) of the Board for a meeting, no further action can be taken on that matter before the Board.

(5) Notice and Hearing.

Matters before the Board of Adjustment and Appeals require a formal hearing.

The hearing date is set once the Zoning Administrator has received a complete application. The Board has sixty (60) days to make a decision once the Zoning Administrator receives a complete application. This time frame can be extended an additional sixty (60) days if necessary to gather additional information.

- (A) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Board of Adjustment and Appeals and schedule a public hearing on the application. The Board of Adjustment and Appeals has sixty (60) days from the date the Zoning Administrator received the application containing all required information, to take action on the request or the request is deemed approved, provided however that the Zoning Administrator may extend this deadline by providing written notice of the extension to the applicant prior to the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subdivision 3.
- (B) Notice of time, location, and purpose of the public hearing shall be published in a newspaper of general circulation in any town, municipality or other applicable area and in the official newspaper of the County at least ten (10) days before the date of the hearing.
- (C) Written notice of all public hearings shall be sent to all property owners of record within five hundred (500) feet of the subject property.
- (D) In the case of Official Map Appeals written notice must be given to property owners of record within one-half (1/2) mile of the subject property,
- (E) In all cases, written notice shall also be given to the Board of Supervisors of any township and the Municipal Council of any municipality within two (2) miles of the subject property.
- (F) Any defect in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this Section has been made.

- (G) Where applicable, the Zoning Administrator shall send notice and copies of the applicants information to the following agencies for review and comment at least twenty (20) days prior to the public hearing:
 1. Minnesota Department of Natural Resources
 2. Minnesota/Wisconsin Boundary Area Commission

(6) Board Findings.

The Board makes formal, written findings of fact. These records are on file with the Zoning Administrator. Decisions on variances are also filed with the County Recorder.

- (A) The Board of Adjustment and Appeals shall make written findings in any case of an appeal or application for a variance and shall state therein the reasons for its decision; the order issued by the Board of Adjustment and Appeals shall include the legal description of the land involved. Any such order shall be filed with the Zoning Administrator who shall immediately mail a copy thereof, bearing the notation of the filing date, to the appellant or applicant.
- (B) A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from an order, requirement, decision or determination of an administrative officer, or upon any application for a variance, shall be filed with the County Recorder or Registrar of Titles for record. Said filing shall be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.
- (C) Before any variance decision under Chapter Five of the Development Code becomes final, the Board of Adjustment and Appeals shall forward the decision to the Commissioner of the Minnesota Department of Natural Resources. The Commissioner shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers Acts and the Master Plan for the Lower St. Croix River in the manner specified in the Minnesota Department of Natural Resources Regulations.

Variance decisions under Chapter Five (Lower St. Croix River Bluffland and Shoreland Management Regulations) are forwarded to the Minnesota Department of Natural Resources for certification. These variances are not final until certified by the Department of Natural Resources.

6.3 Administrative Appeals.

Decisions by the Zoning Administrator can be appealed to the Board of Adjustment and Appeals.

- (1) An appeal of any decision by the Zoning Administrator may be made by any aggrieved party within thirty (30) days of the date of such decision by filing a written notice of appeal with the Zoning Administrator. The notice of appeal shall state:
 - (A) The particular order, requirement, decision or determination that is being appealed;
 - (B) The name and address of the appellant;
 - (C) The grounds for appeal; and

(D) The relief requested by the appellant.

- (2) The Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify the appealed order, requirement, decision or determination and has all the powers of the officer whose action was appealed and may direct the issuance of a permit.

6.4 Variances.

Variance is defined as an exception to, or variation of the requirements contained in the Development Code. Variances can be approved under some limited conditions. Requests for a variance are decided by the Board of Adjustment and Appeals.

A variance is the modification or variation of the requirements of the Development Code where it is determined that, by reason of exceptional circumstances, the strict enforcement of the regulations would cause practical difficulties, except as noted below.

For subdivision related variances, per MN Statutes 462.358, subd. 6, the criteria is “unusual hardship” rather than “practical difficulties”.

For floodplain related variances the FEMA criteria is “exceptional hardship” rather than “practical difficulties”. See Chapter Nine, Floodplain Regulations, Section 12.

- (1) Variances that would allow any use that is prohibited in the zoning district in which the subject property is located will not be granted.
- (2) An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may require for purposes of the Development Code. If the application does not contain all required information, the Zoning Administrator shall send notice within ten (10) business days of receipt of the request, informing the applicant what information is missing.
- (3) Variances are only granted when they are in harmony with the general purpose and intent of the Official Controls and when carrying out the strict letter of any official control would result in practical difficulties and when the terms of the variance are consistent with the Comprehensive Plan.
- (4) "Practical difficulties" as used in connection with the granting of a variance means:
 - (A) The property owner proposes to use the property in a reasonable manner not permitted by an Official Control.
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
 - (C) The variance, if granted, will not alter the essential character of the locality.

- (D) Economic conditions alone do not constitute practical difficulties if reasonable use for the property exists under the terms of the Development Code.
 - (E) The Board may consider “practical difficulties” to include inadequate access to direct sunlight for solar energy systems.
- (5) “Unusual hardship” as used in connection with the granting of a subdivision related variance means:
- (A) The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
 - (C) The variance, if granted, will not alter the essential character of the locality.
 - (D) Economic conditions alone do not constitute unusual hardship if reasonable use for the property exists under the terms of the Development Code.
 - (E) The Board may consider “unusual hardship” to include inadequate access to direct sunlight for solar energy systems.
- (6) “Exceptional hardship” as used in connection with the granting of a floodplain related variance is as defined in 44 Code of Federal Regulations and/or FEMA Publication P-993, page 13.
- (7) Variances may be granted for earth sheltered construction as defined in Minnesota Statute 216C.06, Subd. 14 when in harmony with the Official Controls.
- (8) Where, in the opinion of the Board of Adjustment and Appeals, a variance may result in a significant adverse effect on the environment, the applicant may be requested by the Board to demonstrate the nature and extent of that effect.
- (9) The Board of Adjustment and Appeals may impose conditions in conjunction with the granting of variances. A condition must be directly related to and must bear an approximate proportionality to the impact created by the variance. The zoning authority may establish conditions, when appropriate, that require the property owner to improve storm water runoff management, to reduce impervious surfaces, to implement remedial tree replacement, to restore wetlands, to establish vegetative buffers or to take other conservation actions.
- (10) In exercising its authority under the Development Code, the Board of Adjustment and Appeals shall take into consideration the affected

town board's recommendations when the Board of Adjustment and Appeals' decision directly affects land within the township.

- (11) An application for the same variance previously denied by the Board of Adjustment and Appeals shall not be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- (12) A variance granted by the Board of Adjustment and Appeals is specific and limited to the structure(s) proposed to be constructed, altered or modified pursuant to the variance application. Any existing variance of record which when granted was not limited to or associated with a specific structure(s) is deemed to be limited to and applicable only to the structure(s) built, altered or modified subsequent to the granting of the variance. If additional construction, alteration or modification which does not comply with the Development Code is proposed for the existing structure(s), a new variance is required.
- (13) Any variance granted for the construction, alteration or modification of a structure(s) that does not include a specific deadline or timeframe for construction is null and void if construction, alteration or modification of the structure(s) has not commenced within one year of the date of the variance.

6.5 Official Map.

A building permit cannot be granted in an area which is in an area designated on an Official Map unless the Board of Adjustment and Appeals authorizes the issuance of the permit. (See Chapter 10)

- (1) Whenever a building permit is denied pursuant to an official mapping regulation enacted by the Washington County Board, the Board of Adjustment and Appeals shall, upon appeal filed by the owner of the land hold a public hearing upon the appeal. After receiving the advice and recommendations of the Zoning Administrator, the Board of Adjustment and Appeals may grant a permit for building in an area designated on an Official Map in any case in which the Board finds, upon the evidence and arguments presented to it:
 - (A) That the entire property of the applicant, of the area designated for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and
 - (B) That balancing the interest of the County in preserving the integrity of the Official Map and of the Comprehensive Plan and the interest of the property owner in the use of the property and in the benefits of the ownership, the granting of such permit is required by considerations of justice and equity.
- (2) If the Board of Adjustment and Appeals authorizes issuance of a permit, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which

the permit is granted. If the Board of Adjustment and Appeals authorizes issuance of a permit, the Washington County Board of Commissioners shall have six (6) months from the date of the decision of the Board of Adjustment and Appeals to institute proceedings to acquire such land or interest therein and if no such proceedings are started within that time, the Zoning Administrator shall issue the permit if the applicant otherwise conforms to the Development Code.

6.6 Judicial Appeals.

Appeals of decisions of the Board of Adjustment and Appeals are made to Washington County District Court.

All decisions by the Board of Adjustment and Appeals are final, except that anyone aggrieved by a decision has the right to appeal to the Washington County District Court on questions of law and fact.

- (1) Any such appeal must be filed with the District Court within thirty (30) days after receipt of notice of the decision.
- (2) In order to preserve the right to appeal, a non-party must notify the Zoning Administrator within seven (7) days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision or their right to appeal is deemed waived.

SECTION 7. PLAT COMMISSION

The Plat Commission makes recommendations on the platting and subdivision of land in any unincorporated areas of the County that are subject to Chapter Three of the Development Code.

7.1 Washington County Plat Commission.

The duties of the Washington County Plat Commission consist of the following:

- (1) The Plat Commission is an advisory commission that provides recommendations and advice to developers, affected townships and the Washington County Board of Commissioners in connection with the platting and subdivision of land located within any unincorporated areas of the County that are subject to Chapter Three of the Development Code. Each member of the Plat Commission shall review the plat or subdivision and make recommendations to the Plat Commission to ensure that the subdivision is consistent with the Washington County Comprehensive Plan and the provisions of the Washington County Development Code. Following the required public hearing, plats shall be reviewed by the Plat Commission and recommendations shall be presented to the Washington County Board of Commissioners prior to any formal action by the Board.
- (2) Conduct the public hearings required by Minnesota Statute §394.26 as it relates to the platting of subdivisions in any unincorporated areas of the County that are subject to Chapter Three of the Development Code prior to the proposed subdivision or plat being presented to the County Board of Commissioners for approval.

- (3) In the event an Environmental Assessment Worksheet is mandatory as a result of a residential subdivision exceeding the threshold contained in Minnesota Rules Part 4410, the Washington County Plat Commission shall prepare the Environmental Assessment Worksheet and make recommendations to the Washington County Board of Commissioners on the need for an Environmental Impact Statement.
- (4) In the event an Environmental Assessment Worksheet is either discretionary or petitioned for in connection with a residential subdivision, the Washington County Plat Commission is responsible for making recommendations to the Washington County Board of Commissioners as to the need for an Environmental Assessment Worksheet.

7.2 Commission Membership and Meetings.

There are seven members of the Plat Commission.

- (1) The membership of the Washington County Plat Commission shall consist of:
 - (A) A commissioner appointed by the Washington County Board of Commissioners.
 - (B) The Washington County Attorney or designee.
 - (C) The Washington County Engineer or designee.
 - (D) The Washington County Surveyor or designee.
 - (E) The Washington County Recorder or designee.
 - (F) The Director of the Washington County Public Works Department or designee.
 - (G) A representative from the Washington Conservation District.
- (2) The Director of the Public Works Department or designee serves as the Zoning Administrator and shall conduct the meetings of the Plat Commission and act as secretary.

7.3 Notice and Hearing Procedure.

Approval of plats requires notice to the public and a public hearing.

- (1) Upon receipt by the Zoning Administrator of an application that contains all required information, the Zoning Administrator shall refer the matter to the Plat Commission and schedule a public hearing on the application as set forth in the Development Code.
- (2) Notice of the public hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality or other applicable area at least ten (10) days before the hearing. All notices shall state the location, time and reason for the public hearing.

- (3) Written notice of all public hearings shall be sent to all property owners of record within one-half (1/2) mile of the subject property.
 - (A) Notice shall also be sent to the clerk of the township where the subject parcel is located, not less than ten (10) days prior to the date of the public hearing.
 - (B) When required, the Zoning Administrator shall send notice and copies of the application information to the Minnesota Department of Natural Resources for review and comment at least twenty (20) days prior to the public hearing.
 - (C) Written notice shall also be given to the Board of Supervisors of any township and the Municipal Council of any municipality within two (2) miles of the subject property.

SECTION 8. PLANNING ADVISORY COMMISSION

8.1 Washington County Planning Advisory Commission.

The Planning Advisory Commission has responsibility to recommend amendments to the Comprehensive Plan and the Zoning Regulations, and authority to issue Conditional Use Permits. Other responsibilities may be delegated by the County Board.

The duties and responsibilities of the Washington County Planning Advisory Commission consist of the following:

- (1) To study, report and make recommendations on amendments to the Development Code and the Comprehensive Plan prior to adoption of the amendment by the County Board.
- (2) To order the issuance of and amendments to Planned Unit Development Permits and Conditional Use Permits for one (1) or more categories of conditional uses authorized by the Washington County Development Code.
- (3) To conduct hearings and make recommendations to the County Board of Commissioners on alleged violations of conditions contained in Conditional Use Permits.
- (4) To issue Conditional Use Permits and impose conditions on nonconforming uses and to conduct public hearings thereon.
- (5) Such other duties as the Washington County Board of Commissioners may prescribe.

8.2 Commission Membership and Meetings.

The Commission has seven members with the majority residing in townships, with at least one member from each Commissioner District and no more than two members from any one municipality. One member is a County Commissioner who is an ex-officio, non-voting member.

(1) The Commission shall be composed of seven (7) voting members and one (1) ex officio member. There shall be at least one (1) voting member from each Commissioner District and at least two (2) voting members shall reside in the unincorporated area of the County. The ex officio member shall be a County Commissioner who shall be a non-voting member. All members will be appointed by the County Board. No voting member of the Commission shall have received, during the two (2) years prior to appointment, any substantial portion of income from business operations involving the development of land within the County for urban related purposes.

(2) Member Terms.

Members serve three year terms with no limit on the number of terms or consecutive years of service.

Each citizen member serves for a period of three (3) years, with the terms being staggered such that no more than four (4) members' terms expire in any one (1) year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term, provided however that any member shall continue to serve after the expiration of their term until a successor is appointed. The County Commissioner serving on the Planning Advisory Commission shall serve for a period of one (1) year, but may succeed him or herself on the Commission. Any member who misses three (3) consecutive meetings without a reasonable excuse may be replaced by the County Board of Commissioners. Vacancies on the Planning Advisory Commission shall be filled as soon as practical after the vacancy occurs, provided that the member's term shall continue until a successor has been appointed.

(3) Election of Officers and Meeting Proceedings.

The Planning Advisory Commission elects a chair and vice-chair annually.

The Planning Advisory Commission shall elect a chair and a vice-chair from among its voting members at the second regular meeting in the calendar year. Minutes of each meeting of the Planning Advisory Commission shall be maintained in the Office of the Zoning Administrator.

(4) Meetings and Quorum.

A majority of the members constitutes a quorum and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times, may vote on any issue.

SECTION 9. CONDITIONAL USES

Some uses require a Conditional Use Permit.

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to issuance of the Conditional Use Permit and a periodic review of the permit may be required. The Conditional Use Permit shall be granted for a particular use and not for a particular person or firm.

Submit application for a Conditional Use Permit to the Zoning Administrator.

9.1 Application.

- (1) Whenever the Development Code requires a Conditional Use Permit, a written application shall be filed with the Zoning Administrator.
- (2) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator or by the Planning Advisory Commission.
 - (A) The scale of maps submitted shall be at least 1" to 200' (1 inch equals 200 feet) Maps for sites less than fifty (50) acres shall be at least 1" to 100' (1 inch equals 100 feet). The number of maps and reports to be submitted shall be specified by the Planning Advisory Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports.
 - (B) Certificate of Survey; a boundary survey meeting the requirements of the County Surveyor, prepared and certified by a land surveyor licensed in the State of Minnesota.
 - (C) Site plan drawn to scale showing the following information:
 - 1. Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
 - 2. Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements.
 - (D) Landscape Plan with the following information:
 - 1. Existing vegetation, proposed plantings, planting schedule including information about the plant size, quantity, type and root condition and ground cover.
 - (E) Grading and Drainage Plan
 - (F) Soil Conditions
 - (G) Building Floor Plan
 - (H) Building Elevations
 - (I) General Location Map

- (J) Principal land uses within 200 feet of the property.
- (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.
- (L) Type of business or activity and proposed number of employees.
- (M) Sanitary sewer and water plan (areas without public sewer or water).

9.2 Notice and Hearing Procedure.

Applications heard by the Planning Advisory Commission require a formal public hearing.

The hearing date is set once the Zoning Administrator has received a complete application. The PAC has sixty (60) days to make a decision once the Zoning Administrator receives a complete application. This time frame can be extended an additional sixty (60) days if necessary to gather additional information. There are criteria which the Planning Advisory Commission must consider before granting a Conditional Use Permit.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Advisory Commission and schedule a public hearing on the application. The Planning Advisory Commission has sixty (60) days from the date the Zoning Administrator received the application containing all required information, to take action on the request or the request is deemed approved, provided however that the Zoning Administrator may extend this deadline by providing written notice of the extension to the applicant prior to the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subdivision 3.
- (2) Notice of all public hearings shall be published in a newspaper of general circulation in the town, municipality or other applicable area and in the official newspaper of the county at least ten (10) days before the hearing. Notice shall also be sent to the clerk of the township wherein the subject property is located, not less than ten (10) days prior to the date of the public hearing. All notices shall state the location, time and reason for the public hearing.
- (3) Written notice shall also be given to the Board of Supervisors of any township and the Municipal Council of any municipality within two (2) miles of the subject property.
- (4) At least ten (10) days prior to the public hearing, written notice shall be sent via U.S. Mail to all property owners of record located within one-quarter (1/4) mile of the subject property or to the owners of record of the ten (10) properties nearest to the subject property, whichever would provide notice to the greatest number of property owners.
- (5) When required, the Zoning Administrator shall send notice and copies of the applicants' information to the Minnesota Department of Natural Resources for review and comment at least twenty (20) days prior to the public hearing.

- (6) Any defect in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

9.3 Criteria for Granting Conditional Use Permit.

Criteria considered by the Planning Advisory Commission when evaluating a request for a Conditional Use Permit.

- (1) The Planning Advisory Commission may grant a Conditional Use Permit, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in the Development Code will be satisfied and that the use is in harmony with the general purposes and intent of the Development Code and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of the Development Code and the Comprehensive Plan, the Planning Advisory Commission shall consider:
 - (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Development Code.
 - (G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
 - (H) The effects of the proposed use on groundwater, surface water and air quality.
 - (I) That the proposed use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.

The Planning Advisory Commission may impose conditions when a Conditional Use Permit is granted.

- (2) When Conditional Use Permits are issued for nonconforming situations the Planning Advisory Commission may require nonconformities to conform to the Development Code and may impose additional restrictions or conditions as deemed necessary to

protect the public interest. When appropriate, restrictive covenants may be established.

Costs of monitoring compliance with the permit may be imposed by the Planning Advisory Commission.

- (3) The Planning Advisory Commission may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

9.4 Compliance

The use shall conform to the applicable sections of the Development Code.

9.5 Length of Conditional Use.

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and to any conditions designated in connection therewith. Conditional Use Permits remain in effect provided conditions of the permit are complied with and provided that nothing in this section shall prevent the County Board of Commissioners or the Planning Advisory Commission from acting or amending Official Controls to change the status of conditional uses.

9.6 Expiration of Conditional Use Permit.

A Conditional Use Permit expires and is null and void one (1) year after issuance if construction has not commenced or if the permitted use has not been established.

9.7 Revocation.

Violations of conditions imposed by the Planning Advisory Commission may result in the Conditional Use Permit being revoked.

- (1) A violation of any condition set forth in a Conditional Use Permit is a violation of the Development Code, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- (2) Revocation shall not occur earlier than ten (10) County working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Planning Advisory Commission action has been served on the permittee.
- (3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, a request for a hearing must be filed within ten (10) working days, exclusive of the day of service.
- (4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on

the Washington County Public Works Department by midnight of the tenth County working day following service.

- (5) Following the receipt of a request for hearing, the Washington County Public Works Department shall schedule the hearing, which shall be conducted in accordance with the procedures set forth in the Washington County Development Code, Chapter One.

Records of Conditional Use Permits are maintained by the Zoning Administrator and filed with the County Recorder.

9.8 Records of Conditional Use Permits.

- (1) A certified copy of any Conditional Use Permit shall be filed with the County Recorder or Registrar of Titles.
- (2) The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the Planning Advisory Commission, time limits, review dates and such other information as may be appropriate.
- (3) A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

9.9 Amended Conditional Use Permits.

Amended Conditional Use Permits are requests for changes in conditions of an existing permit. An amended Conditional Use Permit application is administered following the same procedures as a new Conditional Use Permit.

9.10 Reapplication.

An application for a Conditional Use Permit for a particular use on a particular parcel of land shall not be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

9.11 Planning Advisory Commission Decision and Appeal.

Appeals of decisions made by the Planning Advisory Commission are heard by the Washington County Board of Commissioners.

A decision of the Planning Advisory Commission as it relates to a Conditional Use Permit does not take effect until fifteen (15) days after the date the decision was made. During this fifteen (15) day period an appeal of the decision may be made to the Washington County Board of Commissioners; if a decision is not appealed within this time period, the decision will take effect and is considered final.

9.12 Phased Developments.

For large projects which are intended to be developed in phases over several years, a preliminary plan may be approved following a public hearing. The developer shall then seek approval of the final plan in stages as development progresses. Additional public hearings are not required unless the developer proposes a substantial change to the preliminary plan

or conditions that were approved per the original Conditional Use Permit. Enlargement, intensification of use or similar changes not specifically permitted by the Conditional Use Permit issued, are considered substantial changes.

9.13 Existing Uses.

All uses existing at the time of adoption of the Development Code that currently require a Conditional Use Permit may continue in the same manner of operation as prior to the effective date of the Development Code. The Zoning Administrator may require a Conditional Use Permit for the use. Any enlargement, structural alteration or intensification of use requires a Conditional Use Permit as provided for above. The Planning Advisory Commission may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 9.2.

SECTION 10. CERTIFICATES OF COMPLIANCE

Some uses require a Certificate of Compliance.

The Zoning Administrator shall issue a Certificate of Compliance for a proposed use if the proposed use will not be contrary to the provisions of the Washington County Development Code. The Certificate of Compliance shall be granted for a particular use and not for a particular person or firm.

10.1 Application.

Apply for a Certificate of Compliance with the Zoning Administrator.

Whenever the Development Code requires a Certificate of Compliance, a written application shall be filed with the Zoning Administrator. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

10.2 Compliance.

The use shall conform to the regulations specified in the Washington County Development Code.

10.3 Issuance and Conditions.

Zoning Administrator issues a Certificate of Compliance if the use meets the conditions of the Development Code. A public hearing is not required for a Certificate of Compliance.

The Zoning Administrator shall issue a Certificate of Compliance if it is determined that the use is in compliance with the conditions contained in the Washington County Development Code. Conditions required by the Development Code shall be applied to the issuance of the Certificate of Compliance and a periodic review of the certificate and proposed use may be required.

10.4 Record of Certificates of Compliance.

- (1) A certified copy of any Certificate of Compliance shall be filed with the County Recorder or Registrar of Titles.
- (2) The Zoning Administrator shall maintain a record of all Certificates of Compliance issued including information on the use, location and conditions imposed as part of the permit such as time limits, review dates and such other information as may be appropriate.

An appeal of a decision by the Zoning Administrator regarding a Certificate of Compliance is heard by the Board of Adjustment and Appeals.

10.5 Appeals of Denial of Certificates of Compliance.

If a request for a Certificate of Compliance is denied, if conditions are imposed, or if a Certificate of Compliance is revoked, the applicant may appeal the decision to the Board of Adjustment and Appeals. The appeal procedure is the same as the procedure for an appeal of any administrative decision of the Zoning Administrator.

10.6 Expiration of Certificates of Compliance.

A Certificate of Compliance expires and is null and void one (1) year after issuance if the use has not been established.

10.7 Revocation.

Violations of conditions imposed by the Zoning Administrator may result in revocation of the Certificate of Compliance.

A violation of any condition set forth in a Certificate of Compliance is a violation of the Development Code and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the Certificate of Compliance. The hearing procedure for said revocation is the same procedure as that set forth under Section 9.7 of this Chapter.

10.8 Existing Uses.

All uses existing at the time of adoption of the Development Code that currently require a Certificate of Compliance may continue in the same manner of operation as prior to the effective date of the Development Code. The Zoning Administrator may require a Certificate of Compliance for the use. Any enlargement, structural alteration or intensification of use requires a Certificate of Compliance as provided for above. The Zoning Administrator may impose additional reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the Development Code.

SECTION 11. OTHER PERMITS

11.1 Building Permits.

A valid building permit and Certificate of Compliance is required before performing any site work or construction/alteration of structures.

- (1) Structures shall not be erected, moved onto property or structurally altered until a Certificate of Compliance has been issued by the County Zoning Administrator indicating that the existing or

proposed structure and the use of the land are in compliance with the Development Code.

- (2) The local building official shall notify the County prior to the issuance of any building permit for a new structure or expansion in square footage of an existing structure. The County Zoning Administrator shall review the building permit application for compliance with standards contained in the Development Code. Construction details will not be reviewed by the Zoning Administrator. The Zoning Administrator shall provide a response to the local building official regarding the Development Code requirements for said project within three (3) business days of notification.
- (3) Site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall not occur prior to the issuance of a building permit and other use permits.

Areas not served by public sewer require a permit for an on-site waste system. On-Site Waste Disposal permits must be issued before a building permit is issued.

11.2 On-Site Waste Disposal Permits.

- (1) In areas without public sewer facilities, building permits for any use requiring on-site waste treatment and disposal shall not be issued until an on-site waste disposal permit has been issued by the Washington County Department of Public Health and Environment.
- (2) An on-site waste disposal permit shall be issued only after proof is furnished by the applicant that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all requirements of the Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations, including percolation tests and borings.

Driveway access onto a County Road requires a permit from the Public Works Department. For information, call 651-430-4300.

A driveway permit may be required by the local governing body for access onto a public road under Township jurisdiction.

Township approval is required prior to application.

11.3 Driveway Access Permits.

Access drives onto County roads require an access permit from the Washington County Public Works Department. This permit is required prior to the issuance of any building permits. The County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. At the County Engineer's discretion, a request for an access permit onto a County road may be referred to the Planning Advisory Commission for its recommendations.

11.4 Township Approval.

Prior to accepting an application for rezoning/comprehensive plan amendment, a Conditional Use Permit or variance and in order for an application to be complete, approval must be secured from the township or evidence must be presented indicating approval from the local township is not needed.

SECTION 12. ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS

12.1 Zoning Administrator Review

Some land uses will require an EAW or EIS.

A use shall not be approved prior to review by the Zoning Administrator to determine compliance with Minnesota Statutes Chapter 116C and 116D and the regulations promulgated thereunder. The following are common projects which require an Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive:

- (1) Development of a facility for the extraction or mining of sand, gravel, stone or other non-metallic minerals which will excavate more than forty (40) acres of land to a mean depth of ten (10) feet or more during its excavation;
- (2) Residential development consisting of fifty (50) or more unattached units in an area not served by public sewer or one hundred (100) unattached units in an area served by public sewer;
- (3) Construction of a new or expansion of an existing industrial, commercial or institutional facility of one hundred thousand (100,000) square feet in an unincorporated area.

SECTION 13. NONCONFORMITIES

13.1 Nonconforming Situations.

In some situations an existing lot, structure or use may not conform to the Development Code. This section details how those nonconforming uses, structures and lots will be treated under the Development Code.

In preexisting situations where a lot or structure or use of a lot or structure does not conform to one or more of the regulations contained in the Development Code, it is the intent of the Development Code to allow such nonconforming situations to continue but to ultimately phase them out by prohibiting their enlargement, expansion, alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

13.2 Nonconforming Use.

The term "Nonconforming Use" means any legal and lawful use of land or any legal and lawful use of a structure existing on the effective date of the Development Code, or any amendment thereto, which use does not conform to the regulations for the district in which it is located after the effective date of the Development Code or such amendment.

- (1) Any use that existed prior to the effective date of the original Development Code on October 20, 1997 and which is not in conformity with the regulations contained in the Development Code is allowed to continue, subject to the following conditions:
 - (A) Nonconforming uses shall not be expanded, enlarged or altered, including any increase in the volume, intensity, frequency or use of property. A change from one nonconforming use to another nonconforming use is not permitted.

- (B) A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming. Except that a use involving the removal of natural materials such as sand or gravel, which may be expanded within the boundaries of the parcel where the use existed at the time it became nonconforming, subject to the standards contained in the Washington County Mining Regulations, Development Code, Chapter Seven.
- (C) A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the Development Code.
- (D) If a structure associated with a nonconforming use is damaged to the extent that the cost of renovation, repair or replacement would exceed fifty (50) percent of the appraised valuation of the damaged structure, the damaged structure shall not be renovated, repaired or replaced, except in conformity with the Development Code.

The cost of renovation, repair or replacement is determined by the total fair market value of the materials and services necessary to complete such renovation, repair or replacement. The appraised valuation of the structure is the market value of the structure as determined by the current records of the County Assessor.

- (2) All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of the permit provided the permit is valid.
- (3) The Planning Advisory Commission or Zoning Administrator may require that a Conditional Use Permit be issued for a nonconforming use.

13.3 Nonconforming Structure.

- (1) For the purposes of the Revised Development Code, the term "Nonconforming Structure" means any structure lawfully and legally existing on the effective date of the Development Code or any amendment thereto which does not conform to the regulations, including the dimensional standards for the district in which it is located after the effective date of the Development Code or amendments thereto.

And

Any structure that was built, altered or modified subject to a variance granted due to the structure not conforming to the

Nonconforming Structures are allowed to remain subject to conditions.

regulations and/or dimensional standards of the Development Code.

Said nonconforming structures are allowed to remain, subject to the following conditions:

- (A) Nonconforming structures shall not be expanded, enlarged or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered or expanded without the necessity of obtaining a variance provided each of the following conditions can be met:
 - 1. The enlargement, alteration or expansion does not violate any provisions of the Development Code, other than the provision that originally caused the structure to be nonconforming.
 - 2. Long-term sewage disposal needs can be met.
- (B) A nonconforming structure which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty (50) percent of the appraised value of the original structure shall not be restored, repaired or replaced, except in conformity with the Development Code. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of the Development Code the term "Appraised Value" means the market value of the property as determined by the current records of the County Assessor for the year in which the damage occurred.
- (C) Nothing in the Development Code shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, provided the cost of the repairs do not constitute more than fifty (50) percent of the appraised value of the original structure.
- (D) All construction projects for which a valid building permit was issued prior to the effective date of the Development Code may be completed regardless of whether the structure meets the standards of the Development Code.

13.4 Nonconforming Lots.

Nonconforming lot means a separate parcel or lot of record on the effective date of the Development Code or any amendments thereto, that does not conform to the regulations, including dimensional standards contained in the Development Code or amendments thereto.

- (1) Any separate lot or parcel created in accordance with the Washington County Subdivision Regulations, Development Code, Chapter Three and of record in the Washington County Recorder's Office on or before the effective date of the original Development Code on October 20, 1997 may be used for any legal use for which it is zoned:

- (A) Provided it has a minimum of sixty (60) percent of the required frontage on an improved public road or on a private road approved by a township; to be considered an approved private road, the Township Board of Supervisors must, by resolution, identify the road, indicate that the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road; and
 - (B) It contains at least one (1) acre of buildable land as defined in Chapter One, Section 2.1 (24) of the Development Code in areas not served by public sewer or has a minimum lot area of nine thousand (9,000) square feet in areas served by public sewer; and
 - (C) If not served by public sewer, an on-site waste disposal system can be installed in accordance with Chapter Four of the Development Code; and
 - (D) Any such lot or parcel of land which is in a “Residential Suburban” district may be used for single family detached dwelling purposes provided the area and width thereof are within sixty (60) percent of the minimum requirements of the Development Code, provided all setback requirements can be met; and provided it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such permanent dwelling; and
 - (E) All other requirements of the Development Code can be met.
- (2) If in the case of two (2) or more contiguous lots or parcels of land under a single ownership any individual lot or parcel does not meet the minimum requirements of the Development Code, such individual lot or parcel cannot be considered a separate parcel of land for purposes of sale or development and must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land meeting the full requirements of the Development Code.
- (3) A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of the Development Code. A nonconforming parcel shall not be reduced in size.
- (4) Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered or expanded without a variance provided:
- (A) The enlargement, alteration or expansion meets all other standards of the Development Code.
 - (B) Long term sewage disposal needs can be met.

SECTION 14. AMENDMENTS TO THE WASHINGTON COUNTY DEVELOPMENT CODE AND COMPREHENSIVE PLAN

These rules may be amended by the Washington County Board of Commissioners after a formal public hearing.

14.1 Planning Advisory Commission Review.

An amendment to the Development Code or the Comprehensive Plan may be initiated by the County Board, or by the Planning Advisory Commission or by petition of the affected property owners. An amendment not initiated by the Planning Advisory Commission shall be referred to the Planning Advisory Commission for their study, report and recommendation and may not be acted upon by the County Board of Commissioners until it has received the recommendation of the Planning Advisory Commission or a report or recommendation has not been made by the Planning Advisory Commission and sixty (60) days have elapsed since the date of their first meeting to consider the amendment.

Changes to the Comprehensive Plan or the Development Code require a public hearing.

14.2 Notice of Public Hearing.

In connection with the adoption by ordinance of any Comprehensive Plan amendment or adoption or amendment of any official control, notice of the time, location and purpose of the public hearing shall be given in the manner provided by Minnesota Statutes 394.26 and 375.51, in addition to any notice required by the Development Code.

14.3 Resubmittal of Denied Amendment.

An application for an amendment to the County Comprehensive Plan or amendment of the official controls shall not be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION 15. ENFORCEMENT

15.1 Violations.

With the exception of any issue pertaining to compliance with the County Buffer Ordinance, a violation of any provision of the Development Code or violation of the conditions or provisions of any permit issued pursuant to the Development Code is a misdemeanor and upon conviction thereof the violator is subject to a fine, imprisonment or both plus the cost of prosecution.

Enforcement of any provision of the County Buffer Ordinance shall be pursuant to the enforcement procedures set forth by the County Buffer Ordinance.

15.2 Penalties.

Unless otherwise provided, each act of violation and each day such violation occurs or continues constitutes a separate offense.

15.3 Application to County Personnel.

Failure of any officer or employee of the County to perform any official duty imposed by the Development Code does not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

15.4 Equitable Relief.

In the event of a violation or the anticipated violation of any provision of the Development Code or any provision or condition of a permit issued pursuant to the Development Code, in addition to other remedies, the County may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or anticipated violation.

SECTION 16. SEPARABILITY

16.1 The several provisions of this regulation are separable in accordance with the following:

- (1) If any court of competent jurisdiction adjudges any provision of this regulation to be invalid, such judgment does not affect any other provisions of this regulation not specifically included in said judgment.
- (2) If any court of competent jurisdiction adjudges invalid the application of any provision of this regulation to a particular property, building or structure, such judgment does not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 17. EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota, this 10th day of August, 2021.



Lisa Weik, Chair
Board of County Commissioners

Attest:

Approved as to form:



Kevin Corbid
Washington County Administrator



Jessica Oertel
Assistant Washington County Attorney

Ordinance prepared by:

Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON)

I, Kevin J. Corbid, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2021-076 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 22nd day of June, 2021, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 10th day of August, 2021.



Kevin J. Corbid
County Administrator



**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2021-076

DATE June 22, 2021

DEPARTMENT

Public Works

**MOTION
BY COMMISSIONER** Kriesel

**SECONDED BY
COMMISSIONER**

Miron

REPEAL OF ORDINANCE #203, “WASHINGTON COUNTY DEVELOPMENT CODE, CHAPTER ONE – ADMINISTRATION”

AND

ADOPTION OF ORDINANCE #214 AN UPDATED VERSION OF “WASHINGTON COUNTY DEVELOPMENT CODE, CHAPTER ONE – ADMINISTRATION”

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

WHEREAS, the current official controls as reflected in the Washington County Development Code (Ordinances No. 203 – 212) were adopted by the Washington County Board of Commissioners and became effective on June 5, 2018; and

WHEREAS, the current Ordinance No. 203, also known as “Washington County Development Code, Chapter One – Administration,” currently establishes the membership requirements of the Planning Advisory Commission (PAC) and the Board of Adjustment and Appeals (BAA); and

WHEREAS, on July 14, 2020 the Washington County Board of Commissioners held a workshop to consider potential changes to the membership requirements of the PAC and BAA, in order to allow for the alignment of membership; and

WHEREAS, on March 9, 2021 the Washington County Board of Commissioners, pursuant to Chapter One, Section 14.1 of the current Washington County Development Code, referred the matter to the PAC for their study and to draft a report and recommendation on amending the membership requirements of the PAC and BAA; and

WHEREAS, in a report dated April 27, 2021 the PAC recommended the Washington County Board of Commissioners repeal Ordinance No. 203 and replace it with Ordinance No. 214. The proposed recommended changes to the ordinance were: 1) increase the number of BAA members from five (5) to seven (7); 2) reduce the number of voting members of the PAC from nine (9) to seven (7); and 3) require both the PAC and BAA be comprised of one member from each commissioner’s district and two members from the unincorporated areas of the County; and

WHEREAS, in the PAC report dated April 27, 2021 the PAC members concluded that the proposed changes to Ordinance No. 203 would allow for the same members to serve on both the BAA and the PAC, which results in shorter gaps between meetings and more effective use of members’ valuable contributions of volunteer time; and

WHEREAS, the Washington County Board of Commissioners held a public hearing on June 1, 2021 as required pursuant to Minnesota Statute Section 375.51 and Chapter One, Section 14.2 of the current Washington County Development Code to consider repealing Ordinance No. 203 and replacing it with Ordinance No. 214.

NOW, THEREFORE IT BE RESOLVED, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

BE IT FURTHER RESOLVED, that the Washington County Board of Commissioners hereby adopts Ordinance No. 214, “Washington County Development Code, Chapter One – Administration” to take effect on July 1, 2021, and upon publication according to law.

BE IT FURTHER RESOLVED, that Washington County Ordinance No. 203 is hereby repealed; said repeal is to take effect on the date Washington County Ordinance No. 214 becomes effective.

ATTEST:

DocuSigned by:
Kevin Corbid
BF6D5C95BF3E41A...
COUNTY ADMINISTRATOR

DocuSigned by:
Lisa Wak
2BB6324A826E467...
COUNTY BOARD CHAIR

	YES	NO
MIRON	<u>X</u>	___
KARWOSKI	<u>X</u>	___
KRIESEL	<u>X</u>	___
JOHNSON	<u>X</u>	___
WEIK	<u>X</u>	___

Washington County Development Code

CHAPTER TWO ZONING REGULATIONS

ORDINANCE 204
EFFECTIVE UPON PASSAGE
BY THE COUNTY BOARD
ON JUNE 5, 2018 AND
PUBLISHED ON
JULY 27, 2018



REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO ZONING REGULATIONS

PART 1 ZONING OVERLAY DISTRICTS

PART 2 PERFORMANCE STANDARDS

**REVISED WASHINGTON COUNTY
DEVELOPMENT CODE**

Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

- | | | |
|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Subsurface Sewage Treatment System Regulations |
| (5) | Chapter Five | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6) | Chapter Six | Shoreland Management Regulations |
| (7) | Chapter Seven | Mining Regulations |
| (8) | Chapter Eight | Buffer Regulations |
| (9) | Chapter Nine | Floodplain Management Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

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Summaries in this column are for commentary and/or interpretive purposes only.

Some land in the unincorporated areas of the County is within the Shoreland Management or St. Croix River Management zoning overlay districts. Allowed uses within these overlay districts are defined in Chapters Five and Six of the Development Code.

Boundaries of the zoning overlay districts are delineated on the official zoning map.

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 1
ZONING OVERLAY DISTRICTS**

This Chapter of the Washington County Development Code shall be known as Chapter Two, Zoning Regulations and may be referred to within this chapter as, "this Ordinance" or "this chapter". This zoning regulation is adopted by Washington County Ordinance No. 204 pursuant to the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

The Shoreland Management District and the St. Croix River Management District are zoning overlay districts located within portions of the unincorporated areas of the County. These districts allow: a) primary uses; b) uses allowed with a Certificate of Compliance; and c) uses allowed with a Conditional Use Permit as defined in the Development Code, Chapter Five, Lower St. Croix River Bluffland & Shoreland Management Regulations and Chapter Six, Shoreland Management Regulations.

Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance or a Conditional Use Permit, it is a prohibited use.

SECTION 1. ZONING OVERLAY DISTRICT MAPS AND DESCRIPTIONS

1.1 The boundaries of the Shoreland Management District are as shown and described on the zoning maps published and made a part hereof. The boundaries of the St. Croix River Management District coincide with the Lower St. Croix National Scenic Riverway boundary and are as shown on the maps published and made part hereof. These maps are designated as the Official Zoning Map of the County, and shall be maintained by the Zoning Administrator. All notations, references and other information shown thereon have the same force and effect as if fully set forth herein and are made a part of this Part by reference and incorporated herein fully as if set forth herein at length.

1.2 If uses in a district are listed as both primary, permitted with a Certificate of Compliance, Conditional Use Permit, or if any other conflict is contained in the Development Code with respect to uses, the more restrictive provisions apply.

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

PART 2
PERFORMANCE STANDARDS

General Standards apply to all lots or uses within those portions of the unincorporated areas of the County that are subject to the Development Code. These regulations must be met in addition to other specific regulations which may apply to the individual lot or proposed use.

The performance standards established in this Chapter apply within the unincorporated areas of the County to the functions, areas and overlay districts identified in subsection 3.1 of Chapter One. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in any district subject to the Development Code is required to meet these standards which also apply to existing development where so stated.

SECTION 1. DEVELOPMENT STANDARDS

The Development Code applies in the unincorporated areas of the County only in regard to the following:

- *Subdivision of land in any areas that are subject to Chapter Three.*
- *Subsurface Sewage Treatment Systems*
- *St. Croix River Management Overlay District*
- *Shoreland Management Overlay District*
- *Mining operations*
- *201 Sewer Use*
- *Floodplains*
- *Official Map areas*

1.1 General Standards

- (1) All lots or uses are subject to these general standards as well as other specific regulations which apply to the lot or the proposed use.
- (2) All agricultural and livestock operations being conducted in compliance with the terms of this Development Code shall not be deemed a violation of this Development Code notwithstanding the fact that there may have been changes in the surrounding character of the area.
- (3) Sloping or Erodible Building Sites. Structures shall not be constructed on sites with slopes of greater than twenty-five (25) percent or on easily erodible soils as defined on the community soils maps and compiled by the Washington Conservation District.
- (4) Permitted Encroachments into Required Setbacks. The following are permitted encroachments into setback requirements:
 - (A) Flues, eaves and awnings up to three (3) feet in width;
 - (B) Steps, chimneys, sidewalks, and stoops up to three (3) feet in width;
 - (C) Exposed wheelchair ramps, bay windows and doors up to three (3) feet in width.

Code Compliance

Buildable Land

- (5) Corner Lots – Sight Corners. In order to maintain a clear line of vision through sight corners, nothing other than seasonal crops shall be placed or allowed to grow, which impedes vision between a height of two and one-half (2 1/2) and ten (10) feet above the intersecting street centerline grades, within the triangular sight corner which is encompassed within the area between the right of way lines of intersecting streets and a line connecting points that are a distance of fifty (50) feet as measured along said right of way lines from the point of intersection of said right of way lines.
- (6) Setbacks Along Arterials. The minimum setback for all structures is one hundred fifty (150) feet from the centerline, or seventy five (75) feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.
- (7) Minimum Width and Foundations. In districts where single family dwellings are permitted, the following standards apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Sections 2.8 and 2.9 and 2.10 of this Development Code:
 - (A) The minimum width of the main portion of the structure is twenty (20) feet, as measured across the narrowest portion.
 - (B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.
- (8) Code Compliance. All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Subsurface Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.
- (9) Buildable Land. All new parcels created, which are not served by public sanitary sewer and not part of an approved Open Space Development, must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as:
 - (A) Land with a slope less than twenty five (25) percent, and
 - (B) Outside of any required setbacks, except that on a natural environment lake where a two hundred (200) foot structure setback is required, the buildable area calculation would be measured from a one hundred fifty (150) foot setback rather than the required two hundred (200) foot setback; and

	(C) Above any 100-year floodplain, drainageway, or drainage easement.
	All new lots created which are served by public sewer must contain at least three thousand two hundred (3,200) square feet of buildable area as defined above. Property located within the St. Croix River Management Overlay District or the Shoreland Management Overlay District are also subject to the requirements of Chapters Five and Six of the Development Code, respectively.
<i>Number of Structures</i>	(10) Number of Structures. No more than one (1) principal structure is permitted on any one (1) parcel of land, unless otherwise authorized by the Development Code.
<i>Dwelling Unit – Use Prohibited</i>	(11) Dwelling Unit - Use Prohibited. The use of a cellar, garage, recreational vehicle, trailer, basement with unfinished exterior above or accessory building as a dwelling unit is prohibited.
<i>Occupancy of Single Family Dwelling</i>	(12) Occupancy of a Single Family Residential Dwelling. No more than six (6) persons not related by blood, marriage or adoption may reside in a single family residential dwelling.
<i>Traffic Control</i>	(13) Traffic Control. The traffic generated by any use shall be controlled to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, including truck traffic. Internal traffic shall be regulated to ensure safe and orderly flow. Traffic into and out of business areas shall be forward moving with no backing into streets.
<i>Vacated Streets</i>	(14) Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.
<i>Access Drives, Access & Service Roads</i>	(15) Access Drives, Access and Service Roads. Access drives onto County roads require an access permit from the County Engineer. This permit shall be issued prior to the issuance of any building permits. The County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. A request for an access drive permit onto a County road may, at the County Engineer's discretion be referred to the Planning Advisory Commission for its recommendations.
<i>Private Roads</i>	(16) Private Roads. Private roads are prohibited in any new subdivision created after the effective date of the Development Code. Existing lots of record on private roads are subject to the Standards contained in Chapter One, Section 13.4 (1) (A).
<i>Maximum Height</i>	(17) Structures shall not exceed the maximum height permitted, except

Setbacks from Underground Pipelines

church spires, chimneys, flag poles and wind generators which have a maximum height of forty five (45) feet.

(18) Structures must be setback a minimum of fifty (50) feet from underground pipeline easements.

Setbacks from Unclassified Water Bodies

(19) Unclassified water bodies. All lots having frontage on or containing an unclassified water body as defined in Chapter Six, Shoreland Management Regulations, Washington County Development Code shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six.

The purpose of these standards is to regulate the size, use and location of accessory structures.

Accessory Structure Definition: A detached single story structure greater than 120 square feet in size used or intended to be used for the storage of personal property or for agricultural purposes.

1.2 Accessory Structures

(1) Required Permits. A building permit is required for all accessory structures except agricultural buildings on a farm as defined in Minnesota Statute 16B.61. A Certificate of Compliance is required for all agricultural buildings and accessory structures in the Shoreland Management Overlay District and the St. Croix River Management Overlay District.

(2) Performance Standards.

(A) Accessory structures shall not be constructed prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.

(B) An accessory structure is considered attached to the principal building if it is within six feet of the principal building.

(C) Detached accessory structures shall not be located closer to the road right-of-way than the principal building unless all of the following conditions are met:

1. The local unit of government approves the building location; and
2. All setbacks are met.

(3) The following standards apply within the Shoreland Management Overlay District and the St. Croix River Management Overlay District:

(A) On parcels less than two and one half (2 1/2) acres, one (1) accessory structure is allowed. On parcels greater than two and one half (2 1/2) acres and less than twenty (20) acres, a maximum of two (2) accessory structures are allowed. On parcels greater than twenty (20) acres, there is no limit on the number of accessory structures, provided the accessory structure is an agricultural

building. One (1) single story shed of one hundred twenty (120) square feet or less is permitted in addition to the accessory structures. All accessory structures are limited to one (1) story in height.

- (B) The permitted sizes of accessory structures are as follows:

Lot Area	Structure Size
Parcels less than 1 acre	720 sq. ft.
1 acre – 2.49 acres	1,000 sq. ft.
2.5 – 5 acres	2,000 sq. ft.
5.01 acres – 20 acres	2,500 sq. ft.
20.01+ acres	*unlimited

*provided they are agricultural structures

- (C) All detached accessory structures are to be used for personal or agricultural use only. Commercial use and/or commercial related storage is prohibited in these structures.

Land may be subdivided with a minor subdivision into parcels of no less than five (5) acres and retain the existing number and square footage of accessory structures on the site if the accessory structures were part of the farmstead as it existed on January 1, 2001, subject to the following conditions:

1. Construction of additional accessory structures on the property is prohibited.
2. Any existing accessory structures that become "Hazardous Buildings" shall be repaired or removed by the owner.

Accessory structures used to house domestic farm animals are subject to additional regulations.

(D) Domestic Farm Animals. Accessory structures used to shelter domestic farm animals shall meet the following requirements:

1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

Natural/ Man-Made Features	Horizontal Setback
Any property line	100 feet
Any existing well or residential Structure on the same parcel	50 feet
Any existing well or residential Structure on adjacent or nearby parcel	200 feet
Any body of seasonal or year-round surface water	200 feet

2. Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.
3. Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural ground surface grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.
4. Marshes and wetlands (as indicated by the predominant wetland vegetation and/or soils) shall not be utilized for placement of the proposed structure, feedlot or grazing area.

The purpose of these standards is to protect the environment.

Hazardous Materials include oil, gasoline, liquid fertilizer, chemicals and similar liquids.

Above Ground Storage Tanks

1.3 Environmental Regulations

(1) Hazardous Materials.

- (A) All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a Conditional Use Permit.
- (B) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following enactment of the Development Code, unless the tank(s) is located on agricultural property. A Certificate of Compliance is required for all above ground storage tanks having a capacity of two thousand (2,000)

<i>Secondary Containment</i>	(C) Secondary containment shall be provided for hazardous materials that are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks shall have secondary containment, suitably sealed with a leakage capacity equal to one hundred ten (110) percent of the tank's capacity.
<i>Floor Drains</i>	(D) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation the facility shall: <ol style="list-style-type: none"> <li data-bbox="889 659 1484 722">1. Connect the floor drain to a closed holding tank, or; <li data-bbox="889 764 1484 827">2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
<i>Setbacks From Wells</i>	(E) The storage and/or preparation area for hazardous materials with more than twenty five (25) gallons or one hundred (100) pounds dry weight shall be set back a minimum of one hundred fifty (150) feet from a water supply well. (F) Hazardous materials stored in an above ground storage tank with containment shall be setback a minimum of one hundred (100) feet from a water supply well.
<i>Dry Fertilizers</i>	(G) Dry commercial fertilizers shall not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.
<i>Dry Bulk Pesticides</i>	(H) Dry bulk pesticides with a dry weight of one hundred (100) pounds or more shall be stored under a roof or tarpaulin that prevents precipitation from contacting the pesticide.
<i>Wash Water Collection</i>	(I) Closed holding tanks shall be used for the collection of wash water from vehicle maintenance and other related operations.
<i>Primary Containment</i>	(J) Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County and local agencies.
<i>MPCA and Federal Requirements must be met.</i>	(K) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record

<p><i>Underground Storage Tanks</i></p> <p><i>Explosives</i></p> <p><i>Radiation and Electrical Interference</i></p> <p><i>Nuisances including noise, air, water pollution, vibration, public health nuisances, refuse, and inoperable vehicles.</i></p>	<p>keeping, spill prevention, emergency response, transport, and disposal shall be met.</p> <p>(L) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.</p> <p>(2) Explosives. Uses involving the commercial storage, use or manufacture of materials or products which could detonate by decomposition are prohibited.</p> <p>(3) Radiation and Electrical Interference. Activities that emit dangerous radioactivity beyond enclosed areas are prohibited. Electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances is prohibited. Any such emissions are hereby declared to be a nuisance.</p> <p>(4) Nuisances. Noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust and other such adverse conditions that have an objectionable effect upon adjacent or nearby property owners and residents are prohibited. Minimum standards are as follows:</p> <p>(A) Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution are the applicable standards.</p> <p>(B) Vibration. The following vibrations are prohibited:</p> <ol style="list-style-type: none"> 1. Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. 2. Any vibration on any structure resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines. These standards do not apply to vibrations created during the process of construction. <p>(C) Public Health. The following are declared to be nuisances endangering public health and are prohibited:</p> <ol style="list-style-type: none"> 1. Causing or allowing the effluent from any cesspool, septic tank, drainfield or human sewage disposal system to discharge upon the surface of the ground or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.
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- 2. Causing or allowing sewage, industrial waste or other substances to pollute any public well, cistern, stream or lake, canal or body of water.
- 3. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
- 4. Any use that results in the discharge of toxic or noxious matter in a concentration detrimental or dangerous to public health, safety or welfare, or that causes injury or damage to property or business, across the boundaries of the lot, through evaporation into the atmosphere or into the subsoil beyond the boundaries of the lot wherein such use is located.
- 5. The ownership, possession or control of any unused refrigerator or other container with doors which fasten automatically when closed, and of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

- (D) Refuse. All waste material, debris, refuse, or garbage (with the exception of agricultural uses and crop residue) shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Landowners are responsible for keeping their land free of refuse.
- (E) Inoperable Vehicles. Inoperable passenger vehicles and trucks shall not be parked outside of an enclosed building on any property other than an authorized vehicle reduction yard for a period exceeding seven (7) consecutive days.

Hazardous Waste

- (5) Hazardous Waste. Any use which generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the County's Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency and any other federal, state and local agencies.

The purpose of these standards is to preserve the aesthetics of roadsides along major highways and County roads.

1.4 Exterior Storage Along Major Highways and County Roads

- (1) Applicability. The following standards are applicable within the Shoreland Management Overlay District and the St. Croix River Management Overlay District.

Fence Regulations

(2) Performance Standards.

(A) In the Shoreland Management Overlay District and the St. Croix River Management Overlay District, all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and County roads, except for the following: recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable passenger automobiles and pickup trucks.

1.5 Fences

(1) Applicability. The following standards apply within the Shoreland Management Overlay District and the St. Croix River Management Overlay District.

(2) Performance Standards.

(A) Fences are permitted in accordance with the following regulations:

1. Solid walls in excess of four (4) feet above adjacent ground grades are prohibited.
2. That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
3. Construction of fences on public right-of-way is prohibited.
4. Fences shall not impede vision of the roadway from a driveway providing access to the road.
5. Where a property line is not clearly defined, a Certificate of Survey may be required by the Zoning Administrator to establish the location of the property line prior to constructing the fence.
6. Fences may be placed along a property line provided no physical damage results to abutting property.

(B) On properties located in the Shoreland Management Overlay District or St. Croix River Management Overlay District that have lake or river frontage, fences must comply with the following standards:

- 1. A Certificate of Compliance is required prior to the construction of any fence.
- 2. Within the non-buildable setback area, fences are allowed along the side lot lines, but shall not exceed six (6) feet in height from the finished ground grade.
- 3. Within the buildable area of the property, fences shall have a maximum height of six (6) feet from the finished ground grade.

(C) Fences are permitted along a property line abutting a road right-of-way in accordance with the following:

- 1. On properties that are being used for agriculture, a fence may be constructed up to six (6) feet in height provided the fence is a wire strand or wood rail fence.
- 2. On properties where the primary use is residential, fences shall not exceed four (4) feet in height. Fences within the non-buildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.
- 3. Fences on all other parts of the property are subject to the regulations of the local unit of government.

1.6 Land Alteration and Grading

(1) Permit Required: Grading Permit. Land alteration and grading of fifty (50) cubic yards or more and/or the disturbance of land area of one thousand (1,000) square feet or more is permitted with a grading permit. A permit is not required for agricultural activities, grading activities associated with a construction project provided a building permit is issued and there is a minimal amount of land disturbance, subdivisions that have received final plat approval and driveways permitted in conjunction with a building permit.

(A) The application for a permit shall include an existing and finished grade plan. The finished grade plan shall show no adverse effects on adjacent land. The Zoning Administrator may require information in addition to this plan, including but not limited to, a plan for fire control, general maintenance of site, control of vehicle ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site.

Land Alteration and Grading Regulations.

Land alteration and grading: The reclaiming of land by depositing or moving material so as to alter the grade.

Public Waters: All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features directly or indirectly involving the use of water within the community.

- (B) Grading permit applications will be reviewed by the Washington Conservation District and may be reviewed, at the discretion of the Zoning Administrator or in accordance with other rules, by the Minnesota Department of Natural Resources, the Community Engineer, and the appropriate Watershed Management Organization.
 - (C) A grading, drainage and erosion control plan may be required at the discretion of the Zoning Administrator, if significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. This plan shall be prepared by the Washington Conservation District and shall contain specific recommendations regarding soil protection, preservation of vegetation and drainage patterns during the land alteration process.
 - (D) At the discretion of the Zoning Administrator, the applicant may be required to post a bond or other financial guarantee to ensure compliance with the grading permit.
- (2) General Standards. The following general standards apply for grading, drainage and erosion control:
- (A) All development shall conform to the natural limitations of the topography and soil to reduce the potential for soil erosion.
 - (B) Slopes over twenty five (25) percent shall not be altered.
 - (C) Development on slopes with a grade between thirteen (13) percent and twenty five (25) percent shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative and structural damage.
 - (D) Erosion and siltation control measures shall be coordinated throughout the stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 - (E) Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. Only the smallest practical area of land shall be exposed at any one period of time.
 - (F) The drainage system shall be constructed and operational as soon as practical during construction.

Erosion Control

- (G) Natural vegetation shall be retained and protected to the greatest extent practical.
- (H) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of four (4) inches and shall be of quality at least equal to the soil quality that existed prior to development.
- (I) Soil exposure shall be for the shortest period of time necessary. Planned exposure exceeding sixty (60) days is prohibited. Said limit may be extended by the Zoning Administrator provided erosion and sedimentation control measures have been established.
- (J) The natural drainage system shall be used to the extent feasible for the storage and flow of runoff. Storm water drainage shall be discharged to sediment detention or retention basins or other treatment facilities. Prior to discharge to wetlands, the diversion of stormwater to marshlands or swamps shall be considered for existing and planned surface drainage. Wetlands used for stormwater retention shall have adequate natural or artificial water level control. Creation of storage areas or retention basins scattered throughout developed areas is encouraged to reduce peak flow, erosion damage and construction cost.

(3) Erosion Control. The following measures shall be taken to control erosion during the construction process:

- (A) The grade of exposed slopes shall not be steeper than twenty five (25) percent.
- (B) Exposed slopes shall be protected to prevent erosion, taking into consideration the degree of the slope, soil material, and expected length of exposure. Slope protection may consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses.
- (C) Control measures in lieu of those stated above may be used if it can be demonstrated that they will protect exposed slopes as effectively.

Sediment Control

(4) Sediment Control. The following measures shall be taken to prevent sediment from leaving the construction site:

- (A) Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may

	<p>consist of silt fences or straw bale sediment traps.</p> <p>(B) Temporary sediment basins or traps to remove medium and large sized sediment particles from runoff and reduce discharge velocity may be required.</p> <p>(C) The Zoning Administrator may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on vehicle tires.</p>
<i>Restoration</i>	<p>(5) Restoration. All permits shall include a restoration plan providing for the use of land after project completion. The following are minimum standards for restoration.</p> <p>(A) All disturbed areas shall be restored at the completion of the project.</p> <p>(B) All restoration shall include the application of a minimum of four (4) inches of topsoil or similar material that will support plant growth.</p> <p>(C) Final grades shall be in conformity with the permit and topography of the surrounding land.</p> <p>(D) If the land is to be restored to crop production, slopes shall not exceed twenty (20) percent.</p> <p>(E) If the restoration is not for crop production, grades shall not exceed twenty five (25) percent.</p> <p>(F) All restored areas shall be seeded with a mixture recommended by the Washington Conservation District or returned to crop production.</p> <p>(G) The requirements in (B), (C), (D) and (E) above may be increased or modified to accommodate a specific restoration plan.</p>
<i>Floodplains</i>	<p>(6) Floodplains. Land alteration in floodplains shall also be in accordance with Floodplain regulations.</p>
<i>Public Waters</i>	<p>(7) Public Waters. Any filling, partial filling, dredging, altering by grading, mining or disturbing in any manner of any public water without first securing a permit from the Minnesota Department of Natural Resources, the United States Army Corp of Engineers and a Grading Permit from the Zoning Administrator is prohibited.</p>
<i>Drainage</i>	<p>(8) Drainage.</p> <p>(A) Any development, alteration or use of land that result in surface water runoff causing significant flooding, erosion</p>

or deposit of materials on adjacent properties or waterbodies is prohibited. Runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area or other public facility.

- (B) The owner, developer or contractor of any proposed development site which has created or could create drainage problems may be required to complete a grading plan and apply for a Grading Permit.
- (C) The owner, developer or contractor of any natural drainage improvement or alteration may be required to obtain a Grading Permit.
- (D) The owner, developer or contractor may be required to obtain a grading permit on any slope in excess of thirteen (13) percent where the natural drainage pattern may be disturbed or altered.

Wetland Preservation

- (9) Wetland Preservation. The alteration of wetlands shall comply with the rules and regulations of Federal, State and local agencies.

Preservation of Natural Drainageways/Waterways

Natural Drainageway is defined as a depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

- (10) Preservation of Natural Drainageways/Waterways. The regulation of this subsection shall be administered by the Zoning Administrator unless the Watershed Management Organization has permitting authority. In that event, the regulations of the Watershed Management Organization shall take precedence.
 - (A) Storm sewers may be used where it can be demonstrated that the use of the above-ground natural drainage system will not adequately dispose of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.
 - (B) The width of a constructed waterway shall be large enough to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
 - (C) The construction of fences or structures across the waterway that will reduce or restrict the flow of water is prohibited.
 - (D) The banks of the waterway shall be protected with permanent turf vegetation.
 - (E) The slope of the banks of the waterway shall not exceed twenty (20) percent.
 - (F) The gradient of the waterway bed shall not be at a grade

that will result in a water velocity that will cause erosion of the banks and waterway.

- (G) The bed of the waterway shall be protected with turf or sod. Rip rap may be used if it is determined that turf or sod will not function properly. Rip rap shall consist of quarried limestone or field stone (if random rip rap is used). The rip rap shall be no smaller than two (2) inches square and no larger than two (2) feet square.
- (H) The flow velocity of runoff waterways shall be controlled to a velocity that will not cause erosion of the waterway. Materials other than turf may be used on sidewalls if it is determined that flow velocity in the waterway will be such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures. Rip rap is allowed to prevent erosion at these locations.
- (I) Flow velocity shall be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structures.
- (J) Pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed to prevent sedimentation of waterways.
- (K) Temporary pervious sediment traps may consist of a construction of hay bales with a low spillway embankment section of sand and gravel that permits slow movement of water while filtering sediment. Such structures may serve as temporary sediment control features during the construction stage of the development. Development of housing and other structures shall be restricted from the area on either side of the waterway to channel a twenty five (25) year storm.
- (L) Permanent impervious sediment control structures consisting of sediment basins (debris basins, desiltation basins or silt traps) shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
- (M) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of the Development Code.
- (N) Sediment basins shall be maintained as necessary to insure continuous desilting action.

Land Clearing Regulations.

Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12 month period.

- (O) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basin shall be landscaped.
- (P) Prior to the approval of a plat for development, the developer shall make provisions for continued maintenance of the erosion and sediment control system.

1.7 Land Clearing

- (1) Required Permit: Certificate of Compliance. Land clearing of twenty thousand (20,000) square feet or more is permitted provided that a Certificate of Compliance is issued. A permit is not required for clearing trees and other woody plants in an area less than twenty thousand (20,000) square feet, for clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.
- (2) Other Requirements. Land Clearing must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Land clearing shall comply with the following:
 - (A) Removal of trees located on slopes greater than twenty five (25) percent, in wooded floodplains, in wooded wetlands, and in stream corridors is prohibited. Trees and woodlands within the Shoreland Management Overlay District and the St. Croix River Management Overlay District are subject to the requirements as stated in Chapter Six, Shoreland Management Regulations and Chapter Five, Lower St. Croix River Bluffland and Shoreland Management Regulations in addition to the regulations of this Chapter.
 - (B) Construction fences or barricades placed at the perimeter of the area to be cleared may be required.
 - (C) Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.
 - (D) Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.

- (E) Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:
 1. All disturbed areas shall be restored at the completion of the project.
 2. All restoration shall include the application of a minimum of four (4) inches of top soil or similar material that will support plant growth.
 3. All restored areas shall be seeded with a mixture recommended by the Washington Conservation District unless it is put into forest or row crop production.
 4. Final grades shall be in conformity with the permit and topography of the surrounding land.
 5. The standards above may be increased or modified to accommodate a specific restoration plan.
- (F) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the Certificate of Compliance.

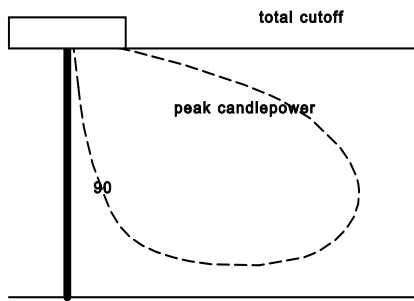
1.8 Lighting

The purpose of this section is to create standards for outdoor lighting to prevent interference with astronomical observations and the reasonable use and enjoyment of property within the County. It is the intent of the Development Code to encourage, through regulation of types, kind, construction, installations and use of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution while increasing nighttime safety, utility, security and productivity.

Cutoff: the point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

Cutoff Angle: the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (See Figure 1).

- (1) Exemptions. The standards of this section shall not apply to the following:
 - (A) Temporary holiday lighting. The Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - (B) Civic Event Lighting. The Development Code does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - (C) Airport Lighting required for the safe operation of aircraft.
 - (D) Emergency Lighting by police, fire and rescue authorities
- (2) Nonconforming Uses.
 - (A) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this Section of the Development Code are exempt from the regulations contained in this Section.



Cutoff Type Luminaire: a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

Flashing Light: a light source which is not constant in intensity or color at all times while in use.

Light Source: a single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

Luminaire: a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Outdoor Lighting: Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

Outdoor Light Fixture: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including but not limited to the hardware casing. Such devices include, but are not limited to search, spot, and flood lights for: buildings and structures;

(B) Whenever an outdoor light fixture that existed on the effective date of the Development Code is replaced by a new outdoor light fixture, the new fixture must meet the standards of the Development Code.

(3) Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

(4) Performance Standards.

(A) Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining residential property or from the public street.

1. Shielding. The light source shall be hooded or controlled to prevent lighting of adjacent property in excess of the maximum intensity defined in Section 1.8 (4) (A) 2. Bare light bulbs that are visible from adjacent property or public right of way are prohibited.

2. Intensity. Any light source or combination thereof which cast light on a public street exceeding one (1) foot candle meter reading as measured from the centerline of said street and any light source or combination thereof which cast light on adjacent property exceeding four tenths (0.4) foot candle as measured at the property line is prohibited.

(B) Outdoor Recreation: Outdoor recreational uses including but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for night time lighting. Due to these unique circumstances, a Conditional Use Permit is required for all new outdoor lighting fixtures.

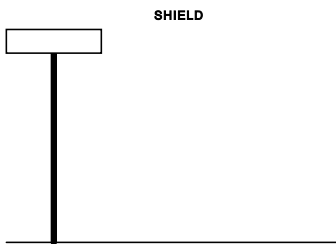
1. Illumination of outdoor recreation facilities whether public or private is prohibited after 11:00 PM unless the lighting conforms to the Development Code.

2. Illuminated off street parking areas for outdoor recreation uses shall meet the requirements stated in Section 1.8 (4) (A) 2.

recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

Security Lighting: outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

Shielding: a technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (See Figure 2).



Spillage: is any reflection, glare or other artificial light emission onto any adjoining property or right of way and is above a defined maximum illumination.

Parking Regulations.

Surface & Drainage

Location

- (5) Prohibitions. The following outdoor light fixtures are prohibited:
 - (A) Search Lights used between 11:00 PM and sunrise.
 - (B) Flashing Lights.
- (6) Submission of Plans. The applicant for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with the Development Code. The submission shall contain the following in addition to other required data for the specific permit:
 - (A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - (B) Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required)
 - (C) Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emissions.

1.9 Parking

- (1) Surface and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be graded and drained so as to dispose of all surface water accumulation within the parking area. Durable and dustless surfaces may include crushed rock and similar treatment for parking accessory to residential structures up to and including four (4) units; all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the community engineer. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the community.
- (2) Location. All accessory off-street parking facilities required herein shall be located as follows:
 - (A) Spaces accessory to one and two family dwellings shall be on the same lot as the principal use served.
 - (B) Spaces accessory to multiple family dwelling shall be on the same lot as the principal use served and within two hundred (200) feet of the main entrance to the principal building served. Parking as required by the Americans with Disabilities Act (ADA) for the disabled shall be

provided.

(3) General Provisions.

- (A) Existing off-street parking spaces and loading spaces upon the effective date of the Development Code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- (B) Motor vehicles over one (1) ton capacity bearing a commercial license and commercially licensed trailers shall not be parked or stored on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading or rendering service.
- (C) A parking space shall be a minimum of nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length provided there is adequate space for easy and safe vehicle ingress and egress. Proposed reductions or increases in parking space size shall be submitted for review and approval together with a dimensioned site plan indicating the size of vehicle intended to use the parking spaces. Signs specifying the appropriate vehicle size for the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).
- (D) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed twelve thousand pounds (12,000) gross weight for each dwelling unit. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments.
- (E) Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any "district" (except residential districts) in which separate parking facilities for each separate building, structure or use is required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour

parking period.

- (F) Off-street parking facilities that are provided on a lot other than the lot on which the principal use served is located shall be under the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use. The owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- (G) Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.

(H) Required off-street parking spaces are as follows:

Multiple Dwelling Units	Two (2) spaces per dwelling unit. A minimum of one-half (1/2) of the required spaces shall be enclosed.
Marinas	One and one-half (1 ½) spaces per slip plus one (1) space per employee and a minimum of twenty (20), twelve by twenty-five (12 x 25) foot trailer stalls.
Uses Not Specifically Noted	As determined by the Zoning Administrator.

The purpose of this section is to protect the aesthetics of roadsides in Washington County.

Sign: A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Advertising: A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator.

1.10 Signs

- (1) Non-applicability. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- (2) Permit Required. Except as otherwise provided in the Development Code, signs shall not be erected, constructed,

Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter does not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

Sign, Flashing: An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.

Sign, Nameplate: A sign which states the name and/or address of the business, industry or occupant of the site and is attached to said building or site.

Sign, Pedestal: A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

Sign, Real Estate: A sign offering property (land and/or buildings) for sale, lease or rent.

Sign, Roof: A sign erected upon or above a roof or parapet of a structure.

Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign on a plane parallel to the plane of said wall.

altered, rebuilt or relocated until a Sign Permit, Certificate of Compliance, or Conditional Use Permit for the sign has been issued. Application for a Sign Permit shall be accompanied by the established fee. A permit is not required by the Development Code for the following signs:

- (A) All signs under ten (10) square feet in area, except those that require a Conditional Use Permit.
- (B) Yard signs which do not exceed nine (9) square feet in area.
- (C) Utility Warning signs which do not exceed nine (9) square feet in area.

If the work authorized by a Sign Permit has not been completed within six (6) months after the date of issuance, the permit is null and void.

- (3) Signs by Conditional Use Permit. Where a use is permitted with a Conditional Use Permit, the sign for that use also requires a Conditional Use Permit unless the sign is otherwise provided for in the Development Code.
- (4) General Standards.
 - (A) Signs with a position, shape, movement, color or any other characteristic that interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard or otherwise interferes with traffic control are prohibited.
 - (B) All signs, other than public utility warning signs, are prohibited on County property and within the public right-of-way of any major highway or County road.
 - (C) Yard signs are allowed on private property with the consent of the property owner. Such signs must be removed within seven (7) days after the completion of any process, situation or event to which they apply.
 - (D) Illuminated signs shall be diffused or indirect to prevent rays of light from being directed onto any major highway or County road. Illuminated signs and their support structures shall not be located closer than twenty-five (25) feet from a major highway or county roadway surface or closer than ten (10) feet from a road right-of-way line, notwithstanding more restrictive portions of this Section.

- (E) Flashing signs are prohibited. Signs emitting intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are prohibited.
- (F) Yard signs may not be closer than ten (10) feet from any property line.
- (G) The plat of a development must be recorded with the Washington County Recorder and/or Registrar of Titles prior to the erection of a development identification sign. Signs are subject to the following standards:
 - 1. Signs shall not exceed one hundred (100) square feet in area.
 - 2. A sign permit is required for signs larger than 32 square feet in size.
 - 3. One (1) sign is permitted on each County road frontage with a maximum of three (3) signs per development.
 - 4. Signs shall be removed when the development is eighty (80) percent completed, sold or leased.
 - 5. Signs must be located on the development property. Off-site development signs are prohibited.
- (H) One development identification sign is allowed for each street entrance to a development or municipality. The sign shall not exceed thirty-two (32) square feet per surface and signs shall not have more than two surfaces. The sign shall not exceed eight (8) feet in height.
- (I) Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone or other similar objects.
- (J) Roof signs are prohibited.
- (K) All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. Electrically illuminated signs are prohibited.

- (L) Multi-faced signs shall not exceed twice the allowed square footage of single-faced signs.
- (M) Except for more restrictive parts of this Section, signs that exceed one hundred (100) square feet in area shall not be erected or maintained:
 1. Which would obstruct any traveler's view of approaching vehicles on any road for a distance of five hundred (500) feet.
 2. Which would be closer than one thousand three hundred fifty (1,350) feet from a national, state or local park, or historic site.
 3. Which would partially or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and/or scenic interest.
- (N) Any sign for which a permit has not been issued shall be removed by the owner, agent or person having the beneficial use of the building or land upon which the sign is located within thirty (30) days after written notice from the Zoning Administrator.
- (O) Any sign which becomes structurally unsafe or endangers public safety or the safety of a building or premises shall be removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.
- (P) A sign permit is null and void if the authorized work has not been completed within six (6) months after the date of issuance.
- (5) Yard signs, utility warning signs and development identification signs erected within the development are the only signs permitted in the Shoreland Management Overlay District and the St. Croix River Management Overlay District.
 - (A) Signs with more than two (2) surfaces are prohibited.
 - (B) One (1) yard sign for each purpose is permitted.
 - (C) Signs exceeding thirty-two (32) square feet in size are prohibited.

- (D) The top of the Sign shall not exceed ten (10) feet above grade.
- (E) Any sign over two (2) square feet shall be setback at least ten (10) feet from any property line. Signs or any part of a sign shall not be closer than two (2) feet from a vertical line drawn at the property line.

(6) Signs for uses requiring a Conditional Use Permit.

- (A) The type, number, size, height and setback of signs shall be as specifically authorized by terms of the Conditional Use Permit. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.

(7) Home Occupation. A sign no greater than nine (9) square feet in size is permitted for any home occupation that is along a County road and permitted under Chapter Two, Section 2.6 of the Development Code.

SECTION 2. STANDARDS FOR USES

2.1 Accessory Apartments

The purpose of this section is to provide standards for the establishment and use of home accessory apartments, in owner-occupied single family homes located in agricultural and residential districts where a single family home is a permitted use.

An accessory apartment is defined as a secondary dwelling unit within an existing owner-occupied single family dwelling for the use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

- (1) Required Permit: Accessory Apartments are permitted within the Shoreland Management Overlay District with a Certificate of Compliance, provided that local ordinance allows Accessory Apartments within the underlying zoning district.
- (2) Other Requirements. The accessory apartment must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. An accessory apartment must comply with all of the following standards.
 - (A) More than one accessory apartment within a single family dwelling unit is prohibited.
 - (B) The structure in which an accessory apartment is located shall be owner occupied.
 - (C) A separate curb cut for the accessory apartment unit is prohibited.
 - (D) The Certificate of Compliance will be reviewed by the Zoning Administrator annually. The owner shall obtain

a Certificate of Compliance each year during the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the Certificate of Compliance was issued have not changed.

The purpose of this section is to enable seasonal agricultural businesses to be operated in the agricultural and rural areas.

Agricultural Business - Seasonal is defined as a seasonal business not exceeding six months in any calendar year operated on a rural farm offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.

This section provides for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain residential structures in a manner which keeps them primarily in residential uses.

A Bed and Breakfast is defined as an owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more

2.2 Agricultural Business - Seasonal

- (1) Required Permit: Seasonal Agricultural Business are permitted in the Shoreland Management Overlay District with a Certificate of Compliance, provided that local ordinance allows seasonal Agricultural Businesses within the underlying zoning district
- (2) Other Requirements. The business must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Seasonal agricultural businesses must comply with all of the following standards.
 - (A) The majority of product sold on the property shall be grown or raised on the property. Sale of product is prohibited within any County Road right-of-way.
 - (B) Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed one hundred (100) square feet.
 - (C) Off-street parking may be required if deemed necessary by the Zoning Administrator.
 - (D) All structures, including temporary structures shall meet minimum setback requirements.
 - (E) The Certificate of Compliance shall be reviewed annually.

2.3 Bed and Breakfast

- (1) Required Permit: Bed and Breakfasts are permitted in the Shoreland Management Overlay District with a Conditional Use Permit, provided that local ordinance allows Bed and Breakfasts within the underlying zoning district
- (2) Other Requirements. The Bed and Breakfast must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Bed and breakfast facilities must comply with the following requirements:
 - (A) It is intended that bed and breakfast facilities be a

than ten (10) persons.

converted or a renovated single family residences and that this principal function be maintained. A structure shall not be constructed for the sole purpose of being utilized as a bed and breakfast facility; an existing structure shall not be enlarged or expanded for the purpose of providing additional rooms for guests. The exterior appearance of the structure shall not be altered from its single family character.

- (B) Primary entrance to the guest rooms shall be from within the dwelling unit.
- (C) Guests are limited to a length of stay of no more than thirty consecutive days.
- (D) Food preparation or cooking shall not be conducted within any of the guest rooms. Morning breakfast shall be the only meal provided to guests and it shall only be served to guests lodging in the facility.
- (E) Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.
- (F) On-site parking, sufficient to handle all guest and owner vehicles, shall be provided.

2.4 Essential Services - Utility Substation

The purpose of this section is to establish regulations for utility substations. An Essential Service - Utility Substation is defined as a utility whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size long distance transmission lines to small retail quantities in the neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

- (1) Required Permits. Essential Services - Utility Substations are allowed in Tier Two Open Space Developments in the Shoreland Management Overlay District with an additional Conditional Use Permit, provided that local ordinance allows Essential Services – Utility Substations within the underlying zoning district.
- (2) Other Requirements. The essential service must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. The essential service must comply with the following standards.
 - (A) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation may be acquired by lease provided however, the lot shall be large enough so all structures/facilities comply with required setbacks.
 - (B) The applicant shall return the property to its original state if it is no longer needed or used by the utility. The zoning

administrator may require a bond to ensure compliance with this standard.

- (C) A Conditional Use Permit shall be recorded with the office of the County Recorder.
- (D) The site shall be landscaped to screen the facility from view from property lines and roads.

2.5 Golf Courses

This section establishes provisions for the location of and design standards for golf courses within the county.

A Golf Course is defined as an area of land laid out for golf with a minimum series of nine (9) holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

- (1) Accessory Uses. Golf course accessory uses are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar and maintenance buildings.
- (2) Required Permit: Golf Courses are allowed in designated open space within Tier Two Open Space Developments in the Shoreland Management Overlay District with an additional Conditional Use Permit, provided that local ordinance allows golf courses within the underlying zoning district
- (3) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.
- (4) Performance Standards. The golf course must meet the following standards:
 - (A) Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.
 - (B) Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use.
- (5) An Environmental Assessment Worksheet (EAW) is required for the development of a golf course facility. Washington County is the responsible governmental unit for the preparation of the Environmental Assessment Worksheet unless the local governmental unit previously required the EAW. Costs associated with the preparation of the Environmental Assessment Worksheet are the responsibility of the applicant.

2.6 Home Occupations

- (1) Required Permit: Home Occupations are permitted in the Shoreland Management Overlay District with a Certificate of Compliance, provided that local ordinance allows Home Occupations within the underlying zoning district.

The purpose of this section is to allow for home occupations that demonstrate compatibility with the neighborhoods in which they exist.

Home Occupation is defined as:

A use of a residential or agricultural property for gainful employment which:

a) is clearly incidental and subordinate to the use of the property as residential or agricultural;

b) is carried on solely within the main dwelling or accessory buildings and does not alter or change the exterior character or appearances of the property;

c) is created and operated by the occupant of the dwelling.

(2) Other Requirements. The home occupation must comply with all rules and regulations of Federal, State, County and local agencies. Any required State or County license shall be obtained prior to authorization of the Certificate of Compliance. In the event the license cannot be obtained without zoning approval, the applicant shall provide documentation that the license has been applied for and provide the name of the licensing agency contact person.

(3) Performance Standards. A home occupation must comply with the following standards:

- (A) Home occupation by any persons other than the residents of the premises is prohibited.
- (B) A home occupation shall not generate traffic in greater volume than would result from a single family residence.
- (C) Any sign associated with a home occupation shall be in compliance with Chapter Two, Section 1.10 of the Development Code.
- (D) A home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- (E) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- (F) A home occupation shall not constitute, create or increase a nuisance and shall comply with the criteria and standards established in Chapter Two, 1.3 (3) and (4) of the Development Code.
- (G) Outdoor display or storage of goods, equipment or materials associated with the home occupation is prohibited.
- (H) Parking needs generated by the home occupation shall be provided for on-site.

2.7 Public Recreational Facility

(1) Required Permit: Public Recreational Facilities are permitted in designated open space within Tier Two Open Space Developments in the Shoreland Management Overlay District with an additional Conditional Use Permit, provided that local ordinance allows Public Recreational Facilities within the underlying zoning district.

- (2) Other Requirements. Public recreational facilities must comply with all rules and regulations of federal, state, county and local agencies.
- (3) Performance Standards.
 - (A) A minimum lot area of two (2) acres is required.
 - (B) All structures (including backstops, goalposts, etc.) shall meet required setbacks.
 - (C) Overnight accommodations are prohibited.
 - (D) A concession or temporary food stand may be permitted provided it only serves food and refreshments to guests and visitors of the facility.
 - (E) Information shall be submitted regarding the recreational activities available, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting and hours of operation. The Planning Advisory Commission may restrict the operation of the facility as deemed necessary.
 - (F) Screening may be required to buffer the facility from adjacent residential land use.
 - (G) A transportation management plan shall be submitted to the Zoning Administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways.
 - (H) A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.

2.8 Temporary Dwelling Unit/Care Facility

- (1) Required Permit: A Temporary Dwelling Unit/Care Facility is permitted in the Shoreland Management Overlay District and St. Croix River Management Overlay District with a Certificate of Compliance, provided that local ordinance allows Temporary Dwelling Unit/Care Facilities within the underlying zoning district.
- (2) Other Requirements. Temporary dwelling units/care facilities must comply with all rules and regulations of federal, state, county and local government agencies.

This section enables temporary dwelling units to be used as care facility for relatives of the occupant permanently residing on the property.

A temporary dwelling unit/care facility is defined as a manufactured home which temporarily serves as residence for a relative of the occupants residing in the primary single family residence on the

property.

- (3) Performance Standards. Temporary dwelling units/care facilities must comply with the following requirements:
 - (A) Each property is limited to one (1) temporary dwelling unit/care facility.
 - (B) A temporary dwelling unit/care facility is an accessory dwelling unit:
 - 1. Occupied by persons who are infirm to the extent that extraordinary care is required; and
 - 2. Such care can be provided by family members residing in the principal dwelling on the premises; and
 - 3. The infirmity and the need for care required by items No. 1 and 2 above shall be verified by a written statement from a physician.
 - (C) The temporary dwelling unit shall use the existing road access drive of the principal dwelling.
 - (D) The temporary dwelling unit is subject to the same dimensional setbacks as the principal dwelling. The temporary dwelling unit shall not be closer to the road right-of-way than the principal dwelling. The temporary dwelling unit shall be located to the side or rear of the principal dwelling and shall be screened from view of the road right-of-way.
 - (E) The temporary dwelling unit must be connected to an approved on-site waste disposal system.
- (4) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure the temporary dwelling unit will be removed upon termination of the Certificate of Compliance. The amount of guarantee shall be determined by the Zoning Administrator.
- (5) The Certificate of Compliance expires and terminates at such time as the temporary dwelling unit is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is no longer required. The temporary dwelling unit shall be removed from the premises within thirty (30) days of termination of the Certificate of Compliance.
- (6) The Certificate of Compliance shall be reviewed annually by the Zoning Administrator.

This section enables temporary dwelling units to be used by the present or potential occupant of a single family residence during the construction, reconstruction or alteration of said residency by the present or potential occupant.

A Temporary Dwelling Unit During Construction is defined as a mobile home which temporarily serves as a residence for the present or potential occupant while the primary single family residence is being constructed, reconstructed or altered.

2.9 Temporary Dwelling Unit During Construction

- (1) Required Permit: A Temporary Dwelling Unit During Construction is allowed in the Shoreland Management Overlay District and the St. Croix River Management Overlay District with a Certificate of Compliance, provided that local ordinance allows Temporary Dwelling Units during construction within the underlying zoning district.
- (2) Other Requirements. Temporary dwelling units shall comply with all rules and regulations of Federal, State, County and local government agencies.
- (3) Performance Standards. Temporary dwelling units must comply with the following requirements.
 - (A) Each property is limited to one temporary dwelling unit during construction.
 - (B) A temporary dwelling unit shall only be occupied by persons who are the present or potential occupants of the single family residence being constructed, reconstructed or altered.
 - (C) A Certificate of Compliance is issued only after the building permit for the proposed construction has been obtained.
 - (D) A temporary dwelling unit shall use the existing or proposed road access drive of the principal dwelling that is under construction.
 - (E) The temporary dwelling unit must be connected to an approved on-site waste disposal system.
 - (F) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the temporary dwelling unit will be removed upon termination of the Certificate of Compliance. The amount of the guarantee shall be determined by the Zoning Administrator.
 - (G) The Certificate of Compliance shall expire when construction is completed or within one hundred and eighty (180) days from the date of issuance, whichever is less. Renewal of the permit may be approved by the Zoning Administrator. The temporary dwelling unit shall be removed from the premises within thirty (30) days of termination of the Certificate of Compliance.

This section enables farmers to occupy dwelling units on a temporary basis.

A Temporary Farm Dwelling Unit is defined as a manufactured home located in an agricultural district which is an accessory dwelling unit occupied by persons engaged in farming on the premises and meeting other criteria as specified in the Development Code.

2.10 Temporary Farm Dwelling Unit

- (1) Required Permit: A Temporary Farm Dwelling Unit is permitted in the Shoreland Management Overlay District and the St. Croix River Management Overlay District with a Certificate of Compliance, provided that local ordinance allows Temporary Farm Dwelling Units within the underlying zoning district.
- (2) Other Requirements. Temporary farm dwelling units shall comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Temporary farm dwelling units must comply with the following standards.
 - (A) A temporary farm dwelling unit is an accessory use to the principal dwelling and may only be located on a farm of at least seventy five (75) acres in size.
 - (B) Each farm is limited to one temporary farm dwelling unit.
 - (C) A temporary farm dwelling unit is subject to the same dimensional setbacks as the principal dwelling. The temporary farm dwelling unit shall not be located closer to the road right of way than the principal dwelling. The temporary farm dwelling unit shall be located to the side or rear of the principal dwelling and shall be screened from view from the road right of way.
 - (D) A temporary farm dwelling unit shall only be occupied by persons who are engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises; and who earn fifty (50) percent or more of their annual gross income for federal income tax purposes from such farming on the premises.
 - (E) The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling.
 - (F) The temporary farm dwelling unit must be connected to an approved on-site waste disposal system.
- (4) The Certificate of Compliance will be reviewed annually. The owner shall obtain a Certificate of Compliance each year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the Certificate of Compliance was issued have not changed.
- (5) The property owner shall submit a financial guarantee to the

Zoning Administrator to ensure that the temporary farm dwelling unit will be removed upon termination of the Certificate of Compliance. The amount of the guarantee shall be determined by the Zoning Administrator.

- (6) Termination of Permit.
 - (A) The Certificate of Compliance expires and terminates at such time as the persons occupying the temporary farm dwelling unit are no longer engaged in farming on the premises as required by paragraph 3 (D) above.
 - (B) The Certificate of Compliance shall expire and terminate if the farm becomes less than seventy five (75) acres in size.
 - (C) The temporary farm dwelling unit shall be removed from the premises within thirty (30) days of termination of the Certificate of Compliance.

SECTION 3. OVERLAY DISTRICTS

3.1 St Croix River Management Overlay District

St. Croix River Management Overlay District

Properties and uses within this district are regulated in accordance with the Lower St. Croix Bluffland & Shoreland Management Regulations, Chapter Five of the Development Code.

3.2 Shoreland Management Overlay District

Shoreland Management Overlay District

Properties and uses within this district are regulated in accordance with the Shoreland Management Regulations, Chapter Six of the Development Code.

SECTION 4. OPEN SPACE DEVELOPMENT

4.1 Purpose and Scope

Open Space Development (OSD) is designed to preserve open space and rural character while creating compact neighborhoods that have a strong visual and physical access to the open space. This method of development uses the size and shape of the open space as the central organizing element, rearranging the density

Open Space Development (OSD) is established to encourage development of rural housing clusters that meet the following purposes:

- (1) Provide efficient use of the land while maintaining contiguous blocks of economically viable agricultural land, mature woodlands, and open space, and preserving historical features, scenic views, natural drainage systems and other desirable features of the natural environment.

on each parcel so that less land is cleared, graded, and turned into driveways, streets, lawns and houses.

- (2) Allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal.
- (3) Create neighborhoods with direct access to open space, distinct identities and sense of community.
- (4) To encourage innovation and promote flexibility, economy and creativity in residential development.
- (5) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (6) To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
- (7) To preserve scenic views and elements of the County's rural character by minimizing views of new development from existing roads.

4.2 Definitions

- (1) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly to consumers through membership in the garden.
- (2) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (3) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and its people.
- (4) Historic Building and Structure: A structure which has been identified by the Washington County Historical Society inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.
- (5) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.

Open Space Development: Subdivision development which places residential dwelling units into compact groupings while providing dedicated open space.

Open Space Development is permitted as a conditional use in the St. Croix River Management Overlay District and the Shoreland Management Overlay District.

Applying for an Open Space Development Conditional Use Permit.

- (6) Neighborhood: An area containing a contiguous group of residential lots where people live in close proximity to one another.
- (7) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes that is undivided and permanently protected from future development.
- (8) Open Space Development (OSD): A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.
- (9) Perimeter Road: A road lying outside of and abutting the development parcel.
- (10) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e. wetlands, grasslands, boreal forests.
- (11) Protective or Restrictive Covenant: A contract entered into between private parties which constitutes a restriction on the use of a particular parcel of property.
- (12) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

4.3 Applicability

The Open Space Development (OSD) standards are an alternative set of standards for residential development. OSD is permitted with a Conditional Use Permit within the St. Croix River Management Overlay District and the Shoreland Management Overlay District, provided that local ordinance allows them within the underlying zoning district .

See the Development Code, Chapter Five, Lower St. Croix River Bluffland & Shoreland Management Regulations, Section 7.3 and Chapter Six, Shoreland Management Regulations, Section 20.2 for additional OSD standards and requirements.

The regulations of this Development Code are applicable only to Open Space Developments approved after the effective date of the Development Code.

4.4 Application

- (1) A Conditional Use Permit is required for an Open Space Development in the St. Croix River Management Overlay District and the Shoreland Management Overlay District.

- (2) A Conditional Use Permit application shall be filed in writing with the Zoning Administrator in accordance with the Development Code Chapter One, Section 9, Conditional Uses.
- (3) In addition to the criteria stated in Chapter One, Section 9.3 (2), the Planning Advisory Commission shall consider the following:
 - (A) The Open Space Development is designed to preserve open space and the County's rural character while creating compact residential neighborhoods.
 - (B) The Open Space Development is designed in accordance with the standards of the Development Code.
 - (C) The Open Space Development supports the goals and policies of the County's Comprehensive Plan.
- (4) In addition to the submittal requirements stated in Chapter One, Section 9, the following items shall be submitted as part of a Conditional Use Permit application for Open Space Development:
 - (A) Resource Inventory

The plan for an Open Space Development shall include a resource inventory, to include the following, mapped at a scale of no less than 1 inch = 100 feet.

 1. Topographic contours at ten (10) foot intervals, showing rock outcrops and slopes of more than fifteen (15) percent.
 2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
 3. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.
 4. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper measurement of more than eighteen (18) inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and

described by plant community, relative age and condition.

5. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land and all encumbrances of record such as easements or covenants.
6. Visual resources showing views onto the tract from surrounding roads and public areas as well as views within the tract.
7. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.
8. Context: general outlines of existing buildings, land use and natural features such as water bodies or wooded areas, roads and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch = 400 feet.

4.5 Uses

Uses allowed within open space.

See the Lower St. Croix Bluffland & Shoreland Management Regulations, Chapter Five, Section 5 and the Shoreland Management Regulations, Chapter Six, Section 4.5 for the uses permitted within Open Space Developments.

4.6 Ownership & Management of Open Space

Ownership and Management of Open Space

- (1) The designated open space and common facilities may be owned and managed by one or a combination of the following:
 - (A) Homeowners' Association
 - (B) Non-profit Organization
 - (C) The County or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05)
- (2) An alternative ownership and management plan may be proposed to the County. Upon consultation with the applicable township, the County shall determine whether that alternative plan is acceptable and meets the intent of the Development Code, considering such factors as the size, dimension, allowable use, management, and natural features of the open space. Any

proposed alternative plan may be rejected at the discretion of the County.

The designated open space is subject to a conservation easement restricting its use and development.

4.7 Open Space

- (1) The open space required per Section 4.10 (4) (A) is subject to a permanent conservation easement and shall be used for the purposes as defined by the Development Code. The conservation easement shall be dedicated to a land trustee or other similar organization approved by the County.
- (2) The uses within the open space shall be accessible to the residents of the development in accordance with Section 4.10 (4) (F). These uses may also be available to the general public provided the proper approvals are received.
- (3) A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Zoning Administrator.

4.8 Homeowners' Associations

Homeowners' Associations

A Homeowners' Association shall be formally established if the open space is owned by a Homeowners' Association. Membership in the Association is mandatory for all purchasers of homes in the development and their successors.

A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the County as part of the data required for the Conditional Use Permit. The Homeowners' Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

- (1) The legal description of the common lands or facilities;
- (2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities responsible for enforcing the restrictions;
- (3) A mechanism for resolving disputes among the owners or association members;
- (4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
- (5) The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership;
- (6) Any other matter the developer deems appropriate.

See the Lower St. Croix River Bluffland & Shoreland Management Regulations and the Shoreland Management Regulations for information regarding density.

Performance Standards

The "focal point" ensures that the central feature of the development is always either a natural feature or "designed" open space such as a green or parkway.

- (7) The management of collector sewage treatment systems.

4.9 Density Standards

- (1) See the Development Code, Chapter Five, Lower St. Croix River Bluffland & Shoreland Management Regulations and Chapter Six, Shoreland Management Regulations for density standards and regulations.

4.10 Performance Standards

- (1) General considerations
 - (A) For single-family attached structures, the maximum number of units per freestanding building is six (6).
 - (B) Each residential lot shall be large enough to accommodate a house and a two (2) car garage.
 - (C) All structures shall be setback a minimum of seventy five (75) feet from unclassified waterbodies.
 - (D) Multi-family structures shall be setback a minimum of fifty (50) feet from the lot line of a lot designated for single family detached dwelling units.
 - (E) A maximum of forty (40) percent of the residential dwelling units may be multi-family residential.
- (2) Residential Lot Requirements.
 - (A) See the Development Code, Chapter Five, Lower St. Croix River Bluffland & Shoreland Management Regulations and Chapter Six, Shoreland Management Regulations for additional residential lot requirements.
 - (B) All lots shall gain access from interior local streets.
 - (C) At least fifty (50) percent of the lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
 - (D) Lots shall be oriented around a central focal point. This may be one or more of the following:
 - 1. Central green or square.
 - 2. Physical amenity such as a meadow, a stand of trees, a stream or other water body, or other

A neighborhood is a contiguous group of residential lots.

natural feature.

- 3. Street designed with boulevards planted with shade trees and with a central "parkway" or median, at least twenty five (25) feet wide.

(3) Neighborhood Siting Standards

- (A) Neighborhoods shall be located to minimize their impacts on the natural, scenic and cultural resources of the site.
- (B) Neighborhoods shall not encroach on rare plant communities or endangered species identified in the Department of Natural Resources' County Biological Survey for Natural Communities and Rare Species.
- (C) Fragmentation of open space shall be minimized.
- (D) Open space shall connect with existing or potential open space lands on adjoining parcels to the extent practicable.
- (E) Neighborhoods shall be located and situated to achieve the following goals, to the extent practicable. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.
 - 1. Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;
 - 2. Minimize disturbance to woodlands, hedgerows, mature trees or other significant vegetation;
 - 3. Protect scenic views of open land from adjacent roads.
 - 4. Protect existing historic buildings or incorporate them through adaptive reuse.
- (F) The maximum number of residential lots permitted in a neighborhood is fifty (50).
- (G) More than one (1) neighborhood may be developed if separated by a clear boundary comprised of a combination of two (2) or more of the following elements: street pattern, marked topographical changes,

drainageways, ponds, wetlands, streams, greenways and woodlands.

- (4) Open Space Design
- (A) Open space shall be designated as part of the development. See the Development Code, Chapter Five, Lower St. Croix River Bluffland & Shoreland Management Regulations and Chapter Six, Shoreland Management Regulations for the minimum area required for open space.
- (B) The required open space shall be undivided and restricted from further development, as specified in Section 4.7.
- (C) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
1. Parking areas for access to and use of the open space.
 2. Privately owned buildings or structures that are accessory to the use of the open space.
- (D) Road rights-of-way may not be located within the required open space area, and shall not be counted towards the required minimum open space.
- (E) No more than fifty (50) percent of the required open space may consist of unclassified water bodies, ponds, areas within the 100-year floodplain (or high water mark as documented by County records), wetlands, or slopes of greater than twenty five (25) percent.
- The area below the OHWL on public waterbodies shall not count toward the designated open space.
- (F) At least twenty five (25) percent of the open space shall be accessible to the residents of the development and shall be owned in common by all residents of the development.
1. At least twenty five (25) percent of the "accessible" open space, shall be suitable for recreational uses such as trails, play fields, or community gardens.
 2. The development plan shall include a pathway system connecting all parts of the open space

The intent of these requirements is to ensure that residents can actively use or enjoy a reasonable proportion of the open space.

areas accessible to neighborhood residents, and connecting those areas to neighborhood streets and to planned or developed trails on adjacent parcels.

- 3. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

(5) Sewage and Water Facilities

Water for an OSD shall be provided by individual on-site wells or by one or more community wells meeting the requirements of the Minnesota Department of Health. The use of shared or community wells is encouraged.

All OSD's shall be provided with adequate sewage treatment facilities meeting the standards of the County Subsurface Sewage Treatment Standards Regulations and the permit requirements of the Minnesota Pollution Control Agency.

(6) Golf Courses

(A) Golf courses located in the open space must comply with Chapter Two, Section 2.5 of the Development Code.

(B) The golf course shall be regulated by a development agreement that restricts any further development or subdivision of land and requires the land to be retained as open space use if the land is no longer used as a golf course.

(C) The golf course shall be constructed prior to the sale of any residential lots.

(D) A financial guarantee ensuring completion of the golf course in accordance with the approved plans and permits shall be submitted to the Zoning Administrator.

County SSTS Regulations include standards for common systems: groundwater monitoring, pretreatment, system management, etc.

Alternatives may include:

- *Individual septic systems with drainfields located on the individual lot or in adjacent open space areas;*
- *Individual septic tanks with communal drainfields on individual lots or in open space areas.*
- *Alternative wastewater treatment and disposal systems that meet all MPCA permit requirements.*

Drainfields may be located partially or completely within open space areas provided that:

- *Ground cover of regularly mowed turf or meadows is maintained;*
- *No agricultural activities are permitted within 50 feet of the drainfield area;*

No trails or other recreational facilities are located in drainfield areas.

SECTION 5. SEPARABILITY

5.1 The several provisions of this regulation are separable in accordance with the following:

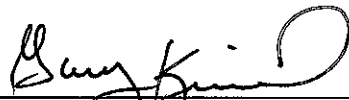
- (1) If any court of competent jurisdiction adjudges any provision of this regulation to be invalid, such judgment does not affect any other provisions of this regulation not specifically included in said judgment.

- (2) If any court of competent jurisdiction adjudges invalid the application of any provision of this regulation to a particular property, building or structure, such judgment does not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 6. EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

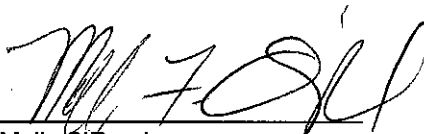
Passed by the Board of County Commissioners of Washington County, Minnesota, this 5th day of June, 2018.



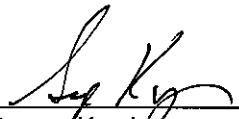
Gary Kriesel, Chair
Board of County Commissioners

Attest:

Approved as to form:



Molly O'Rourke
Washington County Administrator



George Kuprian
Assistant Washington County Attorney

Ordinance prepared by:

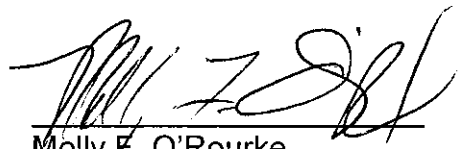
Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON)

I, Molly F. O'Rourke, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2018-054 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 5th day of June, 2018, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 27th day of June, 2018.




Molly F. O'Rourke
County Administrator

DATE June 5, 2018
MOTION
BY COMMISSIONER Miron

DEPARTMENT Public Works
SECONDED BY
COMMISSIONER Karwoski

**REPEAL OF CURRENT ZONING/LAND USE ORDINANCES AND ADOPTION OF NEW
ZONING/LAND USE ORDINANCES.
AND
REPEAL OF EXISTING DEVELOPMENT CODE AND ADOPTION OF THE REVISED
DEVELOPMENT CODE**

ZONING/LAND USE ORDINANCE NUMBERS 203, 204, 205, 206, 207, 208, 209, 210, 211 & 212

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

WHEREAS, the Washington County Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124, amended on September 7, 2010 to the Washington County Comprehensive Plan 2030 as Washington County Ordinance No. 184, and amended on August 16, 2016 as Washington County Ordinance 198; and

WHEREAS, pursuant to Minn. Stat. 473.865 the Washington County Comprehensive Plan is the implement by which the County's regulation of land use is devolved through adoption of official controls under Chapter 394.

WHEREAS, the current official controls as reflected in the Washington County Development Code were adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, all the townships in Washington County have assumed regulatory control of land use through adoption of the Comprehensive Land Use Plans under the 2030 Regional Development Framework pursuant to the authority contained in Minn. Stat. 473.861 and the County's relinquishment of such controls; and

WHEREAS, such transformation has been found by the Metropolitan Council to conform to the regional system plans for transportation, water, resources management and parks; and

WHEREAS, the Township's plans are consistent with the Washington County 2030 Comprehensive Plan and are compatible with the plans of adjacent and affected jurisdictions; and

WHEREAS, the recasting of the County's official controls necessitate revision of the Washington County Development Code; and

WHEREAS, the forty-three (43) current zoning/land use ordinances, attached as Exhibit A, are determined to be anachronistic and must be repealed; and

WHEREAS, ten (10) new zoning/land use ordinances, attached as Exhibit B, must be enacted; and

WHEREAS, the existing Washington County Development Code must be repealed and the ten (10) new zoning/land use ordinances must be codified as the Revised Washington County Development Code.

WHEREAS, on April 24, 2018 a public hearing was held before the Washington County Planning Advisory Commission (PAC) to consider an action to do the following: 1) repeal the existing forty-three (43) zoning/land use ordinances as set forth in Exhibit A; 2) the adoption of ten (10) new zoning/land use ordinances as set forth in Exhibit B; and 3) repeal the existing Washington County Development Code and adopt a revised Washington County Development Code attached as Exhibit C.

WHEREAS, on April 24, 2018 the PAC recommended the Washington County Board of Commissioners approve the following: 1) the repealing of the forty-three (43) existing zoning/land use ordinances as set forth in Exhibit A; 2) adoption of ten (10) new zoning/land use ordinances attached as Exhibit B; 3) repealing of the existing Washington County Development Code and adoption of the Revised Washington County Development Code as set forth in Exhibit C.

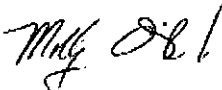

WHEREAS, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

NOW, THEREFORE IT BE RESOLVED, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

BE IT FURTHER RESOLVED, based upon the hearing record, the Washington County Board of Commissioners hereby repeals the existing forty-three (43) zoning/land use ordinances attached and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby adopts the ten (10) new zoning/land use ordinances attached as Exhibit B, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby codifies the ten (10) new zoning/land use ordinances into the Revised Washington County Development Code as fully set forth in Exhibit C, which is attached hereto and incorporated herein.

ATTEST: 
COUNTY ADMINISTRATOR

COUNTY BOARD CHAIR

	YES	NO
MIRON	X	___
KARWOSKI	X	___
KRIESEL	X	___
LAVOLD	X	___
WEIK	X	___