
WASHINGTON COUNTY

DEVELOPMENT CODE

Pursuant to MSA Ch 394, Washington County has adopted official controls for the purposes of regulating the physical development of land in the unincorporated areas of the County. These official controls are compiled into and hereafter known as the Washington County Development Code and consists of the following chapters each adopted by Ordinance.

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|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Individual 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 | 201 Sewer Use Regulations |
| (9) | Chapter Nine | Flood Plain Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

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*Commentary/Interpretive
Purposes Only*

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO

ZONING REGULATIONS

PART 1

ZONING MAPS, DISTRICTS AND USES

Land in unincorporated areas is divided into districts. Allowed uses of the land are defined in this Part.

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

For the purpose of this Development Code, the regulations contained in this chapter shall become effective from and after October 20, 1997, after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgement shall not affect any other provisions of this regulation not specifically included in said judgement. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

The unincorporated areas of the County are divided into districts. Each district has: a) primary uses; b) uses allowed with a Certificate of Compliance; and c) uses allowed with a Conditional Use Permit as herein defined. 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 MAPS

1.2 The boundaries of the districts 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. The district boundary lines on these maps are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall 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. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way shall not be affected by such vacation.

1.3 When uses in a district are listed as both primary, permitted with a certificate of compliance or conditional use permit, or when any other

conflict appears in the Development Code with respect to uses within a district, the more restrictive provisions shall be applied.

SECTION 2. “AP”, “A-1”, “A-2”, “A-4”, AGRICULTURAL DISTRICTS AND USES

There are four agricultural districts in the unincorporated areas of the County: AP, A-1, A-2, and A-4. Maximum densities in these districts:

*AP =
1 dwelling unit per 40 acres*

*A-1 =
1 dwelling unit per 40 acres*

*A-2 =
2 dwelling units per 40 acres*

*A-4 =
4 dwelling units per 40 acres*

Land in an agricultural district is used primarily for agriculture and single family residential.

Certain uses, other than agriculture or single family residential, may be allowed with a Certificate of Compliance.

2.1 Purpose and Scope.

- (1) “AP”, Agricultural Preserves District: The “AP” District are those specific parcels of land created and restricted according to Minnesota Statutes 473H. to remain in agricultural use.
- (2) “A-1”, Agricultural District: The “A-1” District, as shown on the zoning district maps, is established to preserve agriculture as a viable long term land use and significant economic activity. Land within this district is eligible for inclusion into the Metropolitan Agricultural Preserves Program.
- (3) “A-2”, Agricultural District: The “A-2” district, as shown on the zoning district maps, has been established to preserve agriculture as a viable long term land use and significant economic activity within the County. Land within this district may be eligible for inclusion in the Metropolitan Agricultural Preserves Program.
- (4) “A-4”, Agricultural District: The “A-4” district, as shown on the zoning district maps, is established to preserve land for interim agricultural uses and to preserve the rural character of the County.

2.2 Land Uses in Agricultural Districts.

- (1) Primary Uses. The following are primary uses in the “AP”, “A-1”, “A-2” and “A-4” districts:
 - (A) Agriculture
 - (B) Single Family Residential
- (2) Uses with a Certificate of Compliance. The following uses are permitted in the “AP”, “A-1”, “A-2” and “A-4” districts after the issuance of a Certificate of Compliance:
 - (A) Accessory Apartments
 - (B) Agricultural Business–Seasonal
 - (C) Essential Services–Government Uses, Buildings and Storage
 - (D) Essential Services–Utility Substation
 - (E) Home Occupation

Certain uses, other than agriculture or single family residential, may be allowed with a Conditional Use Permit.

- (F) Horse Training Facility, Commercial (less than 10 horses)
- (G) Horse Training Facility, Private (over 10 horses)
- (H) Livestock and Livestock Operations (11-49 animal units)
- (I) Place of Worship
- (J) Plant Nursery
- (K) Temporary Care Facility
- (L) Temporary Dwelling Unit–Construction
- (M) Temporary Farm Dwelling

(3) Uses with a Conditional Use Permit. The following uses are permitted in the “AP”, “A-1”, “A-2” and “A-4” districts after the issuance of a Conditional Use Permit:

- (A) Balloon Port–Commercial
- (B) Bed and Breakfast Inn
- (C) Cemeteries
- (D) Commercial Kennel
- (E) Community Residence
- (F) Golf Course
- (G) Horse Training Facility, Commercial (over 10 horses)
- (H) Livestock and Livestock Operations (over 49 animal units)
- (I) Mining Operations
- (J) Multi-Family Residential Development
- (K) Open Space Development
- (L) Public Recreation Facility
- (M) Recreational Use, Passive
- (N) Resorts/Conference Facilities
- (O) Schools
- (P) Travel Trailer/Recreational Vehicle Campground
- (Q) Wireless Communication Facility
- (R) Yard Waste Facility

SECTION 3. “RR”, RURAL RESIDENTIAL DISTRICT AND USES

Land designated in a rural residential district has a maximum density of 8 dwelling units per 40 acres.

3.1 Purpose and Scope.

The Rural Residential District is established to provide areas for rural low-density housing in agricultural/rural areas on lands not capable of supporting long-term agricultural activities. The purpose of this district is to retain the rural character of the County.

Land in a rural residential district is used primarily for agriculture and single family residential.

3.2 Land Uses in Rural Residential Districts.

(1) Primary Uses. The following are primary uses in the “RR” District.

Certain uses, other than agriculture or single family residential, may be allowed with a Certificate of Compliance.

- (A) Agriculture
 - (B) Single Family Residential
- (2) Uses with a Certificate of Compliance. The following uses are permitted in the “RR” District after the issuance of a Certificate of Compliance:
- (A) Accessory Apartment
 - (B) Agricultural Business–Seasonal
 - (C) Essential Services–Government Uses, Building and Storage
 - (D) Essential Services–Utility Substation
 - (E) Home Occupation
 - (F) Horse Training Facility, Commercial (less than 10 horses)
 - (G) Horse Training Facility, Private (over 10 horses)
 - (H) Place of Worship
 - (I) Plant Nursery
 - (J) Temporary Care Facility
 - (K) Temporary Dwelling Unit–Construction
 - (L) Temporary Farm Dwelling

Certain uses, other than agriculture or single family residential, may be allowed with a Conditional Use Permit.

- (3) Uses with a Conditional Use Permit. The following uses are permitted in the “RR” district after the issuance of a Conditional Use Permit:
- (A) Balloon Port - Commercial
 - (B) Bed and Breakfast Inn
 - (C) Cemeteries
 - (D) Commercial Kennel
 - (E) Community Residence
 - (F) Golf Course
 - (G) Horse Training Facility, Commercial (over 10 horses)
 - (H) Livestock and Livestock Operations (over 11 animal units)
 - (I) Mining
 - (J) Multi-Family Residential Development
 - (K) Public Recreation Facility
 - (L) Recreational Use, Passive
 - (M) Resort/Conference Facilities
 - (N) Schools
 - (O) Travel Trailer/Recreational Vehicle Campground
 - (P) Wireless Communication Facility
 - (Q) Yard Waste Facility

SECTION 4. “SFE” SINGLE FAMILY ESTATE DISTRICT AND USES

Land designated in a Single Family Estate district has a maximum density of 16 dwelling units per 40 acres.

Land in a Single Family Estate district is used primarily for agriculture and single family residential.

Certain uses, other than agriculture or single family residential, may be allowed with a Certificate of Compliance.

Certain uses, other than agriculture or single family residential, may be allowed with a Conditional Use Permit.

4.1 Purpose and Scope.

The Single Family Estate District provides residential areas in developing rural areas. The purpose of this district is to provide lots large enough to maintain a semi-rural setting, but lots not large enough to support long-term agricultural activities.

4.2 Land Uses in Single Family Estate Districts.

(1) Primary Uses. The following are primary uses in the “SFE” District:

- (A) Agriculture
- (B) Single Family Residential

(2) Uses with a Certificate of Compliance. The following uses are permitted in the “SFE” District after the issuance of a Certificate of Compliance:

- (A) Accessory Apartment
- (B) Agricultural Business–Seasonal
- (C) Essential Services–Government Uses, Building and Storage
- (D) Essential Services–Utility Substation
- (E) Home Occupation
- (F) Horse Training Facility, Commercial (less than 10 horses)
- (G) Horse Training Facility, Private (over 10 horses)
- (H) Place of Worship
- (I) Plant Nursery
- (J) Temporary Care Facility
- (K) Temporary Dwelling Unit–Construction
- (L) Temporary Farm Dwelling

(3) Uses with a Conditional Use Permit. The following uses are permitted in the “SFE” District after the issuance of a Conditional Use Permit:

- (A) Cemeteries
- (B) Community Residence serving 7-16 patients
- (C) Golf Course
- (D) Horse Training Facility, Commercial (over 10 horses)
- (E) Livestock and Livestock Operations (over 11 animal units)
- (F) Multi-Family Residential Development
- (G) Public Recreation Facility
- (H) Schools

SECTION 5. “RS”, RESIDENTIAL SUBURBAN DISTRICT AND USES

5.1 Purpose and Scope.

The purpose of this district is to provide higher density residential uses on lots where a full range of public utilities and services are available.

5.2 Uses in Residential Suburban Districts.

(1) Primary Uses. The following are primary uses in the “RS” District:

- (A) Agriculture
- (B) Single Family Residential

(2) Uses with a Certificate of Compliance. The following uses are permitted in the “RS” District after the issuance of a Certificate of Compliance:

- (A) Accessory Apartment
- (B) Community Residence
- (C) Essential Services–Government Buildings, Storage and Uses
- (D) Essential Services–Utility Substation
- (E) Home Occupation
- (F) Horse Training Facility, Private (over 10 horses)
- (G) Place of Worship
- (H) Temporary Care Facility
- (I) Temporary Dwelling Unit–Construction
- (J) Temporary Farm Dwelling

(3) Uses with a Conditional Use Permit. The following uses are permitted in the “RS” District after the issuance of a Conditional Use Permit:

- (A) Cemeteries
- (B) Community Residence serving 7-16 people
- (C) Golf Course
- (D) Horse Training Facility, Commercial (over 10 horses)
- (E) Livestock and Livestock Operations (over 11 animal units)
- (F) Multi-Family Residential Development
- (G) Public Recreation Facility
- (H) Schools

Land in a Residential Suburban district is used primarily for agriculture and single family residential.

Certain uses, other than agriculture and single family residential, may be allowed with a Certificate of Compliance.

Certain uses, other than agriculture and single family residential, may be allowed with a Conditional Use Permit.

SECTION 6. “TZ”, TRANSITION ZONE DISTRICT AND USES

Land in a Transitional Zone is used primarily for agriculture and single family residential.

Certain uses, other than agriculture and single family residential, may be allowed with a Certificate of Compliance.

Certain uses, other than agriculture and single family residential, may be allowed with a Conditional Use Permit.

6.1 Purpose and Scope.

The purpose of this district is to preserve lands immediately adjacent to areas served with public utilities which over time could ultimately become urban or suburban in nature.

6.2 Land Uses in Transitional Zone Districts.

(1) Primary Uses. The following are primary uses in the “TZ” zone.

- (A) Agriculture
- (B) Single Family Residential

(2) Uses with a Certificate of Compliance. The following uses are permitted in the “TZ” District after the issuance of a Certificate of Compliance:

- (A) Accessory Apartment
- (B) Agricultural Business - Seasonal
- (C) Essential Services–Government Uses, Building and Storage
- (D) Essential Services–Utility Substation
- (E) Home Occupation
- (F) Horse Training Facility, Commercial (less than 10 horses)
- (G) Horse Training Facility, Private (over 10 horses)
- (H) Place of Worship
- (I) Plant Nursery
- (J) Temporary Care Facility
- (K) Temporary Dwelling Unit–Construction
- (L) Temporary Farm Dwelling

(3) Uses with a Conditional Use Permit. The following uses are permitted in the “TZ” District after the issuance of a Conditional Use Permit:

- (A) Cemeteries
- (B) Community Residence
- (C) Golf Course
- (D) Horse Training Facility, Commercial (over 10 horses)
- (E) Livestock and Livestock Operations (over 11 animal units)
- (F) Multi-family Residential Development
- (G) Public Recreation Facility
- (H) Schools

Land in a Conservancy District contains either a valuable natural resource or other similar resource. The intent is to foster, preserve and promote sensitive development of this land.

SECTION 7. CONSERVANCY DISTRICT AND USES

7.1 Purpose and Scope.

The Conservancy District is established to provide special regulatory protection for those areas that either contain a valuable natural resource or other similar resource and to foster, preserve and promote sensitive development in these areas. Land within this district may be unsuitable for agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics.

7.2 Land Uses in the Conservancy District.

(1) **Primary Uses.** The following are primary uses in the Conservancy District:

- (A) Agriculture
- (B) Single Family Residential

(2) **Uses with a Certificate of Compliance.** The following uses are permitted in the Conservancy District after the issuance of a Certificate of Compliance:

- (A) Accessory Apartment
- (B) Agricultural Business–Seasonal
- (C) Essential Services–Government Uses, Building and Storage
- (D) Essential Services–Utility Substation
- (E) Home Occupation
- (F) Plant Nursery
- (G) Temporary Care Facility
- (H) Temporary Dwelling Unit–Construction
- (I) Temporary Farm Dwelling

(3) **Uses with a Conditional Use Permit.**

- (A) Recreation Uses–Passive

7.3 Performance Standards

(A) Land alteration and development shall not encroach on rare plant communities or endangered species identified in the Minnesota Department of Natural Resources County Biological Survey for Natural Communities and rare species.

(B) The impacts of land alteration and development on the existing wildlife and plant habitats shall be

minimized through site design, restoration and by maintaining continuity with those habitats on adjacent sites.

- (C) Land alteration and development shall minimize the impacts on the hydrological regime and water quality of surface water by using best management practices.

SECTION 8. “CI-R”, COMMERCIAL/LIGHT INDUSTRIAL - RURAL DISTRICT AND USES

This district is provided for Commercial/Light Industrial development where NO public sanitary sewer is available.

8.1 Purpose and Scope.

The purpose of this district is to provide an area for a general mix of commercial and light industrial businesses that are non-threatening to the environment. Public sanitary sewer is not available in this district.

There are no primary uses in the Commercial/Light Industrial - Rural District.

8.2 Land Uses in Commercial/Light Industrial - Rural Districts.

- (1) Primary Uses. There are no primary uses in Commercial /Light Industrial - Rural Districts.

Certain uses are allowed in CI-R districts with a Certificate of Compliance.

- (2) Uses with a Certificate of Compliance. The following uses are permitted in the “CI-R” District after the issuance of a Certificate of Compliance:

- (A) Bars & Taverns
- (B) Clubs/Lodges
- (C) Commercial Kennel
- (D) Essential Services–Government Buildings, Storage and Uses
- (E) Essential Services–Utility Substations
- (F) Funeral Homes
- (G) Home Occupations
- (H) Light Manufacturing
- (I) Medical Clinic
- (J) Office
- (K) Place of Worship
- (L) Plant Nursery
- (M) Restaurants
- (N) Retail Sales
- (O) Self-Storage Facility
- (P) Veterinary Clinic
- (Q) Warehousing and Distribution
- (R) Wholesale

Certain uses are allowed in CI-R districts with a Conditional Use Permit.

- (3) Uses with a Conditional Use Permit. The following uses are permitted in the “CI-R” District after the issuance of a Conditional Use Permit:
 - (A) Automotive Dealership
 - (B) Cemeteries
 - (C) Community Residence serving 7-16 patients
 - (D) Mining
 - (E) Motor Vehicle Repair
 - (F) Motor Vehicle Service Station
 - (G) Multi-Family Residential Development
 - (H) Plant Nursery, Commercial
 - (I) Public Recreation Facility
 - (J) Recreation Use–Active
 - (K) Recycling Center
 - (L) Schools
 - (M) Shopping Center
 - (N) Storage Facility
 - (O) Transportation/Motor Freight Terminal
 - (P) Wireless Communications Facility
 - (Q) Yard Waste Facility

SECTION 9. “CI-U”, COMMERCIAL/LIGHT INDUSTRIAL - URBAN DISTRICT AND USES

This district is provided for Commercial/Light Industrial development where public utilities will be provided.

- 9.1** Purpose and Scope.

The purpose of this district is to provide an area for a general mix of commercial and light industrial businesses where urban services would be provided to accommodate future uses.

There are no primary uses in the Commercial/Light Industrial - Urban District.

9.2 Land Uses in the Commercial/Light Industrial - Urban Districts.

Certain uses are allowed in CI-U districts with a Certificate of Compliance.

- (1) Primary Uses. There are no primary uses in Commercial /Light Industrial - Urban Districts.
- (2) Uses with a Certificate of Compliance. The following are permitted in the “CI-U” District after the issuance of a Certificate of Compliance:
 - (A) Bars and Taverns
 - (B) Clubs/Lodges
 - (C) Commercial Kennel
 - (D) Essential Services–Government Buildings, Storage and Uses
 - (E) Essential Services–Utility Substations
 - (F) Funeral Homes
 - (G) Home Occupations

Certain uses are allowed in the CI-U district with a conditional use permit.

- (H) Light Manufacturing
- (I) Medical Clinic
- (J) Office
- (K) Place of Worship
- (L) Plant Nursery
- (M) Restaurants
- (N) Retail Sales
- (O) Self-Service Storage Facility
- (P) Veterinary Clinic
- (Q) Warehousing and Distribution
- (R) Wholesale

(3) Uses with a Conditional Use Permit. The following uses are permitted in the “CI-U” District after the issuance of a Conditional Use Permit:

- (A) Automotive Dealership
- (B) Car Wash
- (C) Cemeteries
- (D) Community Residence serving 7 or more patients
- (E) Hotel/Motel
- (F) Mining
- (G) Motor Vehicle Repair
- (H) Motor Vehicle Service Station
- (I) Multi-Family Residential Development
- (J) Plant Nursery, Commercial
- (K) Public Recreation Facility
- (L) Recreational Use, Active
- (M) Recycling Center
- (N) Schools
- (O) Shopping Center
- (P) Transportation/Motor Freight Terminal
- (Q) Yard Waste Facility

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

PART 2
DENSITY AND LOT REQUIREMENTS

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*Commentary/Interpretive
Purposes Only*

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO

ZONING REGULATIONS

PART 2

DENSITY AND LOT REQUIREMENTS

This Part regulates the development of land located in the AP, A-1, A-2, A-4, RR, SFE, RS, TZ and Conservancy districts.

This Part regulates the development of residential land through the use of density and not minimum lot size and width zoning as found in traditional zoning ordinances. This approach provides flexibility to property owners by permitting three types of subdivision design: conventional, lot averaging and open space development.

- (1) The **conventional subdivision** plan divides property into lots according to the minimum lot size and width requirements for the zoning district.
- (2) The second technique, **lot averaging**, allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.
- (3) The third approach, **open space design**, also permits property owners to subdivide parcels into lots smaller than conventional subdivisions; however, the development must comply with certain design standards and a portion of the property must remain as common open space.

This Chapter does not apply to land located in the Shoreland Overlay District and Lower St. Croix River Bluffland and Shoreland Management District. The development of land within these districts shall be determined in accordance with Chapter Six, Shoreland Management Regulations and Chapter Five Lower St. Croix River Bluffland and Shoreland Management Regulations.

SECTION 1. DENSITY

Density is the number of dwelling units permitted per acre of land.

A quarter-quarter section is defined as a tract of land legally described as a full quarter-quarter or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.

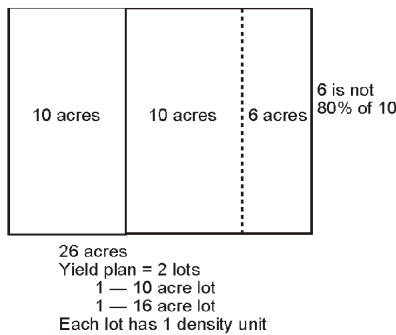
1.1 Density in Districts.

- (1) In the A-P District, the density of residential dwelling units shall not exceed one (1) dwelling unit per 40 acres or quarter-quarter section.
- (2) In the A-1 District, the density of residential dwelling units shall not exceed one (1) dwelling unit per 40 acres or quarter-quarter section.
- (3) In the A-2 District, the density of residential dwelling units shall not exceed two (2) dwelling units per 40 acres or quarter-quarter section.
- (4) In the A-4 District, the density of residential dwellings shall not exceed four (4) dwelling units per 40 acres or quarter-quarter section.
- (5) In the “RR” Rural Residential District, the density of residential dwelling units shall not exceed eight (8) dwelling units per 40 acres or quarter-quarter section.
- (6) In the “SFE” Single Family Estate District, the density of residential dwelling units shall not exceed 16 dwelling units per 40 acres or quarter-quarter section.
- (7) In the “RS” Residential Suburban District, the density of residential dwelling units shall not exceed four (4) dwelling units per 40 acres or quarter-quarter section where public sewer is not available. The density of residential uses may be greater than one dwelling unit per acre when public sewer serves the development, per Section 2.3 of this Part.
- (8) In the “TZ” Transition Zone District, the density of residential dwelling units shall not exceed one (1) dwelling unit per ten (10) acres. The density of residential dwelling units may be increased to four (4) dwelling units per ten (10) acres if a master subdivision plan is submitted and approved showing how each lot could be re-subdivided into lots meeting the minimum lot standards for residential suburban when public sewer becomes available.
- (9) In the “C” Conservancy District, the density of residential dwelling units shall not exceed two (2) dwelling units per forty (40) acres or quarter-quarter section.

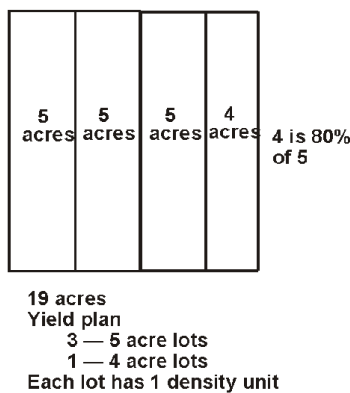
Density units are the number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this Development Code, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

Calculation Example:

A) 26 acres in the A-4 zone =
 $26 \times 4/40 = 104/40 = 2.6$ density units



B) 19 acres in the RR zone =
 $19 \times 8/40 = 152/40 = 3.8$ density units



1.2 Determination of Density Units

For the purposes of developing land for residential development, the maximum number of density units for any individual parcel shall be determined by applying the following steps:

- (1) The maximum number of density units for an individual parcel shall be calculated by multiplying the size of the parcel in acres by the maximum density per 40 acres for the district in which the parcel is located as set forth in Section 1.1 above then dividing this number by 40 to achieve the result.
- (2) In order to determine the allowable number of density units per parcel, a yield plan drawn to scale showing the maximum number of lots that would be permitted using the performance standards for lots in a conventional subdivision designed in accordance with the applicable sections of the zoning, subdivision, and other applicable regulations shall be prepared and submitted to the Zoning Administrator for review. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 percent of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as one lot for density computation purposes. The number of density units so determined shall constitute the parcel's maximum development potential.

1.3 Development Agreement

From and after the effective date of this Development Code, parcels subdivided shall be restricted by a development agreement specifying the number of density units amongst the lots or parcels being created, and the fact that the use and development and further subdivision of the parcels being created is subject to the regulations contained in the Washington County Development Code. The development agreement must be executed by the Washington County Board and may not be amended without the approval of the Washington County Board.

1.4 Transfer of Density Units

After the effective date of this Chapter, development agreements may be amended to reallocate density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) under common ownership; and 3) the reallocation of density units meets the criteria contained in this Chapter.

Conveyances shall have the meaning specified in Minnesota Statute 272.12.

1.5 Conveyance of Land

- (1) Prior to recording a conveyance of land which is less than the whole as charged on the tax lists maintained by the Washington County Auditor/Treasurer, the conveyance must first be approved by the Washington County Zoning Administrator for compliance with this Section.
- (2) Any conveyance of land which is less than the whole parcel of land as charged on the tax lists and found to be in violation of this section by the Washington County Zoning Administrator will be returned to the draftsperson and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Minnesota Statutes § 394.37.

SECTION 2. LOT REQUIREMENTS

2.1 In the Agricultural Preserves District (AP), the following lot requirements must be met.

- (1) Minimum Lot Size 40 acres
- (2) Minimum Frontage on a Public Road 300 feet
- (3) Maximum Lot Coverage 25%
- (4) Minimum Building Setbacks
 - (A) Front 40 feet
 - (B) Side 20 feet
 - (C) Rear 50 feet
- (5) Maximum Building Height 35 feet
- (6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

Lot requirements differ for the three types of subdivision design. For lot requirements in Open Space Design Development, please refer to Chapter Two, Part 3, Section 4.

2.2 In the Agricultural (A-1, A-2, A-4), Rural Residential (RR), Single Family Estates (SFE), and Transition (TZ) Districts, the following lot requirements must be met unless the parcel is part of an approved open space development.

- (1) Conventional Subdivision
 - (A) Minimum Lot Size

- 1. A-1 40 acres
- 2. A-2 20 acres
- 3. A-4 10 acres
- 4. RR 5 acres
- 5. SFE 2.5 acres
- 6. TZ 10 acres

(B) Minimum Frontage on a Public Road

- 1. A-1 300 feet
- 2. A-2 300 feet
- 3. A-4 300 feet
- 4. RR 300 feet
- 5. SFE 160 feet
- 6. TZ 300 feet

(2) Lot Averaging

(A) Minimum Lot Size 2 acres

(B) Minimum Frontage on a Public Road

- 1. 160 feet on parcels between 2 and 4 acres.
- 2. 300 feet on parcels greater than 4 acres.

(3) Maximum Lot Coverage 25%

(4) Minimum Building Setbacks

- (A) Front 40 feet
- (B) Side 20 feet
- (C) Rear 50 feet

(5) Maximum Building Height 35 feet

(6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

2.3 The following lot requirements must be met in the Residential Suburban (RS) District.

(1) Conventional Subdivision

(A) Minimum Lot Size:

- 1. with sewer 15,000 square feet
- 2. without sewer 10 acres

(B) Minimum Frontage on all Public Roads

- 1. with sewer 80 feet
- 2. without sewer 300 feet

(2) Lot Averaging

(A) Minimum Lot Size:

- 1. with sewer 15,000 square feet
- 2. without sewer 2 acres

(B) Minimum Frontage on all Public Roads

- 1. with sewer 80 feet
- 2. without sewer
 - (a) 160 feet on parcel 2 - 4 acres
 - (b) 300 feet on parcels greater than 4 acres

(3) Maximum Lot Coverage 25%

(4) Minimum Building Setbacks -

- (A) Front 30 feet
- (B) Side 10 feet
- (C) Rear 30 feet

(5) Maximum Building Height 35 feet

(6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

2.4 The following lot requirements must be met in the Conservancy District unless the parcel is part of an approved open space development.

(1) Conventional Subdivision

- (A) Minimum Lot Size 20 acres
- (B) Minimum Frontage on all Public Roads . . 300 feet

(2) Lot Averaging

- (A) Minimum Lot Size 2 acres
- (B) Minimum Frontage on all Public Roads
 - 1. 160 feet on parcels between 2 and 4 acres
 - 2. 300 feet on parcels greater than 4 acres

- (3) Maximum Lot Coverage 25%
- (4) Minimum Building Setbacks
 - (A) Front 40 feet
 - (B) Side 20 feet
 - (C) Rear 50 feet
- (5) Maximum Building Height 35 feet
- (6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

2.5 The following lot requirements must be met in the Commercial/Industrial-Rural (CI-R) District.

- (1) Minimum Lot size 2.5 acres
- (2) Minimum Frontage on all Public Roads 160 feet
- (3) Maximum Lot Coverage 65%
- (4) Minimum Building Setbacks -
 - (A) Front 40 feet
 - (B) Side 20 feet
 - (C) Rear 30 feet
- (5) Maximum Building Height 45 feet
- (6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

2.6 The following lot requirements must be met in the Commercial/Industrial-Urban (CI-U) District.

- (1) Minimum Lot Size 24,000 square feet
- (2) Minimum Frontage on all Public Roads 80 feet
- (3) Maximum Lot Coverage 65%
- (4) Minimum Building Setbacks -
 - (A) Front 30 feet
 - (B) Side 20 feet
 - (C) Rear 30 feet

- (5) Maximum Building Height 45 feet
- (6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.

WASHINGTON COUNTY DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 3
PERFORMANCE STANDARDS**

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*Commentary/Interpretive
Purposes Only*

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO

ZONING REGULATIONS

PART 3

PERFORMANCE STANDARDS

The performance standards established in this Part are designed to encourage a high standard of development. 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 all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

SECTION 1. DEVELOPMENT STANDARDS

General Standards apply to all lots or uses. These regulations must be met in addition to other specific regulations which may apply to the individual lot or proposed use.

1.1 General Standards

- (1) All lots or uses will be 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) All applicants for a certificate of compliance or conditional use permit in the commercial zones must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.
- (4) All applicants for a certificate of compliance or conditional use permit in the commercial/industrial-rural (CI-R) zone must demonstrate that a sewage treatment system can be installed in accordance with Chapter Four, Individual Sewage Treatment System Regulations. Water usage of

	<p>any proposed use must conform with the long term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.</p>
<i>Sloping or Erodible Building Sites</i>	(5) Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington County Soil and Water Conservation District.
<i>Encroachments into Setbacks</i>	(6) Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements: <ul style="list-style-type: none"> (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.
<i>Corner Lots</i>	(7) Corner Lots. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.
<i>Setbacks Along Arterials</i>	(8) Setbacks Along Arterials. The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Comprehensive Plan.
<i>Minimum Width and Foundations</i>	(9) Minimum Width and Foundations. In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except

	<p>for temporary dwellings permitted by Chapter Two, Part 3, Sections 2.29, 2.30 and 2.31 of this Development Code:</p> <ul style="list-style-type: none"> (A) The minimum width of the main portion of the structure shall be not less than 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.
<i>Code Compliance</i>	<ul style="list-style-type: none"> (10) 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 Individual 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.
<i>Buildable Land</i>	<ul style="list-style-type: none"> (11) Buildable Land. All new parcels created, which are not served by public sanitary sewer and not part of an approved open space design development, must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as: <ul style="list-style-type: none"> (A) land with a slope less than 25 percent, and (B) outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and (C) above any 100 year floodplain, drainageway, or drainage easement. <p>All new lots created which are served by public sewer must contain at least 3,200 square feet of buildable area as defined above. Property situated within Shorelands or the Saint Croix River district are also subject to the requirements in those Chapters.</p>
<i>Number of Structures</i>	<ul style="list-style-type: none"> (12) Number of Structures. There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Development Code.
<i>Prohibited Dwelling Units</i>	<ul style="list-style-type: none"> (13) Certain Dwelling Units Prohibited. No cellar, garage,

	<p>recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.</p>
<p><i>Occupancy of Single Family Dwelling</i></p>	<p>(14) Occupancy of a Single Family Residential Dwelling. No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.</p>
<p><i>Traffic Control</i></p>	<p>(15) Traffic Control. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas in all cases shall be forward moving with no backing into streets.</p>
<p><i>Vacated Streets</i></p>	<p>(16) 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.</p>
<p><i>Access Drives, Access & Service Roads</i></p>	<p>(17) Access Drives, Access and Service Roads. Access drives onto County roads shall require an access permit from the County Public Works Department. 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. The County Engineer, at his discretion, may refer a request for an access drive permit onto a County road to the Planning Advisory Commission for its recommendations.</p>
<p><i>Private Roads</i></p>	<p>(18) Private Roads. Private roads are not allowed in any new subdivisions created after the effective date of this Development Code. Existing lots of record on private roads will be subject to the Standards contained in Chapter One, Section 14.4 (1) (A).</p>
<p><i>Maximum Height</i></p>	<p>(19) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height, and wind generators. Wireless Communication Facilities are regulated in accordance to Chapter Two, Part 3, Section 2.35 of this Development Code.</p>
<p><i>Setbacks from Underground Pipelines</i></p>	<p>(20) Structures must be setback a minimum of 50' from an underground pipeline easement.</p>

Setbacks Along Unclassified Waterbodies

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

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.

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

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 over 1,000 square feet in size.
- (2) Performance Standards. The following standards apply in all districts.
 - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.
 - (B) An accessory structure shall be considered attached to the principal building if it is within six feet or less from the principal building.
 - (C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot 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) Agricultural (AP, A-1, A-2, A-4) and Residential (RR, SFE, RS, TZ) Districts. The following additional standards apply to all land within these districts:
 - (A) On parcels less than 2.5 acres, one accessory structure is allowed. On parcels greater than 2.5 acres and less than 20 acres, a maximum of two accessory structures are allowed. On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are an agricultural building. One single story shed of 120 square feet or less is permitted in addition to the accessory structures. All accessory structures shall be limited to one story in height.

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

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

Lot Area	Total Square Footage
Parcels less than 1 acre	720 sq. ft.
1 acre - 2.49 acres	1,000 sq. ft.
2.5 acres - 5 acres	2,000 sq. ft.
5.01 acres - 20 acres	2,500 sq. ft.
20.01+ acres	*unlimited

*provided they are agricultural buildings

(C) All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures.

(D) No land shall be subdivided so as to have a larger structure and/or exceed the total number of structures as permitted by this Development Code.

(E) Domestic Farm Animals. Accessory structures used to shelter domestic farm animals must 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 Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) 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 surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

4. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

(4) Commercial/Light Industrial Rural and Urban (CI-R and CI-U) District. The following additional standards shall apply in these districts:

(A) One accessory structure is allowed on a parcel in these districts provided it is used for storage related to the principal use of the property. No separate business is allowed in the accessory structure.

(B) The accessory structure must be placed to the rear of the principal building and conform with applicable setback requirements and lot coverage standards.

The purpose of these standards is to protect the environment.

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

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 this 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 2,000 gallons that are located on agricultural properties..

(C) Secondary containment shall be provided for hazardous materials which are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably

<p><i>Dry Fertilizers</i></p> <p><i>Dry Bulk Pesticides</i></p>	<p>sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank’s capacity.</p> <p>(D) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:</p> <ol style="list-style-type: none"> 1. Connect the floor drain to a closed holding tank, or; 2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources. <p>(E) The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well.</p> <p>(F) Hazardous materials stored in an above ground storage tank with containment must be setback a minimum of 100' from a water supply well.</p> <p>(G) Dry commercial fertilizers must not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.</p> <p>(H) Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.</p> <p>(I) Closed holding tanks shall be used for the collection of washwater from vehicle maintenance and other related operations.</p> <p>(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.</p> <p>(K) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.</p>
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Explosives

(L) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.

(2) Explosives. Uses involving the commercial storage, use or manufacture of materials or products which could detonate by decomposition are not permitted.

Radiation & Electrical Interference

(3) Radiation and Electrical Interference. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

Nuisances including noise, air, water pollution, vibration, public health nuisances, refuse, and inoperable vehicles

(4) Nuisances. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare dust or other such adverse influences shall be permitted in any district that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:

(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 shall be the standards applied in those areas.

(B) Vibration. The following vibrations are prohibited:

- 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 resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.

(C) Public Health. The following are declared to be nuisances endangering public health and are prohibited:

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.
2. Causing or allowing the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
3. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
4. Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety or welfare, or cause injury or damage to property or business.
5. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, 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

In all districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(E) Inoperable Vehicles

Passenger vehicles and trucks in an inoperable state shall not be parked in any districts, except in a location authorized as a vehicle reduction yard or

Hazardous Waste

The purpose of these standards is to protect the natural scenic beauty of roadsides along major highways and Washington County roads.

The purpose of this section is to establish regulations for fences.

enclosed building, for a period exceeding seven consecutive days.

- (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.

1.4 Exterior Storage Along Major Highways and County Roads

- (1) Applicability. These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District and in all districts to all property with frontage on a major highway or county road or within 1/4 mile of the major highway or county road.
- (2) Performance Standards.
 - (A) In all districts, 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.
 - (B) In commercial and industrial (CI-R and CI-U) districts, exterior storage of useable personal property along county roads may be permitted by conditional use permit provided any such property is so stored for purposes relating to a use of the property permitted by this Development Code and will not be contrary to the intent and purpose of this Development Code.

1.5 Fences

- (1) Applicability. These standards shall apply in the Shoreland Overlay District, St. Croix River Overlay District and on those properties which have frontage on a major highway or County Road.
- (2) General 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 shall be 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. No fence shall be constructed on public rights-of-way.
4. Fences shall not impede the 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.
6. Fences which exceed six (6) feet in height are permitted provided a building permit is received.
7. Fences may be placed along a property line provided no physical damage of any kind results to abutting property.
8. Fences on or within three (3) feet of the property line shall require a certificate of compliance.

(B) On properties located in the Shoreland Overlay District or St. Croix River District that either 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 on these properties.
2. Within the nonbuildable setback, fences shall be 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.

The purpose of these standards is to regulate the alteration or grading of land.

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 involving, directly or indirectly, the use of water within the community.

- (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, commercial or industrial, fences shall not exceed four (4) feet in height. Fences within the nonbuildable 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 shall be subject to the regulations of the local unit of government.

1.6 Land Alteration and Grading

- (1) Permit Required. Land alteration and grading of fifty (50) cubic yards or more and/or the disturbance of land area of 1,000 square feet or more shall be permitted with a grading permit. A permit is not required for the following: 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 a finished grade plan. The finished grade plan shall show no adverse affects 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.
 - (B) Grading permit applications will be reviewed by the Washington County Soil and Water Conservation District and may be reviewed, as deemed necessary by 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 if, in the judgement of the Zoning Administrator, significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. This plan shall be prepared by the Soil and Water Conservation District and shall contain specific recommendations regarding soil protection, preservation of vegetation and drainage patterns during the land alteration process.
 - (D) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the grading permit.
- (2) General Standards. The following general standards shall apply for grading, drainage and erosion control:
- (A) All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
 - (B) Slopes over twenty five percent (25%) (4:1) shall not be altered.
 - (C) Development on slopes with a grade between thirteen (13%) (8:1) and twenty five (25%) (4:1) 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 measures shall be coordinated with the different 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. The smallest practical area of land shall be exposed at any one period of time.

Erosion Control

- (F) The drainage system shall be constructed and operational as quickly as possible during construction.
- (G) Whenever possible, natural vegetation shall be retained and protected.
- (H) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading 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 prior to development.
- (I) When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed sixty (60) days. Said time period may be extended with approval of the Zoning Administrator provided measures have been established for erosion and sedimentation control.
- (J) The natural drainage system shall be used as far as 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, diversion of stormwater to marshlands or swamps shall be considered for existing and planned surface drainage. Wetlands used for stormwater shall provide for natural or artificial water level control. Storage areas or retention basins scattered throughout developed areas shall be 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) Exposed slopes shall not be steeper in grade than four (4) feet horizontal to one (1) foot vertical (25%).
- (B) Exposed slopes shall be protected by whatever means effective to prevent erosion considering 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 seedings of annual grasses.

Sediment Control

(C) Control measures, other than those stated above may be used in place of the above measures to control if it can be demonstrated that they will as effectively protect exposed slopes.

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

(A) Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may consist of silt fences or straw bale sediment traps.

(B) Temporary sediment basins or traps may be required to remove medium and large sized sediment particles from runoff and reduce discharge velocity.

(C) The Zoning Administrator may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on the tires of vehicles.

Restoration

(5) Restoration. All permits shall contain a restoration plan providing for the use of land after project completion. The following are minimum standards for restoration.

(A) All disturbed areas shall be restored at the completion of the project.

(B) All restoration shall include the application of a minimum of four (4) inches of a mineral topsoil or similar material that will support plant growth.

(C) Final grades shall be in conformity with the permit and topography of the surrounding land.

(D) If the land is to be restored to crop production, no slope shall exceed five (5) feet horizontal to one (1) foot vertical (20%).

(E) If the restoration is not for crop production, no grade shall exceed four (4) feet horizontal to one (1) foot vertical (25%).

(F) All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production.

(G) The standards in B, C, D and E above may be raised or modified to accommodate a specific restoration plan.

Floodplains

(6) Floodplains. Land alteration in floodplains shall also be in accordance with Floodplain regulations.

Public Waters

(7) Public Waters. No public water area shall be filled, partially filled, dredge, altered by grading, mining or disturbed in any manner 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.

Drainage

- (8) Drainage.
 - (A) No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of materials on adjacent properties or waterbodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area or other public facility.
 - (B) Upon inspection of any site which has created drainage problems or could create a drainage problem with proposed new development, the owner of said site or contractor may be required to complete a grading plan and apply for a grading permit.
 - (C) The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.
 - (D) On any slope in excess of thirteen percent (13%) (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.

Preservation of Natural Drainageways/Waterways

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

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 or 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 inadequately dispose

- of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.
- (B) The widths of a constructed waterway shall be sufficiently large 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) No fences or structures shall be constructed across the water way that will reduce or restrict the flow of water.
 - (D) The banks of the waterway shall be protected with permanent turf vegetation.
 - (E) The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical.
 - (F) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks and waterway.
 - (G) The bed of the waterway should be protected with turf or sod. If turf or sod will not function properly, rip rap may be used. 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 nor 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. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Rip rap would be allowed to prevent erosion at these points.
 - (I) Flow velocity should be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structures.
 - (J) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
 - (K) Temporary pervious sediment traps could 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 would serve as temporary sediment control features during the construction state 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 consist of sediment basins (debris basins, desiltation basins or silt traps) and 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 this Development Code.
- (N) Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- (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 on the erosion and sediment control system.

The purpose of this section is to establish standards for the clearing of land in areas of 20,000 square feet or more.

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.

1.7 Land Clearing

- (1) Required Permits: Land clearing on an area of 20,000 square feet or more is permitted in all districts, except the “C” Conservancy District, provided a Certificate of Compliance is issued. A permit is not required for clearing trees and other woody plants in an area less than 20,000 square feet, 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) There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River 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 may be required to be placed at the perimeter of the area to be cleared.
- (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 mineral soil or similar material that will support plant growth.
 3. All restored areas shall be seeded with a mixture recommended by the soil and Water 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.

The purpose of this section is to create standards for outdoor lighting so that it does not interfere with the reasonable use and enjoyment of property within the County and with astronomical observations. It is the intent of this 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).

5. The standards above may be raised 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

(1) Exemptions. The standards of this section shall not apply to the following:

(A) Temporary holiday lighting. This Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

(B) Civic Event Lighting. This 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 airplanes.

(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 are exempt from the regulations contained in this Section.

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

(3) Method of Measuring Light Intensity. The footcandle level of a light source shall be taken after dark with the light meter held 6" 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.

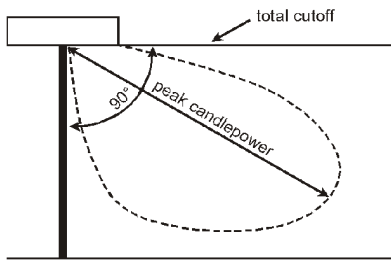


Figure 1 Cutoff Angle

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.

Footcandle: a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

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

(4) Performance Standards.

(A) Residential/Agricultural District Standards. In all residential/agricultural districts, 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 so as not to light adjacent property in excess of the maximum intensity defined in Section 1.8 (4)(A)2. Bare light bulbs shall not be permitted in view of adjacent property or public right of way.
2. Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.

(B) Commercial and Industrial Districts: 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 property or from the public street.

1. Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of 90 degrees or less.
2. Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.
3. Height: The maximum height above the ground grade permitted for light sources mounted on a pole is 25' except by conditional use permit. A light source

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 shall included, but are not limited to search, spot, and flood lights for: buildings and structures; 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).

mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.

- 4. Location: The light source of an outdoor light fixture shall be setback a minimum of 10' from a street right of way and 5' from an interior side or rear lot line.
- 5. Hours: The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting. For those businesses which offer services after dark, outdoor lighting may be utilized during the night time hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

(C) Outdoor Recreation: Outdoor recreational uses such as, 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 shall be required for all new outdoor lighting fixtures which do not meet the regulations stated above.

- 1. No outdoor recreation facility whether or public or private shall be illuminated after 11:00 PM unless the lighting fixtures conform to this Development Code.
- 2. Off street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in Section 1.8 (4)(B)2.

(5) Prohibitions. The following outdoor light fixtures are prohibited within Washington County:

- (A) Search Lights shall not be used between 11:00 PM and sunrise

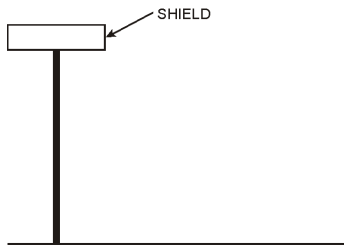


Figure 2 Shielding

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.

The purpose of this section is to establish parking standards.

Surface & Drainage

Location

(B) Flashing Lights

(6) Submission of Plans. The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this 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) Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface 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.

General Standards

(C) Spaces accessory to uses located in Commercial/Industrial-Rural (CI-R) District and Commercial/Industrial-Urban (CI-U) District shall be on the same lot as the principal building. Parking as required by the Americans With Disabilities Act (ADA) for the handicapped shall be provided.

(D) Spaces accessory to commercial/industrial use shall be setback ten (10) feet from any street right-of-way or any property line.

(3) General Provisions.

(A) Existing off-street parking spaces and loading spaces upon the effective date of this Development Code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

(B) No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall 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 not be less than 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 depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use 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 capacity for each dwelling unit. Under no

circumstances shall required 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 would be 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) When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and 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 in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.
- (H) Off-street parking spaces required shall be as follows for:

Required Off-Street Parking Spaces

Multiple Dwelling Units	Two (2) spaces per dwelling unit. At least one-half (1/2) of the required spaces shall be enclosed.
Place of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity.
Offices	One (1) space for each two hundred (300) square feet of gross floor space.
Hotel, Motel	One (1) space per unit, plus one (1) space per employee.

Schools, Elementary & Junior High	Three (3) spaces for each classroom.
Schools, High School through College	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.
Community Residence	One (1) space for each bed plus one (1) space for each three (3) employees other than doctors.
Health Club	One (1) space for each 200 feet of floor area.
Bowling Alley	Six (6) spaces for each alley, plus additional spaces as may be required for related uses such as a restaurant.
Motor Vehicle Service Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
Medical or Dental Clinic	Six (6) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns or Night Clubs	One (1) space for each two and one-half (2½) seats, based on capacity design.
Funeral Homes	Eight (8) spaces for each chapel or parlor, plus one (1) space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
Furniture Store, Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each one thousand (1,000) square feet of gross floor area. Open sales lots shall provide two (2) spaces for each five thousand (5,000) square feet of lot area, but not less than three (3) spaces.
Industrial, Warehouse, Storage, Handling of Bulk Goods	One (1) space for each two (2) employees on employees on maximum shift or one (1) for each two thousand (2,000) square feet of gross floor area, whichever is the larger.

Design & Maintenance of Parking Areas in Commercial Districts

Marinas	One and one-half (1½) 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.

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

- (4) Design and Maintenance of Off-Street Parking Areas in Commercial/Industrial-Rural and Commercial and Industrial-Urban Districts.
 - (A) Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than 24 feet in width. Driveway access shall be so located as to cause the least interference with traffic movement.
 - (B) When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
 - (C) Any lighting used to illuminate an off-street parking area shall be in accordance with Chapter Two, Part 3, Section 1.8 of this Development Code.
 - (D) All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten (10) feet from the side property line.
 - (E) When a required off-street parking space for six (6) or more cars is located adjacent to a residential district, a fence or screening not less than four (4) feet in height shall be erected along the residential district property line.
 - (F) It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.

The purpose of this section is to protect and buffer adjacent uses.

- (G) All off-street parking spaces shall have access from driveways and not directly from the public street.
- (H) No parking space shall be closer than ten (10) feet to any building.
- (I) Fire access lanes shall be provided as required by the building or fire code.

1.10 Screening

- (1) Applicability. These standards apply to commercial/industrial, nonresidential uses.
- (2) Performance Standards.
 - (A) Screening shall be required when:
 1. Any nonresidential commercial-industrial off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of a residential use.
 2. Where the driveway to a nonresidential parking area of more than six (6) parking spaces is within fifteen (15) feet of a residential use.
 - (B) Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front.
 - (C) All exterior storage in commercial/industrial areas shall be screened. The exceptions are (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; and (3) merchandise located on service station pump islands.
 - (D) The screening required in this section shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

The purpose of this section is to protect the natural scenic beauty 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.

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

Sign, Business: A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

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, Identification: A sign which identifies the inhabitant of the dwelling.

Sign, Motion: A sign that has revolving parts or signs which produce moving effects through the use of illumination.

1.11 Signs

- (1) Nonapplicability. 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 this Development Code, no sign shall be erected, constructed, 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. No permit will be required under this 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) Real estate sale signs under nine (9) square feet in area.
 - (C) Political signs.
 - (D) Warning signs which do not exceed nine (9) square feet in area.

If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

- (3) Signs by Conditional Use Permit. Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this Development Code.
- (4) General Standards.
 - (A) No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
 - (B) All signs, other than public utility warning signs, are prohibited within the public right-of-way of any major highway, County road or other county property.

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, Shopping Center or Industrial Park: A business sign designating a group of shops or offices.

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

(C) Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.

(D) Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any major highway or county road. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or county roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this section.

(E) Flashing signs shall be prohibited. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are also prohibited.

(F) Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.

(G) Real estate development project sales signs may be erected for the purpose of selling or promoting a single family or multiple family residential project. The plat of the development must be recorded with the Washington County Recorder prior to the erection of a sign. Signs are subject to the following standards.

1. Such signs shall not exceed one hundred (100) square feet in area.
2. Only one (1) such sign shall be erected on each county road frontage with a maximum of three (3) such signs per project.
3. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.
4. Such signs over thirty-two (32) square feet shall only be permitted by a sign permit.
5. Such sign must be located on the property which is for sale. Off-site development project signs are prohibited.

- (H) One development identification sign shall be allowed for each street entrance to a development or municipality. The sign shall not exceed thirty-two (32) square feet per surface and no sign shall 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 in any district.
- (J) Roof signs are prohibited in all districts.
- (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. No electrically illuminated signs shall be permitted in an residential or agricultural district.
- (L) Advertising signs are allowed only in the Commercial/Industrial-Rural (CI-R) or Commercial Industrial-Urban (CI-U) Districts and shall not be located closer than three thousand (3,000) feet to any other sign on the same side of a road. The maximum size of an advertising sign shall not exceed 200 square feet. All advertising signs shall require a Conditional Use Permit (CUP).
- (M) Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
- (N) Except for more restrictive parts of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:
1. Which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet.
 2. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state or local park, or historic site.
 3. Which would partly or totally obstruct the view of a lake, river, rocks, wooded, area, stream or other point of natural and scenic beauty.

- (O) Any sign for which no permit has been issued shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the Zoning Administrator.
 - (P) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and 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.
 - (Q) If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
- (5) Signs in Agricultural Districts/Residential & Transition Districts. Identification, real estate sales, development identification and political signs are the only signs permitted in an agricultural district, residential district or transition district.
- (A) No sign shall be so constructed as to have more than two (2) surfaces.
 - (B) One (1) of each of the permitted type signs, one (1) political sign for each candidate will be permitted.
 - (C) No sign shall exceed thirty-two (32) square feet in size.
 - (D) The top of the display 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. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.
- (6) Signs in Commercial/Industrial-Rural (CI-R) and Commercial/Industrial-Urban (CI-U) Districts.
- (A) Business, political, development identification and real estate sales signs are permitted. Advertising signs are allowed by conditional use permit only.

- (B) Number of each type of sign allowed per lot frontage:
1. One (1) advertising sign on any lot having a frontage of one hundred fifty (150) feet or more provided standard;
 2. One (1) real estate sales sign;
 3. One (1) political sign for each candidate; and
 4. One (1) freestanding business sign (either pedestal or ground sign) and one (1) business sign attached to the building.
- (C) Except as provided herein, the total square footage of sign area for each lot shall not exceed two (2) square feet of sign area for each lineal foot of lot frontage. No sign shall exceed two hundred (200) square feet in area. Each real estate sales sign or political sign shall not exceed thirty-five (35) square feet in area.
- (D) The top of the sign shall not exceed twenty-five (25) feet above the average grade.
- (E) Any sign over six (6) square feet shall be setback at least ten (10) feet from any property line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line.
- (7) Signs in Planned Unit Development Districts or 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.
- (8) Shopping Center Signs.
- (A) Shopping Centers or buildings containing more than one (1) tenant are allowed one (1) freestanding ground or pedestal sign which may contain the names of all businesses in the project. Individual businesses may be identified by way of signs attached to the building. The total square footage of sign area may not exceed the limits set forth in 6C above.

(B) Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.

(9) Home Occupation. Any home occupation along a county road and permitted under Chapter Two, Part 3, Section 2.13 of this Development Code shall be allowed a sign no greater than nine (9) square feet in size.

SECTION 2. STANDARDS FOR USES

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.

2.1 Accessory Apartments

(1) Required Permits. Accessory apartments are allowed in the Agricultural districts (AP, A-1, A-2, A-4), Conservancy district, Rural Residential district (RR), Single Family Estate (SFE), Residential Suburban district (RS), and Transition Zone (TZ) with a Certificate of Compliance.

(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) There shall be no more than one accessory apartment within the single family dwelling unit.

(B) The structure in which an accessory apartment is located shall be owner occupied.

(C) No separate curb cut shall be permitted for the accessory apartment unit.

(D) The certificate of compliance will be reviewed annually. The owner shall obtain a certificate of compliance once a 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.

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 establishes regulations for the location of automotive dealerships within the County.

An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, fuel dispensing, and the rental of vehicles.

2.2 Agricultural Business - Seasonal

- (1) Required Permits. Agricultural Business - Seasonal is allowed in the Agricultural Districts (AP, A-1, A-2, A-4), Conservancy District, Rural Residential District (RR), Single Family (SFE), and Transition Zone (TZ), with a certificate of compliance.
- (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. No sale of product shall take place on 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 100 square feet.
 - (C) If deemed necessary by the Zoning Administrator, off-street parking may be required.
 - (D) All structures, including temporary structures shall meet the minimum setback requirements of the zone in which it is located.
 - (E) The certificate of compliance shall be reviewed annually.

2.3 Automotive Dealership

- (1) Required Permits. A conditional use permit is required for automotive dealerships in the Commercial/Industrial-Rural (CI-R) and the Commercial/Industrial-Urban (CI-U) districts.
- (2) Other Requirements. Automotive dealerships must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Automotive dealerships must comply with all of the following standards:
 - (A) A minimum lot area of two and one-half (2½) acres is required.

- (B) A minimum lot width of 150 feet is required.
- (C) Automobile sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.
- (D) The parking area for the outside sales and storage area shall be hard-surfaced before the operation of business begins and maintained to control dust, erosion and drainage.
- (E) The maximum area permitted for outside storage of automobiles, new and used, shall not exceed five (5) square feet of outside storage area to each one (1) square foot of enclosed ground floor area. Each space used for the parking of a “for sale” automobile shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.
- (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be a nominal six (6) inches in height.
- (G) All areas of the property not devoted to building or parking areas shall be landscaped.
- (H) If the automotive dealership is located in the Commercial/Industrial-Urban District, a car wash may be included as an accessory use.

(4) A grading and drainage plan identifying the collection, retention and drainage of stormwater shall be submitted to the Zoning Administrator, Watershed District and the Washington County Soil and Water Conservation District at the time of application.

(5) A transportation management plan shall be submitted to the Zoning Administrator at the time of application. This plan shall address the interior street system, parking management, traffic control, including the mitigation of overflow parking and traffic movement onto the public street system.

The purpose of this section is to establish standards for the location of commercial balloon ports.

2.4 Balloon Ports - Commercial

(1) Required Permits. A commercial hot air balloon port is allowed following the issuance of a conditional use permit in the Agricultural and Rural Residential Districts.

A Balloon Port is defined as an area of land designated for the take-off, storage and maintenance of hot air balloons on a commercial basis.

- (2) Other Requirements. The commercial balloon port must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. A commercial hot air balloon port must meet all of the following:
 - (A) The take-off area must be at least 20' from any property line.
 - (B) Minimum lot size requirement is ten acres.
 - (C) The minimum lot width required is 300'.
 - (D) Uses accessory to commercial hot air balloon ports which include but are not limited to office, storage of equipment and vehicles are permitted. Accessory structures are limited to a maximum of 2500 square feet.

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.

2.5 Bed and Breakfast

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 than ten (10) persons.

- (1) Required Permits. Bed and breakfast facilities are permitted in Agricultural and Residential Districts with a conditional use permit.
- (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 all of the following requirements:
 - (A) It is intended that bed and breakfast facilities be a converted or a renovated single family residences and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast facility; no existing structure shall 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.

This section provides regulations for car wash facilities.

A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

The purpose of this section is to regulate the locations of cemeteries within the unincorporated areas of the County.

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.

- (D) No food preparation or cooking shall be conducted within any of the guest rooms. The only meal to be provided to guests shall be morning breakfast, and it shall only be served to guests taking 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.

2.6 Car Wash

- (1) Required Permits. A car wash is permitted in the Commercial/Industrial-Urban District with a conditional use permit.
- (2) Other Requirements. The car wash must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. A car wash must comply with all of the following requirements:
 - (A) The site shall be designed to provide additional parking or car stacking space to accommodate that number of vehicles which can be washed during a 15 minute period.
 - (B) The car wash shall be serviced with a public sanitary sewer system.

2.7 Cemeteries

- (1) Required Permits. An approved conditional use permit is required for cemeteries in the Agricultural Districts (A-1, A-2, A-4), Rural Residential District (RR), Single Family Estate (SFE), Residential Suburban District (RS), Transition Zone (TZ), and Commercial - Industrial Zones (CI-R, CI-U).
- (2) Other Requirements. Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Cemeteries must comply with all of the following standards.

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.

Mausoleum: A structure or building for the entombment of the dead in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes.
Accessory Use. In Commercial/Industrial-Rural Districts (CI-R) and Commercial/Industrial-Urban Districts (CI-U), funeral homes and crematories are accessory uses to cemeteries.

The purpose of this section is to provide reasonable accommodations for persons with a developmental disability in accordance with the Federal Fair Housing Act.

Definition. A Community Residence is defined as a facility providing residential and habilitative services to persons with developmental disabilities licensed by the State of Minnesota. One density unit shall be attributed to this residence when calculating density.

- (A) The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.
- (B) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
- (C) Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.
- (D) Graves and structures used for interment shall be setback 50 feet from wells.
- (E) Cemeteries are prohibited below the regulatory flood protection elevation as defined in Chapter Nine, Flood Plain Regulations, of this Development Code.

2.8 Community Residences

- (1) **Required Permits.** A community residence serving 1 to 6 individuals and appropriate staff shall be allowed in all Residential and Agricultural districts. A community residence serving 7 to 16 individuals and appropriate staff shall be allowed with a conditional use permit in the SFE, RS, Commercial/Light Industrial Rural and Urban districts. A community residence serving over 16 individuals and appropriate staff shall be allowed with a conditional use permit in the Commercial/Light Industrial - Urban district.
- (2) **General Requirements.**
 - (A) All appropriate licenses must be obtained from State and County agencies.
 - (B) The outward appearance of any dwelling unit used for a community residence in the Agricultural and Residential districts shall be maintained.
 - (C) No community residence shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.

The purpose of this Development Code is to provide regulations for the establishment of essential services.

An Essential Service - Government Uses, Buildings and Storage is defined as an area of land or structures used for public purposes, storage or maintenance owned or leased by a governmental unit.

The purpose of this section is to establish regulations for utility substations.

- (3) Performance Standards. In order to obtain a conditional use permit for a community residence serving 7 to 15 individuals, the following standards must be met.
 - (A) Off-street parking standards of this Development Code must be met.
 - (B) Adequate utilities including sewage disposal must be available.
 - (C) All building and fire codes must be met.
 - (D) Community residences shall not be closer than 1,000' to each other.
 - (E) The Planning Commission may impose additional conditions related to landscaping, access, security, sanitary sewer and admission policies if deemed necessary.
 - (F) The Planning Commission may require periodic review of the conditional use permit.

2.9 Essential Services - Government Uses, Buildings and Storage

- (1) Required Permits. Essential services - government uses, buildings and storage are allowed in all zoning districts with a certificate of compliance.
- (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 all of the following standards:
 - (A) The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.
 - (B) Structures must be setback in accordance with the required setbacks of the zoning district.
 - (C) The site shall be landscaped to screen the facility from view from property lines and road.

2.10 Essential Services - Utility Substation

- (1) Required Permits. Essential services - utility substations are allowed in all zoning districts with a certificate of compliance.

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.

The purpose of this section is to provide for the location of funeral homes in the unincorporated areas of the County.

Funeral Home: A building or part thereof used for funeral services. Such buildings may contain space and facilities or: a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral supplies; and c) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted,

- (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 all of the following standards.
 - (A) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.
 - (B) The approved lot, if no longer needed or used by the utility, the applicant shall return the property to its original state. The zoning administrator may require a bond to ensure compliance with this standard.
 - (C) A certificate of compliance 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 road.
 - (E) Utility Substations or any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, Section 2.36 of this Development Code.

2.11 Funeral Homes

- (1) Required Permits.
 - (A) In the Commercial/Industrial - Rural (CI-R) District, funeral homes that do not contain facilities for the embalming, cremation and performance of other services used in the preparation of the dead for burial are permitted with a certificate of compliance.
 - (B) In the Commercial/Industrial - Urban (CI-U) District, funeral homes and crematories are permitted with a certificate of compliance.
- (2) Other Requirements. All rules and regulations of federal, state, county and local authorities must be met.

a funeral chapel shall also be permitted.

Crematorium or Crematory:

Where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

This section establishes provisions for the location and design standards of 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.

The purpose of this section is to allow for home occupations that

- (3) Accessory Use. In Commercial/Industrial-Rural Districts (CI-R) and Commercial/Industrial-Urban Districts (CI-U), funeral homes and crematories are accessory uses to cemeteries.
- (4) Performance standards. Funeral homes shall meet all the required performance standards established for the underlying zoning district.

2.12 Golf Courses

- (1) Accessory Uses. Accessory uses to a golf course 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 Permits. Golf courses are permitted in the Agricultural Districts (AP, A-1, A-2, A-4), Rural Residential District (RR), Single Family Estate (SFE), Residential Suburban (RS) and Transition Zone (TZ) with a conditional use permit.
- (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 all of 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 at the facility.
- (5) A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. Washington County will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

2.13 Home Occupations

demonstrate compatibility with the neighborhoods in which they exist.

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

- (1) Required Permits. Home occupations are allowed in all districts. Home occupations must meet the performance standards for home occupations and are required to obtain a certificate of compliance.
- (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 all of the following standards:
 - (A) No person, other than the residents of the premises, shall be engaged in such home occupation.
 - (B) No traffic shall be generated by any home occupation in greater volume than would normally be expected from a single family residence.
 - (C) Any sign associated with the home occupation shall be in compliance with Chapter Two, Part 3, Section 1.11 of this Development Code.
 - (D) The 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) The home occupation shall not constitute, create or increase a nuisance to the criteria and standards established in Chapter Two, Part 3, 1.3 (3) and (4).
 - (G) There shall be no outdoor display or storage of goods, equipment or materials for the home occupation.
 - (H) Parking needs generated by the home occupation shall be provided on-site.

The purpose of this section is to regulate horse training structures and their use.

*Horse Training Facility,
Commercial: The use of an accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show and training.*

*Horse Training Facility,
Private: The use of an accessory building incidental to the existing dwelling unit in which horses owned by the property owner are kept for private use and training.*

2.14 Horse Training Facilities

- (1) **Required Permits.** Horse training facilities are allowed in the Agricultural (AP, A-1, A-2, A-4) Single Family Estate (SFE), Rural Residential (RR), Residential Suburban (RS) and Transition Zone (TZ) Districts. A certificate of compliance shall be required for private horse training facilities of ten horses or more and commercial horse training facilities of less than ten horses. Commercial horse training facilities of ten or more horses shall obtain a conditional use permit.
- (2) **Other Requirements.** A horse training facility must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) **General Standards.** Horse training facilities must comply with all of the following standards:
 - (A) Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in Chapter Two, Part 3, Section 1.2, Accessory Structures, of this Development Code.
 - (B) Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
 - (C) All horse training facilities must meet the animal density per acre and livestock operation requirements of Chapter Two, Part 3, Section 2.17 of this Development Code.
 - (D) All accessory buildings must meet the requirements for size as indicated in Chapter Two, Part 3, Section 1.2, Accessory Structures of this Development Code.
 - (E) A manure management plan may be required by the zoning administrator or planning advisory commission.
- (4) Horse training facilities are considered accessory to residential or farm dwellings.
- (5) Private horse training facilities of 10 horses or more must meet the following standard: Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.

- (6) Commercial horse training facilities must meet all of the following standards:
 - (A) One full time employee for the horse training facility may reside at the property, including the stable. Living quarters for the employee must meet the standards of the Uniform Building Code of Minnesota.
 - (B) Every commercial horse training facility, or portion thereof, where the public is served shall be provided sanitary facilities in accordance with the regulations of the Uniform Building Code of Minnesota and Washington County Individual Sewage Treatment System Regulations.
 - (C) The property owner of land to be used for a horse show must provide information on traffic volume, number of participants, sanitary service, and human and animal waste disposal.

This section establishes provisions for the location of commercial kennels within the County.

A commercial kennel is any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale. This term does not include pet shops or veterinary establishments.

2.15 Kennels-Commercial

- (1) Required Permits. In the Agricultural Districts (AP, A-1, A-2, A-4) a conditional use permit is required for commercial kennels. In the Commercial/Light Industrial-Rural District (CI-R) and the Commercial/Light Industrial-Urban District (CI-U) a certificate of compliance is required for commercial kennels.
- (2) Other Requirements. Commercial kennels must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Commercial kennels must comply with all of the following standards.
 - (A) The minimum lot area required for commercial kennel is five (5) acres.
 - (B) Any outdoor structures used for the confinement, care or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.
 - (C) An individual sewage treatment system shall be installed with the capacity to handle waste and hosing from the kennel and kennel runs.

The purpose of this section is to establish standards regulating light manufacturing facilities.

Light manufacturing is a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Such uses include, but are not limited to, the following: lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, general vehicle repair, body work and painting, contractor shops and storage yards, food and non-alcoholic beverages, signs and displays, printing, clothing, textiles and used auto parts.

The purpose of this section is to protect the County's valuable groundwater and surface water resources by establishing minimum regulations and a permitting process for livestock operations.

Animal Unit: A unit of measure used to compare differences in the production of

2.16 Light Manufacturing

- (1) Required Permits. A certificate of compliance is required for light manufacturing facilities in the Commercial/Industrial-Rural (CI-R) and the Commercial/Industrial-Urban districts (CI-U).
- (2) Other Requirements. Light manufacturing facilities must comply with all rules and regulations of Federal, State, County and Local agencies.
- (3) Performance Standards. Light Manufacturing facilities must comply with the following standards:
 - (A) Exterior Storage is permitted as an accessory use to the permitted use provided it meets the following standards:
 - 1. The exterior storage area must be located to the rear of the building.
 - 2. The exterior storage area must be fenced and screened from view of Federal, State, County Roadways and all property lines.
 - (B) The light manufacturing facility may contain a retail sales room provided it meets the following standards:
 - 1. Retail sales are limited to those products which are produced by the manufacturing use.
 - 2. Retail sales use shall not occupy more than twenty (20) percent of the light manufacturing building.
 - (C) All loading and unloading areas to the facility shall be located on the side or rear of the building provided these areas are screened from view of Federal, State and County highways.

2.17 Livestock and Livestock Operations

- (1) Required Permits.
 - (A) In all districts, livestock may be raised or bred without a permit provided there are less than eleven (11) animal units on the property.
 - (B) Any person owning or conducting a livestock operation containing over eleven (11) animal units

animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered to be a feedlot.

Livestock Operations: A lot or building or combination of lots and buildings intended for the breeding, raising or holding of eleven (11) or more animal units.

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 and pleasure.

Pastures: 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.

Legal nonconforming livestock operations may expand their operations in volume without obtaining the required permits, provided the number of animal units complies with the provisions of this section. If the livestock operation expands in terms of land area, the operator is required to comply with the provisions of the Development

in the AP, A-1, A-2, A-4 districts shall obtain a certificate of compliance.

(C) Any person owning or conducting a livestock operation with eleven (11) or more animals units in the RR, SFE, RS and TZ districts shall obtain a conditional use permit.

(2) Other Requirements. Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:

(A) No livestock shall be placed on any site of less than five (5) acres.

(B) Required Setbacks.

1. The following shall be the minimum setback requirements for feedlots.

- (a) County Parks 300 feet
- (b) DNR protected water course or lake 300 feet
- (c) Wetlands 75 feet
- (d) Private Well 100 feet

Code and shall obtain a permit as required by the Development Code.

(C) The following equivalents shall apply when determining animal units:

	Animal Units
1. one mature dairy cow	1.4
2. one slaughter steer or heifer	1.0
3. one horse	1.0
4. one swine over 55 pounds	0.4
5. one goose or duck	0.2
6. one goat or sheep	0.1
7. one swine under 55 pounds	0.05
8. one turkey	0.018
9. one chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

(D) A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent. Grazable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

(E) The construction of an earthen waste storage basin is permitted provided a certificate of compliance is issued.

1. The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.

This section establishes provisions for the location of motor vehicle repair establishments within the County in a manner that does not adversely impact adjacent properties and protects the environment.

*Motor Vehicle Repair -
Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.*

*Motor Vehicle Repair -
Minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair - Major."*

2. The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from the Washington County Soil and Water Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

(F) Pastures. Livestock may graze within shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the County Zoning Administrator which is consistent with the technical guides of the Washington County Soil and Water Conservation District.

2.18 Motor Vehicle Repair

- (1) Required Permits. A conditional use permit is required for motor vehicle repair establishments in the Commercial/Light Industrial-Rural District and the Commercial/Light Industrial-Urban District.
- (2) Other Requirements. Motor vehicle repair establishments must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Motor vehicle repair establishments must comply with all of the following standards.
 - (A) Lots and structures utilized for motor vehicle repair must meet the minimum standards of the zoning district in which the use is located.
 - (B) A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the zoning administrator.
 - (C) The entire site, other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion and drainage.
 - (D) Location and number of access driveways shall be approved by the county engineer if such establishment is located along a county road and

by the local township engineer if located along a township road.

- (E) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a conditional use permit. Storage of salvage vehicles shall be prohibited.
- (F) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar times shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- (G) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the zoning administrator at the time of application for a conditional use permit.

This section establishes provisions for the location of motor vehicle service stations within the County in a manner that does not adversely impact adjacent properties and protects the environment.

Motor Vehicle Service Station: A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

Motor Vehicle Repair-Minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight. This definition excludes operations defined under "Motor Vehicle Repair-Major".

2.19 Motor Vehicle Service Station

- (1) Required Permits. A conditional use permit is required for motor vehicle service stations in the Commercial/Light Industrial-Rural District and the Commercial/Light Industrial-Urban District.
- (2) Other Requirements. Motor vehicle service stations must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Service stations must comply with all of the following standards.
 - (A) A minimum of lot width of 150 feet is required.
 - (B) The setbacks of all buildings, canopies and pump islands shall be in compliance with the standards of the zoning district in which the use is located.
 - (C) A drainage system for collection of hazardous materials must be installed. Such installation is subject to approval by the zoning administrator.
 - (D) The entire site other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion and drainage.

- (E) Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
- (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be six inches in height, except at approved entrances and exits.
- (G) Access Drives onto a county road must be approved by the county engineer. Access drives onto a township road must be approved by the local town engineer.
- (H) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a conditional use permit. Storage of salvage vehicles shall be prohibited.
- (I) Exterior storage shall be limited to vehicles, service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise or as indicated by the conditional use permit.
- (J) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- (K) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the zoning administrator at the time of application for a conditional use permit.

The purpose of this section is to provide for the establishment and use of Multifamily Residential Developments.

A Multifamily Residential Development is defined as a development with one or more residential buildings containing two or more dwelling units.

2.20 Multifamily Residential Developments

- (1) Required Permits. Multifamily residential developments are permitted in all districts with a Conditional Use Permit.
- (2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.
- (3) Performance Standards. All multifamily residential developments must meet the following standards.

- (A) There shall be no more than six (6) dwelling units in each structure.
- (B) The number of dwelling units shall not exceed the maximum density for the zoning district in which the development is located.
- (C) If the area is not served by public sewer and public water, the development must be able to meet all on-site septic requirements and all standards for the provision of safe drinking water to the residents of the development.
- (D) Setbacks.
 - 1. All structures shall meet the minimum setback requirements for the zone in which it is located.
 - 2. The distance between principal structures shall be a minimum of thirty (30) feet.
 - 3. A buffer of fifty (50) feet shall be provided between the lot line of single family residential lot and the multi-family structure. This buffer shall be landscaped with a combination of berms, deciduous and/or coniferous trees to screen the multifamily residential development from the single family residential uses.
- (E) A transportation management plan shall be submitted to the zoning administrator at the time of application. This plan shall address the interior street system, parking management, traffic control, including the mitigation of overflow parking and traffic movement to the public street system.
- (F) A grading and drainage plan identifying the collection, retention and drainage of stormwater shall be submitted to the the Zoning Administrator, Watershed District and the Washington County Soil and Water Conservation District at the time of application.

This section establishes provisions for the location of places of worship within the County.

2.21 Place of Worship

- (1) Required Permits. An approved certificate of compliance is required for places of worship in the Agricultural Districts (AP, A-1, A-2, A-4), Rural Residential District

A Place of Worship is defined as a building, together with its accessory buildings and uses, where persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

This section establishes standards for plant nurseries.

Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns, gardens and indoor plants.

Plant Nursery - Commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.

(RR), Single Family Estate (SFE), Residential Suburban District (RS), Transition Zone (TZ), and Commercial - Industrial Zones (CI-R, CI-U). The certificate of compliance application must include a site plan of all structures and a detailed listing of all uses to be conducted at the property.

- (2) Other Requirements. Places of worship must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Places of worship must comply with all of the following standards in addition to other performance standards of this Development Code.
 - (A) The minimum lot area required is two acres.
 - (B) Landscaping shall be installed 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 certificate of compliance.
- (4) All accessory residential or school uses upon the premises shall be subject to all requirements of this Development Code.

2.22 Plant Nurseries

- (1) Required Permits.
 - (A) Plant Nursery. Plant Nurseries require a Certificate of Compliance in the agricultural (AP, A-1, A-2, A-4), Conservancy District (C), Rural Residential (RR), Single Family Estate (SFE) and the Transition Zone (TZ), Commercial/Industrial-Rural (CI-R) and Commercial/Industrial-Urban (CI-U).
 - (B) Plant Nursery - Commercial. Commercial plant nurseries require a Certificate of Compliance in the Commercial/Industrial - Rural (CI-R) and the Commercial/Industrial - Urban (CI-U) Districts.
- (2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.
- (3) Performance Standards. Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Development Code.

- (A) The minimum lot area shall be ten (10) acres.
- (B) The majority of product sold on the property shall be grown or raised on the property.
- (C) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State or County roadways and property lines.
- (4) Commercial Plant Nurseries shall meet the requirements of the zoning district in which they are located.

2.23 Public Recreational Facility

- (1) Required Permits. A conditional use permit is required for public recreational facilities in all zoning districts.
- (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 shall be provided.
 - (B) All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the district in which it is located.
 - (C) There shall be no overnight accommodations provided for the guests or visitors of the recreation area.
 - (D) A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.
 - (E) Information shall be provided regarding the recreational activities provided, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting and hours of operation. As deemed necessary, the Planning Advisory Commission may restrict the operation of the facility.
 - (F) Screening may be required to buffer the use from adjacent residential land use.

This section establishes provisions for the location and design standards of commercial recreational uses within the county.

Recreation Use - Active:

All uses such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, ice arenas, movie theaters and similar activities which are used as a commercial enterprise.

Recreation Use - Passive:

A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.

- (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 County Soil and Water Conservation District must be met.

2.24 Recreation Uses

- (1) Required Permits. Recreation Uses - Active are permitted in Commercial/Light Industrial - Rural Districts (CI-R) and Commercial/Light Industrial - Urban Districts (CI-U) with a conditional use permit. Recreation Uses - Passive are permitted in the Agricultural Districts (AP, A-1, A-2, A-4), Conservancy (C) and Rural Residential Districts (RR) with a conditional use permit.
- (2) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.
- (3) Performance Standards.
 - (A) Recreation Uses - Active shall meet all the performance standards of the zoning district in which they are located.
 - (B) Recreation Uses - Passive shall meet all of the following standards:
 - 1. There shall be no overnight accommodations provided for guests or visitors of the passive recreation area.
 - 2. A restaurant may be permitted on the property provided it only serves guests and visitors of the facility.
 - (C) A one caretaker residence is permitted. The residence is to be used strictly for the caretaker and their family members. No separate driveway or curb cut shall be permitted for the residence from a Federal, State or County roadway.

This section establishes land use provisions for recycling centers within the County.

Recyclable materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. These materials are limited to paper, glass, plastics, metals. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material under the provisions of this Development Code.

Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Recycling Center: A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The recyclable materials shall be separated at the source and shall be clean and nuisance free. Hazardous waste and special waste as defined by the Minnesota Pollution Control Agency shall not be received at a recycling center.

2.25 Recycling Center

- (1) Required Permits. A conditional use permit is required for recycling centers in the Commercial/Light Industrial-Rural District and the Commercial/Light Industrial-Urban District.
- (2) Other Requirements. Recycling Centers must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Recycling centers must comply with all of the following standards.
 - (A) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening from county roads. A landscape plan shall be submitted to the zoning administrator at the time of application for a conditional use permit.
 - (B) The processing equipment shall be enclosed within a structure.
 - (C) Recyclable material may be stored outside provided the materials are stored in a covered container. Exterior storage areas shall be surfaced with concrete, asphalt or other impervious surface material approved by the Zoning Administrator. Exterior storage areas must not be located in areas where stormwater runoff from the storage area could enter storm sewer, sanitary sewer or other surface or groundwater.
 - (D) Exterior storage must be screened from view of all adjacent properties.
 - (E) An all-weather road negotiable by loaded collection vehicles or other transportation units shall be provided from the entrance gate of the facility to loading and unloading areas. Access to the site shall be controlled to prevent unauthorized dumping.
 - (F) In the event the business ceases operation, the owner or operator must close the recycling center in a manner that prevents the escape of pollutants to ground water or surface waters, to soils, or to the atmosphere during post closure period. Where such facility is regulated by closure rules of the MPCA, such closure rules must be complied with.

This section establishes standards for the location of resorts/conference facilities.

Resort: A self contained development that provides for visitor oriented accommodations and developed recreational facilities in a setting with natural amenities.

- (G) The owner or operator shall submit a financial guarantee to the Zoning Administrator to ensure compliance with the permit and the closure requirements.

2.26 Resorts/Conference Facilities

(1) Required Permits.

Resorts are allowed in Agricultural and Rural Residential Districts following the issuance of a Planned Unit Development permit. Procedures of the Planned Unit Development provisions shall apply.

(2) Other Regulations.

All Minnesota Department of Health and Minnesota Pollution Control Agency requirements must be met.

(3) Permitted Uses.

- (A) Overnight lodging to serve visitors of the resort.
- (B) Recreational facilities including but not limited to golf course, racquet sports facilities, nature trails, bike paths, ski areas.
- (C) Meeting rooms.
- (D) Restaurant and lounge.

(4) Performance Standards. Resorts/conference facilities must comply with all of the following standards.

- (A) The resort shall be located on a site of at least 50 acres.
- (B) At least 50% of the site shall be dedicated to permanent open space excluding streets and parking areas.
- (C) No more than 50 units of overnight lodging shall be provided.
- (D) The maximum density shall not exceed one guest room per acre.
- (E) Setbacks and height shall be in accordance with the underlying zoning district.

This section establishes provisions for the location of schools within the County.

A School is defined as 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 school.

This section establishes standards for self-service storage facilities and to regulate such structures and their use. All standards contained in this section are in addition to other applicable standards of the Development Code.

A Self Service Storage Facility is defined as a structure or structures containing separate storage spaces of varying sizes leased or rented individually.

- (F) Meeting/conference facilities shall be limited to 100 persons.
- (G) All uses in the resort shall be harmonious with each other through the use of special design, placement or screening. Architecturally, the structures shall blend in with the natural environment.

2.27 Schools

- (1) Required Permits. A conditional use permit is required for schools in the Agricultural Districts (AP, A-1, A-2, A-4), Rural Residential District (RR), Single Family Estate (SFE), Residential Suburban (RS) district, Transition Zone (TZ) district, Commercial/ Industrial-Rural (CI-R) District and Commercial/Industrial-Urban (CI-U) District.
- (2) Other Requirements. Schools must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Schools must comply with all of the following standards.
 - (A) The minimum lot area required for schools is two (2) acres.
 - (B) Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A landscape plan shall be submitted at the time of application for a conditional use permit, if requested by the Zoning Administrator.

2.28 Self Service Storage Facility (Mini-Storage)

- (1) Required Permits. Self service storage facilities are allowed in the Commercial/Light Industrial, Rural and Urban districts following the issuance of a conditional use permit.
- (2) Performance Standards.
 - (A) Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.

This section establishes regulations for shopping centers.

A Shopping Center is defined as any grouping of two (2) or more principal retail uses on a single lot or on abutting lots under multiple or single owner.

- (B) One off-street parking space is required for each 100 storage units and two spaces are required for the live-in manager if one is provided for. Interior drives must be wide enough to accommodate a parked car and traffic that must pass.
- (C) No outside storage is allowed.
- (D) An on-site manager may be allowed provided adequate sanitary facilities are provided.
- (E) The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.
- (F) Only one entrance and exit to the facility are allowed except for an additional emergency exit.

2.29 Shopping Centers

- (1) **Required Permits.** Shopping centers are permitted in the Commercial/Industrial-Rural (CI-R) and the Commercial/Industrial-Urban (CI-U) districts. A shopping center within these districts which has less than 10,000 square feet of building area requires a conditional use permit. A shopping center which has 10,000 square feet or more of building area requires a planned unit development permit.
- (2) **Other Requirements.** Shopping Centers must comply with all rules and regulations of Federal, State, County and local government agencies.
- (3) **Performance Standards.** Shopping Centers must comply with all of the following requirements.
 - (A) The development plan for the shopping center shall include a minimum of two (2) acres. There is no minimum lot size for individual structures located on lots within a shopping center.
 - (B) Shopping Centers shall have direct access to an arterial or collector street as designated in the Comprehensive Plan.
 - (C) The Shopping Center must comply with the use requirements and dimensional standards of the underlying zoning district.

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.

2.30 Temporary Dwelling Unit-Care Facility

- (1) **Required Permits.** Temporary dwelling units/care facilities are allowed in the Agricultural Districts (AP, A-1, A-2, A-4), Conservancy District, Rural Residential District (RR), Single Family Estate District (SFE), Residential Suburban District (RS), and Transition Zone District (TZ) with a Certificate of Compliance.
- (2) **Other Requirements.** Temporary dwelling units/care facilities must comply with all rules and regulations of federal, state, county and local government agencies.
- (3) **Performance Standards.** Temporary dwelling units/care facilities must comply with the following requirements:
 - (A) The property is limited to one (1) temporary care facility.
 - (B) The temporary care facility will be an accessory dwelling unit to be occupied by persons who are:
 - 1. infirm to the extent that they require extraordinary care; and
 - 2. that such care can only be provided by family members residing in the principal dwelling house on the premises; and
 - 3. the infirmity and the need for care required by (a) and (b) above shall be verified by written statement of a physician.
 - (C) The temporary care facility shall use the existing road access drive of the principal dwelling unit.
 - (D) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be closer to the road right-of-way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right-of-way.
 - (E) The 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 structure will be removed upon termination of the certificate of compliance.

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.

The amount of guarantee shall be determined by the Zoning Administrator.

- (5) The certificate of compliance is so conditioned that will expire and terminate at such time as the care facility 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. At the time of termination of the certificate of compliance, the temporary care facility shall be removed from the premises within thirty (30) days.
- (6) The certificate of compliance permit shall be reviewed annually by the Zoning Administrator.

2.31 Temporary Dwelling Unit During Construction

- (1) **Required Permits.** Temporary dwelling units during construction are allowed in the Agricultural (AP, A-1, A-2, A-4) districts, Conservancy district, the Rural Residential (RR) district, Single Family Estate (SFE), Residential Suburban (RS) and Transition Zone (TZ) district with a certificate of compliance.
- (2) **Other Requirements.** Temporary dwellings units shall comply with all rules regulations of Federal, State, County and local government agencies.
- (3) **Performance Standards.** Temporary dwelling units must comply with all of the following requirements.
 - (A) The property is limited to one temporary dwelling unit during construction.
 - (B) The dwelling can only be occupied by persons who are the present or potential occupants of the single family residence being constructed, reconstructed or altered.
 - (C) The certificate of compliance is issued only after the building permit has been obtained for the proposed construction.
 - (D) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.
 - (E) The unit must be connected to an approved on-site waste disposal system.

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

A Temporary Farm Dwelling 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 this Development Code.

- (F) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure 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 days from the date of issuance or whichever is less. Renewal of such permit may be approved by the Zoning Administrator. At the termination of the certificate of compliance, the temporary dwelling shall be removed from the premises within thirty (30) days.

2.32 Temporary Farm Dwelling

- (1) **Required Permits.** Temporary farm dwelling units are allowed in the Agricultural (AP, A-1, A-2, A-4) Districts, the Conservancy District, the Rural Residential (RR) district, Single Family Estate (SFE), Residential Suburban (RS) and the Transition Zone (TZ) district with a certificate of compliance.
- (2) **Other Requirements.** Temporary farm dwellings shall comply with all rules and regulations of Federal, State, County and local agencies.
- (3) **Performance Standards.** Temporary farm dwellings must comply with all of the following standards.
 - (A) The temporary farm dwelling is an accessory use to the principal dwelling and may only be located on a farm of at least 75 acres in size.
 - (B) The property is limited to one temporary farm dwelling unit.
 - (C) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be located closer to the road right of way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right of way.
 - (D) The dwelling can 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%) 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 unit.

(F) The 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 once a 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 structure 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 is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required by paragraph 5 D above.

(B) The certificate of compliance will expire and terminate when the farm becomes less than 75 acres in size.

(C) At the termination of the certificate of compliance, the temporary farm dwelling shall be removed from the premises within thirty (30) days.

This section establishes standards for transportation/motor freight terminals and to regulate such structures and areas and their use.

A Transportation/Motor Freight Terminal is defined as a building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor

2.33 Transportation/Motor Freight Terminal

(1) Required Permits. Transportation/motor freight terminals are allowed with a conditional use permit in the Commercial/Industrial Rural and Commercial/Industrial Urban districts.

(2) Performance Standards.

(A) The facility shall be used for office purposes and storing and transferring of goods to and from

trailer units and other trucks are parked or stored.

vehicles only. On-site maintenance of vehicles and fueling of vehicles is prohibited in the Commercial/Industrial Rural district.

- (B) All outside storage of vehicles/trailers shall be screened from view from the road by berms, trees, fencing or combination thereof.
- (C) All structures and outside storage of vehicles/trailers shall meet required setbacks.

This section establishes standards for the location and operation of travel trailer/RV campgrounds

2.34 Travel Trailer/RV Campground

A travel trailer/RV campground is defined as an area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self propelled campers and tents. The campground is designed for seasonal use as opposed to year around occupancy. Such accessory activities as picnicking, boating, fishing, swimming, outdoor games and other sports and activities are allowed but not including miniature golf, golf range or any mechanical amusement device.

- (1) Required Permits. Travel trailer/RV campgrounds are allowed in all Agricultural Districts and the Rural Residential (RR) district following the issuance of a conditional use permit.
- (2) Other Regulations. All Minnesota Department of Health and Minnesota Pollution Control Agency regulations must be met.
- (3) Performance Standards. A travel trailer/RV campground must meet the following standards:
 - (A) The minimum area for a travel trailer/RV park is 50 acres.
 - (B) All sanitary facilities must conform to Washington County Individual Sewage Treatment System Regulations.
 - (C) No camp space shall be rented to the same person for a period greater than thirty (30) days. No recreational vehicle or travel trailer is allowed to be stored permanently on the property.
 - (D) The sale, storage, use or occupancy of any manufactured home is prohibited.
 - (E) The density of unit spaces shall not exceed five (5) spaces per acre.
 - (F) All travel trailer/recreational vehicle parks shall be sufficiently wooded to buffer the use from public view.
 - (G) Individual lots are prohibited from being sold.
 - (H) One entrance is allowed into the campground. All campsites must have direct access only to an

internal circulation street. All roads shall be blacktopped.

- (I) Access to the campground shall be from an arterial or collector street. Access shall be approved by the County Engineer.
- (J) Travel Trailer/RV Campgrounds shall have at least twenty percent (20%) of the land area (exclusive of internal streets) developed for recreational uses (i.e., tennis courts, children's play equipment, swimming pools, golf greens, etc.) which shall be developed and maintained by the owner or operator at his own expense. All parks must have an area or areas set aside for dead storage and "over-load" parking.
- (K) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins shall be buried and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
- (L) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. All centralized refuse collection containers and equipment, and park maintenance equipment shall be stored in a screened and fenced service yard within the park.
- (M) All permanent structures shall require a building permit issued by the responsible jurisdiction. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.
- (N) A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within fifty (50) feet of the exterior boundary of any park or within forty (40) feet of any exterior existing public right-of-way.
- (O) Business identification signs shall be in accordance with Chapter Two, Part 3, Section 1.11 of this Development Code if the business is located along a county road. If the business is located along a township road, local town regulations regarding signs shall apply.

- (P) Each trailer park must have one (1) or more central community building with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, in addition to public toilets and lavatory. Each trailer park shall have a building for the use of the operator distinctly marked "office" and such marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.
- (Q) An adult caretaker must be on duty at all times in the trailer park. The operator of every park shall maintain a register in the office of the park indicating the name and address of the owner and occupants of each trailer, the license number of each trailer and automobile of each occupant, and the date of arrival and departure of each trailer. The corners of each trailer lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.
- (R) Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal park road system.
- (S) Lots shall be designed to allow an open space of at least fifty (50) feet between each vehicle or tent and at least thirty (30) feet between the vehicle or tent and the front lot line abutting the interior park road system.
- (T) Each lot shall have two hundred (200) square feet of off-street parking space, or as approved by the Zoning Administrator, and two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.
- (U) Each lot, or pair of lots, shall contain adequate containers to store, collect and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have such an insect proof, water tight, rodent proof refuse contained on the lot(s).

The purpose of this section is to establish regulations for warehousing and distribution facilities.

Warehousing and Distribution is a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

- (V) Each lot shall be no further than four hundred (400) feet from the nearest, readily available drinking water supply.
- (W) All recreation vehicle and trailer park projects shall be equipped with at least one (1) central toilet, bathing and laundry building, which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.
- (X) Outdoor cooking or burning shall be confined to fireplaces, pits, grills or stoves which shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or burning facility shall be placed on the lot so as to minimize fire hazards and smoke nuisance.

2.35 Warehousing and Distribution

- (1) Required Permits. A certificate of compliance is required for warehousing and distribution facilities in the Commercial/Industrial-Rural (CI-R) and the Commercial/Industrial-Urban (CI-U) districts.
- (2) Other Requirements. Warehousing and distribution facilities must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Warehousing and distribution facilities must comply with the following standards:
 - (A) Exterior Storage is permitted as an accessory use to the permitted use provided it meets the following standards:
 1. The exterior storage area must be located to the rear of the building.
 2. The exterior storage area must be fenced and screened from view of Federal, State, County Roadways and all property lines.
 - (B) The warehousing and distribution facility may contain a retail sales room provided it meets the following standards:

The purpose of this section is to:

Accommodate the communication needs of residents and businesses while protecting public health and safety;

Minimize adverse visual effects of towers through careful design and siting standards;

Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;

Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas to reduce the number of towers needed to serve the community.

Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fibre, or other electromagnetically conductive rods or elements.

High power transmission line: A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

- 1. The retail sales is limited to those products which are stored and distributed by the warehousing and distribution use.
- 2. The retail sales use shall not occupy more than twenty (20) percent of the warehousing and distribution facility.

(C) All loading and unloading areas to the facility shall be screened from view of Federal, State and County highways.

2.36 Wireless Communication Antennas and Towers

- (1) Required Permits. The construction of a new tower in excess of 35 feet or the addition of a new antenna on an existing tower or building may be allowed following the issuance of a certificate of compliance or a conditional use permit if conditions contained in this Development Code are met.
- (2) Nonconformities. Any existing tower which becomes non-conforming as a result of this Development Code may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with a certificate of compliance so long as it is of the same type (guyed, self-support or monopole), same height, same marking (lighting and painting) and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, nonconforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement for any other reasons, such replacement tower would need to meet all of the standards of this Development Code.
- (3) Exception. In any district, a proposed tower 200 feet high or less located within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of such transmission line easement on the same side of the road will not be required to meet the standards of Part (8) (B) through (G) of this Section, but will be required to meet all other standards.

This exception does not apply in the St. Croix River and Shoreland Overlay Districts.

- (4) Modification.
 - (A) A modification to any requirement of this Development Code may be sought by the applicant

Platted land: Lands with legal descriptions described as lot, block, plat name.

Structure: Something built or constructed.

Tower: Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

Tower Accessory structure: A structure located at the base of the tower housing base receiving/transmitting equipment.

Agricultural Districts

and heard by the Board of Adjustment & Appeals in accordance with the procedures, but not the standards, set forth in Chapter One, Section 6 of the Washington County Development Code.

(B) The criteria for granting a modification under this section of the Development Code shall be: presentation of engineering data demonstrates that personal wireless services cannot be provided by the applicant to a specific area of Washington County without the modification.

(5) Term of Permit and Revocation.

(A) Towers are permitted with either a conditional use permit or certificate of compliance. The certificate of compliance or conditional use permit shall remain in effect so long as the conditions contained in the certificate or permit are met.

(B) The grounds for revocation of a certificate of compliance or conditional use permit shall be based on a finding that:

1. The permittee has failed to comply with conditions of approval imposed; or
2. The facility has not been properly maintained; or
3. The facility is no longer in use and has not been in use for the previous 12 months.

(6) Other Requirements.

(A) All rules and regulations of the FCC and FAA must be met and complied with.

(B) In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 120 days. Failure to do so will result in the County completing the removal and site restoration and the County's cost shall be assessed against the property and collected as a real estate tax.

(7) Districts. Antennas and towers are regulated differently depending on the zoning district in which the property is located. The following are the standards in each district:

(A) Agricultural (AP, A-1, A-2, A-4) Districts.

Single Family Estate and Rural Residential Districts

- 1. The following are permitted with a Certificate of Compliance:
 - (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
 - (b) A tower within the easement of a high power overhead transmission line or within 50 feet of the easement on the same side of a road to a maximum height of 200 feet.

- 2. The following are permitted with a Conditional Use Permit:
 - (a) A free standing communication tower not exceeding 300 feet in height.
 - (b) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a maximum height of 300 feet.

(B) Single Family Estate (SFE) and Rural Residential (RR) Districts.

- 1. The following are permitted with a Certificate of Compliance:
 - (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
 - (b) A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road to a maximum height of 200 feet.

Residential Suburban Districts

- 2. The following are permitted with a Conditional Use Permit:
 - (a) A free standing communication tower not exceeding 150 feet in height.
 - (b) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to 150 feet.

- (C) Residential Suburban (RS) District.
 - 1. The following are permitted with a Certificate of Compliance:
 - (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower;
 - (b) A tower within the easement of a high power overhead transmission line or within 50 feet of the easement on the same side of a road to a maximum height of 200 feet.

 - 2. The following are permitted with a Conditional Use Permit:
 - (a) A free standing communication tower not exceeding 75 feet in height.
 - (b) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower to a maximum height of 75 feet.

Commercial Industrial-Rural and Commercial Industrial-Urban Districts

- (D) Commercial Industrial - Rural (CI-R) and Commercial Industrial - Urban (CI-U) Districts.
 - 1. The following are permitted with a Certificate of Compliance:

Prohibitions

- (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
 - (b) A free standing tower up to 150 feet in height.
 - (c) A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road up to a maximum height of 200 feet.
2. The following are permitted with a Conditional Use Permit:
- (a) A free standing tower in excess of 150 feet in height to a maximum height of 300 feet.
- (8) Prohibitions
- (A) No tower shall be over 300 feet in height or within one mile of another tower regardless of municipal boundaries.
 - (B) A proposal for a new wireless service tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:
 - 1. on an existing tower; or
 - 2. on a tower that has been permitted by Washington County (even though it may not yet be constructed); or
 - 3. on a tower whose application for a certificate of compliance or conditional use permit is currently pending before Washington County.
 - (C) No tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.

<p><i>Performance Standards</i></p>	<ul style="list-style-type: none"> (D) No tower over 35 feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed county park identified in the Washington County Park Master Plan or a boundary of a state park. (E) No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and 96 and County Roads 4, 15, and 21, unless it can be demonstrated through visual impact demonstration that the tower will be visually inconspicuous as viewed from the road on a year-round basis. (F) No tower over 35 feet shall be erected within one-quarter (1/4) mile of the Saint Croix River or within one-quarter (1/4) mile of a DNR protected lake or river. (G) No tower over 35 feet shall be erected on any property platted for residential purposes. (H) No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator. (I) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited. (J) No antenna or tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights or other illuminating devices affixed or attached to it unless required by the FAA or FCC. (K) No advertising or identification signs shall be placed on towers or antennas. (9) Performance Standards. (A) On a vacant parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower over 35 feet in height shall be five acres. On a vacant parcel of land zoned for commercial/industrial purposes, the minimum lot
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size is two and one-half acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel of land may be leased provided all standards contained in this Development Code can be met.

- (B) Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement of the zone in which it is located.
- (C) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.
- (D) The tower location shall provide the maximum amount of screening for off-site views of the facility. The Zoning Administrator reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (E) The height of a tower shall allow for the co-location of additional antennas as follows:
 - 1. Structures from 100 to 125 feet - a total of two tenants
 - 2. Structures from 125 to 200 feet - a total of three tenants
 - 3. Structures above 200 feet but less than 300 feet - a minimum of four (4) tenantsThe plan shall be approved by a registered professional engineer.
- (F) Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturers specifications. The plans shall be

approved and certified by a registered professional engineer.

- (G) In general, self-supporting towers (ie. those without the use of wires, cables, beams or other means) are preferred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.
- (H) Associated base equipment must be located within a structure. The base of the tower and any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.
- (I) The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
- (J) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (K) If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the towers's existing users or no negative structural impact upon the tower. If a dispute arises, and as a condition to any permit or certificate of compliance, Washington County, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.
- (L) Generally, only one communication tower is permitted on a parcel of land. If in the opinion of the Planning Advisory Commission, a particular parcel is well suited for more than one communication tower, and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in this Development Code must be met.
- (M) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized

Applications for New Towers

climbing or shall be enclosed by a six (6) feet high chain link fence with a locked gate.

- (N) Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Development Code. A copy of the annual inspection report shall be provided to the Zoning Administrator.

(10) Application - New Tower.

- (A) In addition to the submittal requirements required elsewhere in this Development Code, applications for conditional use permits or certificates of compliance for new towers and antennas shall be accompanied by the following information:

1. A report from a qualified and licensed professional engineer which:
 - (a) describes the tower height and design including a cross section and elevation;
 - (b) certifies the tower's compliance with structural and electrical standards;
 - (c) describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
 - (d) describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA;
 - (e) describes that the applicant will avoid causing destructive interference to co-located, previously established public safety communications;
 - (f) specifies the distance to any DNR protected lake or river, the St. Croix River, a scenic road designated in part 10)e, and any boundary of a state or county park.

2. Each application shall include a five year facility plan. The County will maintain an inventory of all existing and proposed cell site installations and all carriers shall provide the following information in each five year plan. The plan must be updated with each submittal as necessary:
 - (a) Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communications technology).
 - (b) Provide a list of all existing sites, existing sites to be upgraded or replaced and proposed cell sites within the County for these services by the company.
 - (c) Provide a presentation size map of the County which shows the five year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

Information provided as part of the five year facility plan that is a trade secret pursuant to MN Stat. 13.37 shall be classified as non-public data.

3. Written acknowledgment by the landowner that he/she will abide by all applicable conditional use permit or certificate of compliance conditions.
4. The Zoning Administrator may, at its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.

Applications for New Antennas on Existing Towers

The purpose of this section is to regulate yard waste facilities in order to protect the County's valuable ground and surface water resources.

A yard waste facility is defined as any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.

5. The Department of Health, Environment and Land Management is explicitly authorized to employ on behalf of the County, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis. Any proprietary information disclosed to the County expert hired shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.

(11) Application - Existing Tower/New Antenna. In the event that an application is only to add a new antenna to an existing tower or structure, the requirements as delineated under Part (12) 1. (f), and 2. shall not apply.

2.37 Yard Waste Facilities

(1) Required Permits. Yard waste facilities, public and private, are allowed with a conditional use permit in the Agricultural districts (AP, A-1, A-2, A-4), Rural Residential (RR), Commercial Industrial - Rural (CI-R) and the Commercial Industrial - Urban (CI-U) districts.

(2) Other Requirements. The yard waste facility must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. A yard waste facility must comply with all of the following standards:

(A) The minimum lot area required for yard waste facilities is ten (10) acres.

(B) Composting, storage, transfer, loading and processing activities must be setback as follows:

- 1. Property lines 100'
- 2. Existing Residential uses not on the property 500'
- 3. DNR protected watercourse 200'
- 4. Wetland 75'

(C) The yard waste facility must be screened from view from all adjacent properties and roadways.

- (D) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
- (E) A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving site. The stormwater holding pond shall be located a minimum of 75' from the composting storage area. The runoff directed towards this pond shall be filtered through a 75' wide vegetated buffer.
- (F) The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
- (G) The materials which can be processed is limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.
- (H) The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. The yard waste must be decomposed through a process which encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.
- (I) The operator shall provide information specifying the volume of waste brought onto the property for composting.
- (J) The facility shall operate only between the hours of 7:00 am and 7:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the local governing

body. Retail sales are allowed on Saturdays between the hours of 8:00 am and 5:00 PM unless otherwise prohibited by the local governing body. Retail sales for purposes of this section shall mean the sale of product to individuals for personal use and shall exclude commercial hauling. The County shall be notified in writing when the township varies the hours.

- (K) Treated yard wastes shall not be allowed to accumulate for longer than three years before being finished and removed from the site. Compost which can not be marketed shall be removed from the site a minimum of once per week.

By-products, including residuals and recyclables, must be stored in a manner that prevents vector problems and aesthetic degradation. Materials that are not composted must be stored and removed a minimum of once per week.

- (L) The owner shall maintain the site so that it is free of litter and other nuisances.
- (M) An attendant must be on site during operating hours.

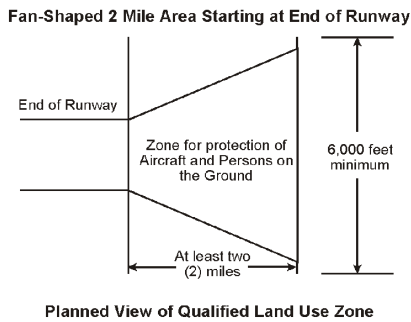
- (4) Prohibitions. The open burning and/or burying of waste is prohibited.

SECTION 3. OVERLAY DISTRICTS

3.1 Airport Overlay District

- (1) Applicability. The airport zoning district applies to private or publicly owned and operated airfields and adjacent areas. The specific regulations in this district are in addition to, rather than in lieu of, regulations imposed by any other zoning classification for the same land.
- (2) Airport Zones. The following zones are hereby established:
 - (A) Qualified Land Use Zone. Uses shall not be permitted within this zone which might result in an assembly of persons; manufacturing or storage of materials which explode on contact; and the storage of flammable liquid above ground. Land

The Airport Overlay District establishes regulations to control the type and extent of land development adjacent to and near the airfields so as not to impede present or future air operations of public benefit and to protect the public from hazards, air traffic noise and other disturbance. The district limits the development and future construction to a reasonable height and use so as not to constitute a hazard for planes operating from the airfields.



uses allowed include those primary uses, accessory uses, uses permitted with a certificate of compliance and uses permitted with a conditional use permit in the underlying zoning district. Prohibited uses shall include educational, institutional, amusement and recreation. No use may be permitted in such a manner as to create electrical interference with radio communications between airport and aircraft, make it difficult for pilots to distinguish between airport and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, take-off or maneuvering of aircraft.

(B) **Airport Zoning.** Except as otherwise provided in this Development Code, and except as required necessary and incidental to airport operations or recommended by or in accordance with the rules of the Federal Aviation Agency, no structure shall be constructed, altered or maintained, and no trees shall be allowed to grow so as to project above the landing area or any of the airport's referenced imaginary surfaces described below:

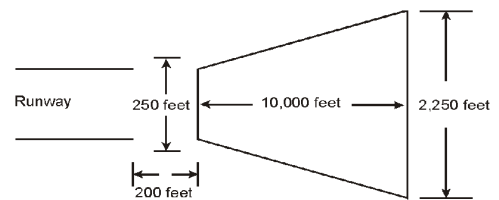
1. **Horizontal Surface** - a circular plane, one hundred fifty (150) feet above the established airport elevation, with a radius from the airport reference point of five thousand (5,000) feet.
2. **Conical Surface** - a surface extending from the periphery of the horizontal surface outward and upward at a slope of twenty to one (20 to 1) for the horizontal distance of seven thousand (7,000) feet and to the elevation above the airport elevation of five hundred (500) feet.
3. **Primary Surface** - a surface longitudinally centered on a runway and extending in length two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile of a primary surface, including extensions, coincides with the elevation of the centerline of the runway, or the extension, as appropriate. The width of a primary surface is two hundred fifty (250) feet.

4. Approach Surface - a surface longitudinally centered on the extended centerline of the runway, beginning at the end of the primary surface, with slopes and dimensions as follows:

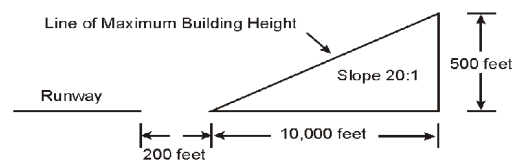
(a) The surface begins two hundred fifty (250) feet wide at the end of the primary surface and extends outward and upward at a slope of twenty to one (20 to 1), expanding to a width of two thousand two hundred fifty (2,250) feet at a horizontal distance ten thousand (10,000) feet.

(C) Airport Landing Area, Approach Area, Width, Slope, Horizontal Surface and Conical Surface -

1. Approach Surface Plan View



2. Approach Surface Elevation: All height limitations are computed from the established airport elevation.



The Railroad Overlay District establishes regulations for railroad operations which utilize tracks in the unincorporated portion of the County. For the purpose of this section, railroad operations shall include those railroad activities which are not preempted from local land use controls by operation of State or Federal law.

3.2 Railroad Overlay District

(1) Land Uses within the Railroad Overlay District.

(A) Uses with a Conditional Use Permit. Railroad operations are permitted in the "RO" District after the issuance of a Conditional Use Permit.

1. The conditional use permit is made to the operator of the railroad. If the operator is not the owner of the railroad track, the use

of the track must be approved by the owner. Each operator of a railroad operation subject to this Development Code must obtain a conditional use permit in order to utilize a section of track. The application for a conditional use permit shall address the specific ways the applicant intends to ensure compliance with the standards contained in this Development Code

2. Conditional use permit applications for railroad operations shall be referred to the Federal Railroad Administration and the Minnesota Department of Transportation for comment prior to the hearing. A conditional use permit may not be issued if any of these referral agencies indicates in writing that the proposed operation is not in compliance with standards which they enforce.

- (2) Performance Standards. The development and use of lands within this district shall comply with the following standards:

- (A) Operations.

1. The hours the railroad operation operates shall be restricted to the following:
 - (a) Railroad operations other than specified in 2) and 3) below; 10:00 a.m. to 10:00 p.m. Monday through Saturday, and 10:00 a.m. to 4:00 p.m. on Sunday.
 - (b) Track or right-of-way maintenance; 8:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 12:00 p.m. on Saturday.
 - (c) Additional hours of light-duty maintenance may be allowed as specified in the conditional use permit.
 - (d) Emergency maintenance of tracks or equipment may be conducted outside the hours specified in 2)

and 3) in this section. The Zoning Administrator shall be notified within 48 hours following the performance of emergency maintenance performed under this section.

2. Dieseling or idling of locomotive engines shall be allowed only in conjunction with required warm up and maintenance operations, and when performing switching or passing maneuvers. Dieseling or idling may not be used as a method of keeping an engine warm between operations. The applicant shall specify in the conditional use permit application the kinds of requirements for dieseling or idling necessary for the equipment to be utilized.
3. Sidings on land with an underlying zone that is not commercial or industrial shall be utilized only to allow passing maneuvers.
4. Engineers shall be licensed by the Federal Railroad Administration, and shall be additionally qualified according to a training program designed for the track and equipment to be utilized.
5. Direct two-way radio communications, or other non-intrusive signal methods, shall be utilized in lieu of whistling for communicating maneuvering operations to the railroad crew when such communications are not in conflict with the minimum safety and track standards contained in Chapter Two, Part 3, Section 3.2 (2)(D).
6. A maximum of nine round trips per week during the months of November through August, and a maximum of 13 round trips per week during the months of September and October may be conducted on the same section of track. During the months of November through August no more than two of the allowed weekly trips may be on Sunday or four on any other day. During the months of September and October no

more than four of the allowed trips may be conducted on any one day. These restrictions on the number of trips applies regardless of the number of railroad operations that utilize a specific track. For the purpose of this section, a trip shall mean the movement of rolling stock, except motorized track inspection cars used for track or right-of-way maintenance, over any portion of track subject to this Development Code. One additional round trip per day may be allowed to move rolling stock between storage and passenger boarding areas, so long as the storage and passenger boarding areas are in conformance with Chapter Two, Part 3, Section 3.2 (2)(B) & (C), and passengers are not carried.

7. Noise from railroad operations shall not exceed those standards as provided for in Minnesota Statutes Chapter 116.07, as administered by the Minnesota Pollution Control Agency.
8. No direct discharge of sewage or gray water onto the track or right-of-way is allowed.
9. Food service operations aboard a railroad shall be conducted in accordance with the Washington County Food Protection Ordinances.
10. Where train tracks cross public recreational uses, such as hiking or equestrian trails, the conditional use permit application shall specify measures to promote safety and efficiency at the crossing.
11. Wastes. Solid or hazardous waste generated as a part of railroad operations, including but not limited to track, right-of-way and equipment maintenance shall be managed in accordance with the Washington County Solid Waste Management Ordinance and the Washington County Hazardous Waste Management Ordinance.

- (B) The storage, and non-emergency maintenance of rolling stock shall be allowed only in railroad overlay zones on land with an underlying zone of commercial or industrial. In cases where existing storage is located outside of commercial or industrial zone districts, a maximum of one year following the issuance of a conditional use permit may be allowed to transfer that use to a commercial or industrial zone district.
- (C) Railroad stations or passenger boarding areas may be allowed only in railroad overlay zones on land with an underlying commercial zone.
- (D) Minimum safety and track standards shall be those applicable standards of the Federal Railroad Administration, and Minnesota Statutes Chapter 219 as administered by the Minnesota Department of Transportation.
- (E) Herbicide spraying to control vegetation along the right-of-way, where performed, shall be in conformance with standards published by the Minnesota Department of Agriculture pursuant to Minnesota Statutes Chapter 18B, and product manufacturer's label.
- (F) Lighting attached to moving trains, other than that required by the Federal Railroad Administration or the Minnesota Department of Transportation for safety reasons, shall be shielded to prevent glare, shall be mounted no higher than four (4) feet above the track, and shall be directed downward at a minimum of 45 degrees from the horizontal. Maximum wattage may be regulated in the conditional use permit.
- (G) All equipment shall be maintained in a state of repair which minimizes smoke or exhaust emissions. The conditional use permit application shall specify mitigation measures to be implemented. Mitigation measures which may be required include the use of clean burning coal, and specialized boiler firing techniques for steam locomotives.
- (H) Railroad operations must prepare and file an annual report in order to maintain a conditional use permit. The annual report must be submitted to the Zoning Administrator specifying the number of trips made during the previous year, the maximum

number of trips made in any one day, the number of passengers carried, the number and type of rolling stock deployed, compliance with insurance requirements, engineer qualifications and other information the Zoning Administrator may require. Fees for the annual report review shall be those established by the Board of County Commissioners.

- (I) Additional performance standards may be added to the conditional use permit if the Planning Advisory Commission finds that they are necessary to protect the public health, safety or welfare.
- (J) Liability insurance, in the minimum amount of \$1,000,000 per occurrence and \$1,000,000 aggregate shall be maintained as a requirement of the conditional use permit.

3.3 St Croix River Overlay District

Properties and uses within this district are regulated in accordance with Chapter Five of this Development Code.

3.4 Shoreland Overlay District

Properties and uses within this district are regulated in accordance with Chapter Six of this Development Code.

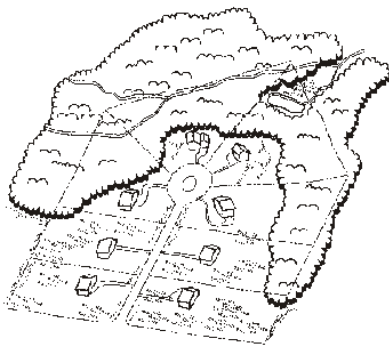
SECTION 4. OPEN SPACE DEVELOPMENT

4.1 Purpose and Scope

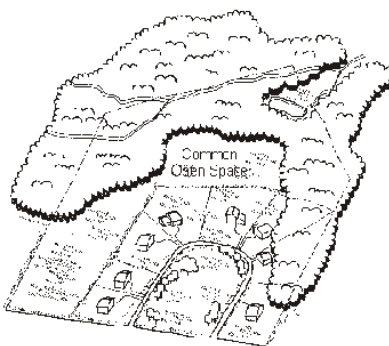
“OSD” Development is established to encourage development of rural housing clusters that meet the following purposes:

- (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.
- (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.

Sketch 1: Comparison



Conventional Subdivision



Open Space Design Development

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

- (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 History Network 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.
- (6) Neighborhood: An area containing a contiguous group of residential lots where people live in close proximity to one another.

Open Space Development: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space.

OSD Development is permitted as a conditional use in the Agricultural (A-1, A-2, A-4), Residential (RR, SFE, RS), Conservancy (C), and Transition (TZ) zones

The design standards contained in this section are not applicable in the Shoreland Overlay District and the St. Croix River District.

The conditional use permit application must contain a resource inventory, yield plan, concept subdivision plan, phasing plan and general location map.

- (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: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as 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 of the use of a particular parcel of property.
- (12) Resource Inventory: A survey of the land’s features including it’s natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

4.3 Applicability

The OSD Development standards are an alternative set of standards for residential development within the Agricultural (A-1, A-2, A-4), Residential (RR, SFE, RS), Conservancy (C), and Transition (TZ) zones. OSD Development shall be permitted with a conditional use permit within these districts. The design standards contained in this section are not applicable in the St. Croix River District and Shoreland Overlay Districts.

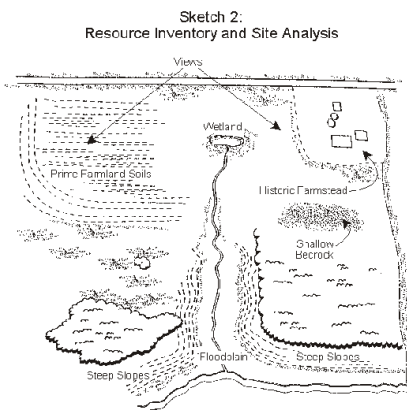
The regulations of this Development Code are applicable only to open space developments approved after the effective date of this Development Code.

4.4 Application

- (1) A conditional use permit is required for an open space design development in the Agricultural (A-1, A-2, A-4), Residential (RR, SFE, RS), Conservancy (C) and the Transition (TZ) zones.
- (2) A conditional use permit application shall be filed, in writing, with the Zoning Administrator in accordance with 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 this Development Code.
 - (C) The open space development supports the goals and policies of the County’s Comprehensive Plan.
- (4) In addition to those submittal requirements stated in Chapter One, Section 9, the following items shall be submitted as part of the conditional use permit application for open space development:

Resource Inventory



Resources to assist with this inventory include the following:

Soil Conservation Service's Soil Survey for Washington County.

The Minnesota Geological Survey's Geological Atlas for Washington County.

The Department of Natural Resources' County Biological

- (A) Resource Inventory

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

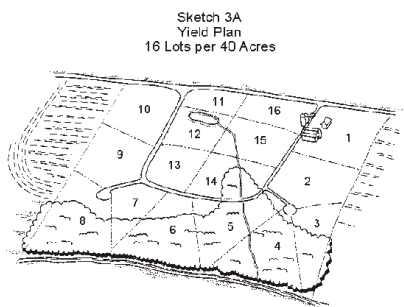
1. Topographic contours at 10-foot intervals, showing rock outcrops and slopes of more than 15 percent.
2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
3. Hydrologic characteristics, 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 of more than 18 inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition.

Survey Map for Natural Communities and Rare Species.

Washington County Surveyor's Aerial Photography.

5. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, 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 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.

Yield Plan



(B) Yield Plan

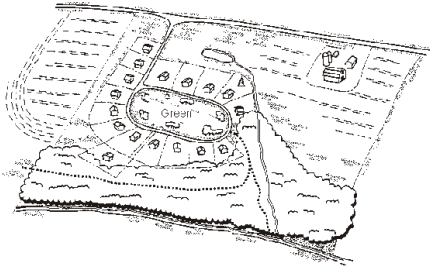
1. The applicant shall submit a “yield plan,” showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the Development Code and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

The minimum lot areas and width for each zoning district are the following:

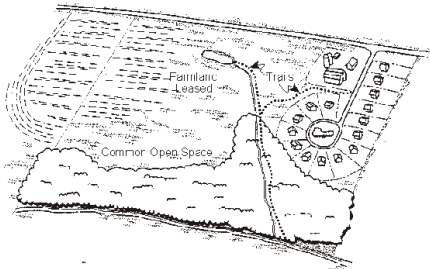
Zoning District	Minimum Lot Size (Acres)	Minimum Lot Width (Feet)
A-1	40	300
A-2	20	300
A-4	10	300
RR	5	300
SFE	2.5	160
TZ	10	300
RS	15,000 sq. ft.	100
C	20	300

Concept Subdivision Plan

Sketch 3B:
Concept Subdivision Plan 1
18 Lots (including Farmstead)
40 Acres
16 Lots + 2 Bonus Lots



Sketch 3C
Concept Subdivision Plan 2
18 Units
1 Farmhouse, 2 In Cars, 5 New Lots
40 Acres



Phasing Plan

(C) Concept Subdivision Plan

1. One or more open space design plans meeting the intent of this Chapter and including at least the following information:
 - (a) Open space areas indicating which areas are to be protected.
 - (b) Boundaries of areas to be developed and proposed general street and lot layout.
 - (c) Number and type of housing units proposed.
 - (d) Areas proposed for stormwater management and on- or off-site sewage treatment.
 - (e) Said plans shall be drawn at a scale of 1" = 100'.
2. For Open Space Developments in the Transition Zone a "build-out plan" showing the ultimate development of the entire parcel at urban densities is submitted as part of the concept subdivision plan.

(D) Phasing Plan

Open Space Design development may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:

1. A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each.
2. The phasing plan shall be made a part of the conditional use permit and is effective for five (5) years from the date of preliminary plat approval. If final plat approval is not received within five (5)

General Location Map

years, the permit shall become null and void.

- 3. Any common facilities, including golf courses, shall be constructed prior to the sale of any lots and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
- 4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails and landscaping shall be provided.

(E) General Location Map

(5) Application Procedure. Upon submittal of a complete application, the application shall be processed according to the following:

- (A) Plat Commission. The application will be forwarded to the County Plat Commission for concept review of the proposed subdivision in accordance with the requirements of the Subdivision Regulations.
- (B) Planning Commission. After concept review by the Plat Commission, the application will be forwarded to the Planning Advisory Commission. The commission will review the application in accordance with the requirements of this Development Code.
- (C) Plat Commission. Once a conditional use permit is issued, the applicant will then be directed to submit a plat to the Plat Commission in accordance with the requirements of the Subdivision Regulations.

4.5 Uses

The following uses are permitted within OSD Developments. The following uses must meet the standards and criteria specified for those uses, as set forth in and regulated by the Washington County Development Code.

A variety of residential uses are allowed in an OSD Development.

- (1) Residential. The following uses are allowed uses in the residential portion of the open space development.
 - (A) Single-family Detached

The open space may be used for both passive and active recreation uses, agriculture and may house services needed for the development. The open shall be accessible to residents of the subdivision.

A separate conditional use permit is required for some uses allowed in the open space because of their potential impact on the local community.

- (B) Multi-family Residential
- (C) Bed and Breakfast
- (D) Accessory Apartment
- (E) Community residence

(2) Open Space.

(A) The following uses are allowed uses in the designated open space:

1. Conservation (i.e., woodland, meadow, prairie)
2. Agricultural
3. Equestrian
4. Recreational uses and associated parking.
 - (a) trails (walking, skiing, cycling, horseback riding, snowmobiling)
 - (b) picnic areas
 - (c) community gardens
 - (d) composting (for waste generated by residents of the development)
 - (e) turf areas for informal play
 - (f) common areas such as greens or squares
 - (g) ball fields
 - (h) playgrounds
 - (i) courts (tennis, basketball, etc.)
 - (j) swimming pools or beaches
 - (k) common buildings
5. Stormwater Management Facilities
6. Sewage Disposal Systems
7. Essential Services–Utility Substation

(B) The following uses are allowed in the designated open space with an additional conditional use permit:

1. Golf Course
2. Recreational uses available to the public including:

- (a) ball fields
- (b) playgrounds
- (c) courts (tennis, basketball, etc)
- (d) swimming pools or beaches

4.6 Ownership & 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)
 - (D) An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

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

4.7 Open Space

- (1) With the exception of Open Space Development in the Transition Zone (TZ), the minimum open space required per Section 4.6 (4) (A) shall be subject to a permanent conservation easement and used for the purposes as defined by this Development Code. The conservation easement shall be dedicated to an acceptable land trustee or other similar organization as approved by the County.
- (2) Permanent protection of the open space in the Transition Zone is not required because these lands are expected to become urban. Developments in the Transition Zone are subject to the following:
 - (A) A title declaration shall be provided stating future development could occur at urban densities when the local unit of government rezones the property.
 - (B) Lots oriented around central open space features, such as greens, squares, playgrounds and parkways, and that these features or 10% of the open space, whichever is greater, shall be permanently protected.

- (3) The uses within the open space shall be accessible to the residents of the development in accordance with 4.10 (4) (D). These uses may also be available to the general public providing the proper approvals are received.
- (4) A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Zoning Administrator.

4.8 Homeowners' Associations

A Homeowners' Association shall be established if the open space is owned by a homeowner's 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 entitled to enforce 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.
- (7) The Management of collector sewage treatment systems.

4.9 Density Standards

- (1) The number of density units for the parcel shall be determined in accordance with Chapter Two, Part 2, Section 1.
- (2) Base Density

To encourage open space development, this section provides a density bonus that allows developers to increase the density over what would be allowed in a conventional or lot averaging subdivision.

Assuming a tract size of 40 acres, using the maximum potential “OSD” density (yield plan), you get:

	<u>Conventional Density</u>	<u>Base Density</u>	<u>Base & Density Points</u>	<u>Extra Units*</u>
A-1	1	2	2.4	1
A-2	2	4	4.8	2
A-4	4	8	1.6	5
RR	8	10	12	4
SFE	16	18	21.6	5

**The number of extra units is the difference between the conventional density and the maximum density allowed with density bonuses.*

The percentage of single-family attached units is limited to encourage a mix of uses and to ensure that a large percentage of houses are similar to/compatible

- (A) The number of density units determined in (1) above may be increased by using the percentage for the zoning district in which the parcel is located:
 - 1. A-1 100%
 - 2. A-2 100%
 - 3. A-4 100%
 - 4. RR 25%
 - 5. SFE 12.5%
 - 6. TZ 50%
 - 7. RS (with public sewer) 10%
 - 8. RS (without public sewer) 50%
 - 9. C 0%

(B) Apply any bonus density, as specified in Section 4.9 (3).

(3) Density Points

The base density may be increased if the development complies with one or more of the following standards. Each standard provides a density increase of 5% over the base density. The maximum bonus permitted is 20%.

- (A) Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.)
- (B) Providing for access by the general public to trails, parks or other recreational facilities, excluding golf courses.
- (C) Providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
- (D) Reusing historical buildings and structures, including those sites inventoried by the Washington County History Network and the State Historic Preservation Office. The Secretary of Interior's Standards for Rehabilitation shall apply.

4.10 Performance Standards

- (1) General considerations

with surrounding single-family houses.

- (A) For single-family attached and multi-family structures, the maximum number of units per freestanding building is six.
- (B) The residential lot shall be large enough to accommodate a house and two car garage.
- (C) All structures shall be setback a minimum of 75 feet from unclassified waterbodies.
- (D) Multi-family structures shall be setback a minimum of 50 feet from the lot line of a lot designated for single family detached dwelling units.
- (E) A maximum of 40% of the residential dwelling units may be multi-family residential.

(2) Residential Lot Requirements.

(A) Minimum Lot Size

- 1. Septic on-site 32,670 sq. ft. (.75 acre)
- 2. Septic off-site 21,780 sq. ft (.5 acre)

(B) Principal Building Setbacks

- 1. Front lot line 30 feet
- 2. Side lot line 15 feet
- 3. Rear lot line 30 feet

(C) Accessory Building Setbacks

- 1. Side lot line 15 feet
- 2. Rear lot line 10 feet

(D) Maximum Lot Coverage 35%

(E) Maximum Building Height 35 feet

(F) All lots shall take access from interior local streets.

(G) Fifty 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.

(H) Lots shall be oriented around a central focal point. This may be one or more of the following:

- 1. A central green or square.

The “focal point” ensures that the central feature of the development is always either a natural feature or

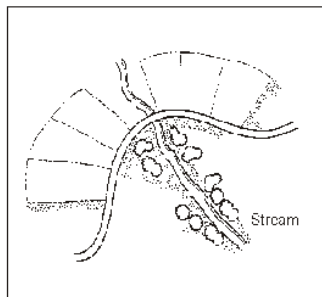
“designed” open space such as a green or parkway.

2. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural feature.
3. A street designed with boulevards planted with shade trees and with a central “parkway” or median, at least 25 feet wide.

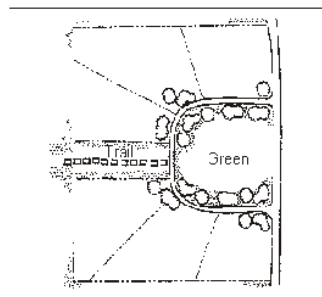
A neighborhood is a contiguous group of residential lots.

- (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 avoid encroaching 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) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.
 - (E) Neighborhoods should be sited 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.

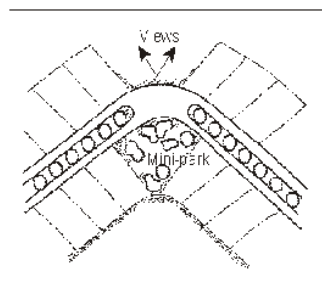
Sketch 4: Orientation



Orientation toward Physical Amenity



Orientation Toward Green



Orientation Toward Parkway

- (F) The maximum number of residential lots permitted in a neighborhood is 50.
- (G) More than one (1) neighborhood may be developed if separated by a clear boundary comprised of a combination of two or more of the following elements: street pattern, marked topographical changes, drainageways, ponds, wetlands, streams, greenways and woodlands.
- (H) Neighborhoods shall be separated from adjacent residential property by a clear boundary, with a minimum width of 300 feet, comprised of two or more of the following elements: street pattern, marked topographical changes, landscape screening, drainageways, ponds, wetlands, streams, greenways and woodlands.

(4) Open Space Design

(A) Open space shall be designated as part of the development. The minimum required open space is based on a percentage of the gross acreage:

1.	A-1	60%
2.	A-2	60%
3.	A-4	60%
4.	RR	60%
5.	SFE	60%
6.	TZ	70%
7.	RS	30%
8.	C	75%

(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-held buildings or structures unless they are accessory to the use 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.

- (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 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 25 percent.
- (F) At least 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 25% of the "accessible" open space, shall be suitable for recreational uses such as trails, play fields, or community gardens.
 - 2. A pathway system connecting all parts of those open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
 - 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.

Roads shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.

Street widths and alignments should be carefully scaled to neighborhood size.

(5) Street Standards

Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation:

(A) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

(B) Streets shall have the following design standards:

1. Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, trails and walkways, utilities and snow storage. The minimum right-of-way shall be provided in accordance with the following:

Travel Lanes	ADT less than 250	ADT over 250
One-way roadway	30'	30'
Two-way roadway	50'	60'

2. Roadway widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

Travel Lanes	ADT less than 100	ADT 100-250	ADT over 250
Two-way roadway	18'-24'	20'-24'	22'-24'
One-way roadway	11'-13'	11'-13'	11'-13'
(urban sections*)	13'	13'	13'
Shoulder width*	2'-4'	2'-4'	2'-4'

*For urban sections, measured from curb face to curb face

3. Additional Standards:

<p><i>Utilities will be placed underground; either parallel to the sidewalk or under the street.</i></p> <p><i>County ISTS Regulations will include standards for common systems: groundwater monitoring, pretreatment, system management, etc.</i></p> <p><i>Alternatives may include:</i></p> <p><i>Individual septic systems with drainfields located on the individual lot or in adjacent open space areas;</i></p> <p><i>Individual septic tanks with communal drainfields on individual lots or in open space areas.</i></p>	<ul style="list-style-type: none"> (a) Design Speed: Minimum 20 miles per hour (b) Vertical Curves: Minimum 50' (when grade difference less than 1%, no curve is needed) (c) Horizontal Curves: Minimum radius of 125' (d) Road Grades: Maximum grade 8% (e) Super-elevation: Maximum e = 0.04 feet/feet (f) Pavement Strength: 7 ton minimum (g) Clear Zones: Rural sections: 10' from edge of travel lane Urban sections: 2' from face of curb (h) Bridges: Width shall be traveled way plus 2' each side Design Loading for Structural Capacity HS-20 Sidewalk necessary to maintain pedestrian crossing (i) Cul-de-sacs: Minimum 30' radius <p>4. If determined necessary by the Zoning Administrator, shade trees shall be planted on both sides of the street at 50-foot intervals or placed in clusters at the same ratio</p> <p>5. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.</p> <p>6. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the County's standards for collector roads.</p>
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Drainfields may be located partially or completely within open space areas provided that:

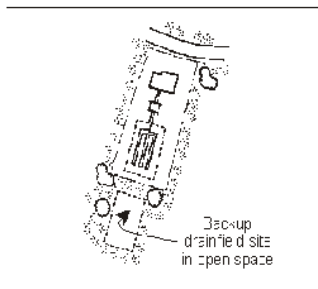
Ground cover of regularly mowed turf or meadows is maintained;

No agricultural activities are permitted within 50 feet of the drainfield area;

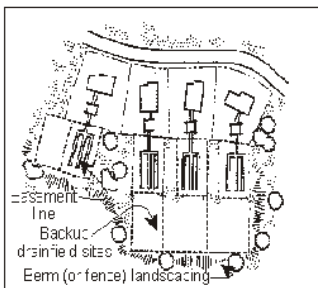
No trails or other recreational facilities are located in drainfield areas.

Alternative wastewater treatment and disposal systems that meet all MPCA permit requirements.

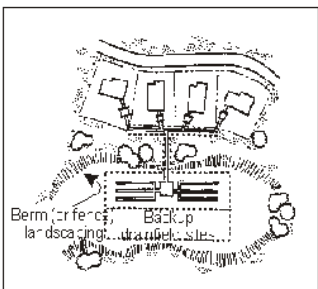
Sketch 6: Sewage Treatment Options



Drainfield on lot



Individual Drainfields in Open Space



Shared Drainfield in Open Space

7. Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.

(6) Sewage and Water Facilities

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

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

(7) Golf Courses

- (A) Golf courses located in the open space must comply with Chapter Two, Part 3, Section 2.12 of this 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 a golf course 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.

SECTION 5. PLANNED UNIT DEVELOPMENT

The purpose of this section is to provide design flexibility in land development by incorporating design modifications as part of PUD conditional use permit. The modifications, if granted shall be fully consistent with the general intent and purpose of County Development Codes related to land use, subdivision and development. It is not the intent of this Section to increase the overall density or vary uses.

Planned Unit Development: All developments having two or more principal uses on a single parcel of land; and may include townhouses, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments and industrial type developments.

5.1 Uses

The uses within a planned unit development are limited to those uses permitted in the underlying zoning district.

5.2 Performance Standards

- (1) The maximum density of the Planned Unit Development shall not exceed the maximum density permitted in the underlying zoning districts.
- (2) The uses allowed within the PUD are restricted to those uses which are allowed in the underlying zoning district.
- (3) The impervious surface coverage shall not exceed the maximum lot coverage of the underlying zoning district.

5.3 Exclusion from Requirements

Planned Unit Developments may be excluded from certain requirements of the Development Codes relating to land use, subdivision and development, including the provisions of this Development Code, providing that:

- (1) A general development plan is approved by the Planning Advisory Commission
- (2) The Planning Advisory Commission finds that the proposed development is fully consistent with the purposes of this Development Code relating to land use, subdivision and development and that the development is in conformity to the Comprehensive Plan.
- (3) Adequate performance bonds or other security are given to the County to secure completion of the development as provided by the general development plan.
- (4) A Planned Unit Development permit is granted by the Planning Advisory Commission.

5.4 Administration

- (1) Application. Whenever a development requires approval for a planned unit development, a preliminary and final application shall be filed in writing with the Zoning Administrator. Applications shall be accompanied by the required application fee.

- (2) The applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the planned unit development.

5.5 Criteria for Granting a Planned Unit Development

- (1) The Planning Advisory Commission may grant a planned unit development in any district provided the proposed development complies with the standards and criteria stated in the Washington County Development Code and Subdivision Regulations and that said development is in harmony with the general intent of this Development Code and comprehensive plan.
- (2) In granting approval for a planned unit development, 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 anticipating traffic conditions including parking facilities on adjacent streets and land;
 - (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 County's Comprehensive Plan;
 - (F) The ability of the proposed use to meet the standards of the Development Code; and
 - (G) That the proposed use(s) is (are) permitted in the underlying zoning district

If the Planning Advisory Commission determines that the proposed use will not be detrimental to the health, safety, or general welfare of the County, or that said use is in harmony with the general purpose and intent of the Development Code and Comprehensive Plan, the Planning Advisory Commission may approve such planned unit development.

5.6 Preliminary Review

Before applying for a planned unit development permit, the developer shall first apply for preliminary review of the proposed development. The application shall be accompanied by payment of a preliminary review fee. The application shall be filed with the Zoning Administrator. The application shall include the following information relating to the property, the developer and the proposed development, and may include such further information as the developer deems appropriate to preliminary review the proposed planned unit development. The Planning Advisory Commission may require additional information.

- (1) Reports shall be spiral or three-ring looseleaf bound and submitted on 8½" x 11" size paper, vertical format. The scale of the maps shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'.
- (2) A sketch plan shall be submitted showing the location of the site, size of the site, utilization of land adjacent to the site, existing buildings on the site, significant topographical and physical features of the site, proposed site, proposed general street layout and proposed general lot layout.
- (3) If the developer contemplates the retention of existing buildings or extension of facilities or utilities serving adjacent uses, these facts shall be documented.
- (4) The developer shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of thirty (30) years, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages including purchase money mortgages, all easements restricting land use, all liens and all judgments which may affect the site shall be documented.

The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current Certificate of Title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.

- (5) Notice and Hearing Procedure.

- (A) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Advisory Commission and establish a time for hearing on the application. From the date the Zoning Administrator receives the application containing all required information, the Planning Advisory Commission has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before 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 Subd. 3.
- (B) Notice of the time, place and purpose of all public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the county at least 10 days before the hearing. Notice shall also be sent to the clerk of the applicable town board not less than ten (10) days in advance of the date of the public hearing. The notice shall state the purpose, time and place of the public hearing. Written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
- (C) Written notice shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas.
- (D) In the case of conditional use permits, in unincorporated areas, notice shall be mailed to each of the owners of all property located within one-quarter ($\frac{1}{4}$) mile of the affected property, whichever would provide notice to the greatest number of owners.
- (E) In all other cases, including rezoning requests, in the unincorporated area notice shall be sent to owners of record within one-half ($\frac{1}{2}$) mile of the affected property.

- (F) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment.
 - (G) Defects 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.
- (6) **Planning Commission Action.** Within sixty (60) days after the first regular meeting after the application for a Preliminary Review has been submitted to the Zoning Administrator, the Planning Commission shall give preliminary review approval to the proposed plan, reject the proposed plan or request specific additional information. The Planning Commission shall also establish the process necessary for completion of a general development plan and shall notify the applicant of which alternative process or parts of the development plan process that will be applicable to his project. As soon as is reasonably practical, the Zoning Administrator shall inform the applicant of the action taken by the Planning Commission, in writing, accompanied by a copy of the resolution or minutes of the Planning Commission stating its reasons therefor. If additional information is requested, the Planning Commission shall accept or reject the Preliminary Review within thirty (30) days of such request. If the Preliminary Review is accepted, the developer may proceed to apply for a permit for a Planned Unit Development. Approval of the Preliminary Plan does not guarantee approval of the project.

5.7 *Final Review*

- (1) The applicant shall have secured preliminary review approval by the Planning Commission within the previous year.
- (2) The application shall be accompanied by development plans of the proposed planned unit development and supporting information as listed below as 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'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and

reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approved, shall be filed with the Planning Commission within sixty (60) days of such approval.

(B) An **environmental impact study** may be required by State, Regional or Federal agencies or by the Planning Commission as regulated by Chapter One, Section 12.

(C) A **regional location component map** shall be submitted showing the site and its interrelationship with the community. Said map shall include the location and distance in road miles to the following facilities servicing the site:

1. Elementary School(s)
2. Secondary School(s)
3. Fire Department
4. Police Station
5. Arterial and Limited Access Highways
6. Recreational Areas
7. Shopping Areas
8. Industrial Areas
9. Public Transportation Routes, including non-vehicle trails and major transportation depots
10. Churches and Public Buildings

The names of all property owners within five hundred (500) feet of the development site shall be shown on the map.

(D) A **land evaluation component** which shall consist of a map or maps and accompanying report setting forth the natural limitations on land development, including slopes, drainage systems, vegetation, soil types, soil quality and how these limitations are incorporated in the development plan. Said land evaluation component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(E) A **land use component** which shall consist of a map or maps and report setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed

as part of the general plan of development. Said land use component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

- (F) A **circulation component** which shall consist of a map or maps and report setting forth the general location, extent, and nature of all transportation facilities proposed as part of the general plan of development, all proposed points of inter-connecting access to existing transportation facilities and the present use and design capacities of existing transportation facilities. Proposed transportation facilities information shall include:

1. Location of paths or bikeways.
2. Location of major and local thoroughfares.
3. Location and definition of trash removal system.
4. Location and definition of industrial and commercial delivery areas and systems.
5. Identification by function of principal arterials, intermediate arterials, minor arterials, collector streets and local streets.
6. Location and function of one-way street systems, divided roads, left-turn lanes and such other matters as may be related to the provision for the circulation of traffic within the planned area.

The following information pertaining to parking areas shall be shown:

7. Paved areas for all parking compounds.
8. Landscaped areas contained within parking areas.
9. Service estimates which show the number of residential units or gross flow area and the number of parking spaces for each area.

This circulation component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

- (G) A **population component** which shall contain a report of the standards of population density and building intensity for the various proposed land uses, including estimates of future population, correlated with supporting data, and shall include but not be limited to dwelling (housing) units per

acre for the various residential uses proposed; and square footage by type for the various nonresidential facilities, including sufficient data to calculate traffic generation, parking requirements, water consumption, sewage needs and the necessary capacity of related utilities and services traditionally rendered by public or private organizations for a population of such size as is projected for the completed planned development. This report shall contain an analysis indicating the projected marketability of the development in respect to effective demand specifically relating the size to the community. Any public and/or subsidized housing shall be identified to include an explanation of the assistance program and the number of units affected. Said population component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(H) **A services and facilities component** which shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, existing and proposed sewage flows, location of on-site sewage treatment systems and backup areas, domestic water supply and distribution, refuse disposal, drainage, local utilities and right-of-way easements, facilities and appurtenances necessary therefor. Said services and facilities component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation, as well as a detailed statement describing the proposed ownership, method of operation and maintenance of each such service and facility.

(I) **An open space and community facilities component map and report** which shall show:

1. All land dedicated or deed restricted for public or common use showing major trails, acreage and proposed use.
2. Location of all play fields, tot-lots, tennis and handball courts, or other recreational facility indicating type and general area of concentrated use.
3. Location of all buildings intended for community, school, religious or institutional use indicating approximate building coverage in square feet.

- 4. Location of all existing buildings, historical areas or scenic areas to be preserved.

The report shall contain an explanation of how the common open space shall be maintained including an estimate of additional charges or costs to be paid by each housing unit. The method by which citizen participation is provided in the maintenance of these facilities shall be specified. All improvements to be placed as fixtures upon the land shall be described. A statement of conformance or lack thereof to the requirements of design ratios and common open space shall be included. Said open space and community facilities component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

- (J) A **land coverage and drainage component** map or maps which shall include the location and square feet of all areas of the site to be covered by paving or building roofs, and the proportion of each as related to the total site, and the relation to each watershed existing on an off-site location prior to proposed development.

All areas of the site in which the natural vegetative cover will be altered shall be identified and the proportion by type of change shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.

A grading and drainage plan identifying the collection and retention and drainage of stormwater shall be submitted to the Watershed District and the Washington County Soil and Water Conservation District at the time of application. Erosion control structures must be in place before grading begins. On-site drainage shall be directed to a stormwater holding pond prior to leaving the site. Drainage and erosion control systems shall be designed to prevent any increase in site runoff over pre-existing peak flows.

- (K) A **building quality component** which shall consist of a map or maps, schematic drawings and report showing locations of all buildings with floor elevations, typical building types to illustrate architectural intent and character, and the name,

address and certification of the architect approving the exhibit.

(L) A **legal submissions component** which consist of the following:

1. The articles of incorporation and bylaws for any homeowners association, condominium association or other form of nonprofit corporation to maintain or advise in the operation of any common space.
2. Any agreement by which an organization is to serve in the capacity of a trustee.
3. Typical deed or lease agreement specifying all rights and obligations including required fees to be paid to maintain common open space.
4. A signed statement establishing the rights of the County to substitute for the organization to maintain common open space and to collect the necessary funds.
5. Copies of all existing or proposed easements and covenants to permit other persons to utilize portions of land or to maintain facilities and/or utility service lines.
6. Copies of all existing or proposed agreements by which private roads shall be maintained, refuse collected, snow plowed and other supplementary services be provided.
7. Copies of all dedications, restrictions and covenants imposed upon the land including reservations in favor of any homeowners association.

(M) A **construction order component** which shall contain a map or maps setting forth the proposed chronological order of construction relating each proposed use and structure to the construction of the various services and facilities as may be required herein. Said component shall include estimated completion dates and shall specify the proposed order of request for utility release or other authority to occupy complete structures so as to provide a basis for determining the adequacy of the related services and facilities which would not require a variance under existing zoning. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

- (N) A **Subdivision Design** which shall comply with the provisions of the Washington County Subdivision Regulations.
- (O) A **financial impact component** which shall consist of a report demonstrating the additional taxes generated by the planned unit development for the community and the school district, the additional financial burden generated by the planned unit development on the school system, fire department, police department, road maintenance and other increased financial burden on the community. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (P) A **marketing component** which shall consist of a report demonstrating the economic feasibility of the planned unit development including a marketing survey of proposed residential and apartment units, the impact on existing property values, the impact on any other proposed real estates developments in the surrounding area, the amount of federal, state and local subsidy or loan programs utilized by the planned unit development and the impact of such governmental subsidy or loan programs being curtailed or eliminated.
- (Q) An **air pollution component** which shall consist of a map and report setting forth the location of all air pollution sources including areas of heavy traffic, parking lots, incinerators and smokestacks. The report shall include the amount of pollution expected from each source and the abatement procedures to be used to control such air pollution. Said component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation.
- (R) The **general plan of development** may include as additional components: A Recreation Component, a Public Building Component, Noise Component, Lighting Component providing for consideration for administrative and public safety quarters, and such other components indicated by the nature of the particular proposed development.
- (3) Referrals. Upon receipt of all required information, the Zoning Administrator shall refer the same to the Planning

Commission and shall refer the applicable portions to the Fire Department, County Engineer and Building Official,

Washington County Soil and Water Conservation Service and such other public bodies, agencies and officials as may be interested or affected. Reports on those aspects of the proposed plan which concern such department or body must be filed with the Zoning Administrator within thirty (30) days of the referral thereof.

(4) Public Hearing. Within the period of time the matter is under consideration, the Planning Commission shall hold a public hearing concerning the particular planned unit development application. At least ten (10) days notice of said meeting shall be given by the U.S. Mail to all property owners within five hundred (500) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property. At least ten (10) days prior to such public hearing, a notice indicating the time, place and reason for such public hearing shall be published in the official newspaper of the County. Notice shall contain a legal description of the property described in the application. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings. Within the period of time the matter is under consideration by the Planning Commission, the applicant shall be allowed to make such amendments to his application, including any part of the general development plan or any applicable components thereof, as the Planning Commission shall request or permit.

(5) Action by the Planning Commission. The planned unit development general development plans shall be placed on the agenda of the Planning Commission at its next regular meeting following the required public hearing. The Planning Commission shall take action on these plans within sixty (60) days after such meeting. If it shall determine by resolution that the proposed use will not be detrimental to the health, safety, morals or general welfare of the County and that said use is fully consistent with the purposes of the Development Codes relating to land use, subdivision and development, including the provisions of this Development Code and in conformity with the Comprehensive Plan, the Planning Commission may grant such approval. If it approves the plans, the Planning Commission may impose conditions, including time limits it considers necessary. Periodic review of the project and

the final permit may be required; the cost of periodic review shall be paid by the permittee. Each project approval shall be granted for a particular use and development, and not for a particular applicant.

A decision of the Planning Advisory Commission as it relates to a planned unit development shall not take effect for fifteen (15) days from 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 not appeal is made within this time period, the decision will take effect and be considered final.

5.8 Method of Amending a Planned Unit Development Permit

Any desired change involving structural alteration, enlargement or intensification of the use not specifically allowed by a particular planned unit development permit, or any request for a variance from the specific terms of a previously passed planned unit development permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

5.9 Method of Cancellation of a Planned Unit Development Permit

Any existing approved planned unit development permit shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved planned unit development permit. In addition, an existing planned unit development permit shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the permit, is not filed as required by and in accordance with the terms of the County Subdivision Regulations within one hundred twenty (120) days following final approval of the planned unit development permit by the Planning Commission. The planned unit development permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing planned unit development permit shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the County acting in accordance with law and due process, taking some rezoning action which supersedes the planned unit development.