

A
COUNTY DEVELOPMENT CODE
FOR
WASHINGTON COUNTY, MINNESOTA

CHAPTER 1. ZONING ORDINANCE

WASHINGTON COUNTY DEVELOPMENT CODE

Chapter 1.	Zoning Ordinance
Chapter 2.	Shoreland Management Ordinance
Chapter 3.	Flood Plain Ordinance
Chapter 4.	Sanitary Sewer Disposal Ordinance
Chapter 5.	Subdivision Ordinance
Chapter 6.	Mining Ordinance

TABLE OF CONTENTS

	Page No.
Preface	i
Introduction	1
Chapter 1. Zoning Ordinance	3
Section 1. Title	3
Section 2. Intent and Purpose	3
Section 3. Definitions.....	5
Section 4. General Provisions	24
401. Application of This Ordinance	24
402. Non-Conforming Uses and Structures	24
403. Lot Provisions	25
404. Principle Structure	29
405. Accessory Buildings and Structures	30
406. Quasi Public Structures	31
407. Permitted Encroachments	31
408. Fences	33
409. Setbacks.....	34
410. Height	34
411. Shopping Centers	35
412. Planned Unit Developments	36
413. Density Zoning	49

414.	Townhouses	50
415.	Apartments and Other Multi-Family Uses	52
416.	Storage of Hazardous Materials	53
417.	Land Reclamation	53
418.	Mining, Sand and Gravel Extraction	54
419.	Service Stations	54
420.	Flood Control	55
421.	Zoning and the Comprehensive Plan	55
422.	Farming Operations	56
423.	Access Drives and Access	56
424.	Airport Zoning District	57
425.	Trailer Regulations	60
Section 5.	Administration	61
501.	Enforcing Officer	61
502.	Duties of the Administrator	61
503.	Appeals & The Board of Adjustment & Appeals ..	61
504.	Variances	62
505.	Conditional Use Permits	63
506.	Special Use Permits	65
507.	Amendment of Zoning Ordinance	69
508.	Permits	71
509.	Certificate of Occupancy	73
510.	Fees	73
511.	Township Planning	74
Section 6.	District Provisions	76
601.	Districts	76
602.	Minimum Requirements	77
603.	Zoning District Map	78
604.	Uses in Zoning Districts	79
605.	Flood Plain	83
606.	Planned Unit Development	83
607.	Limited Planned Unit Development District	83
608.	Shopping Center	83
609.	Airport Zone	84
610.	Townhouse	84
611.	Multiple-Family	84
612.	Lake and Shoreland	84
613.	Conservancy	85
614.	Lakes	85
Section 7.	Performance Standards	87
701.	Purpose	87
702.	Exterior Storage	87
703.	Pollution	88
704.	Screening	88

705.	Landscaping	89
706.	Maintenance	89
707.	Glare	89
708.	Parking	89
709.	Off-Street Loading and Unloading Areas.....	95
710.	Traffic Control	96
711.	Drainage	97
712.	Explosives	97
713.	Fall-Out Shelters	97
714.	Guest Houses	97
715.	Dwelling Units of Employee on Premises in Residential District	98
716.	Dwelling Units in Commercial and Industrial Districts	98
717.	Drive-In Business	98
718.	Radiation and Electrical Emissions	101
719.	Other Nuisance Characteristics	101
720.	Noise Control	103
721.	Visual Standards	107
722.	Coin Operated Machines	107
723.	Swimming Pools	107
724.	Signs	109
725.	Automobile Sales and Show Rooms	116
726.	Livestock Pollution and Nuisances	119
727.	Mobile Homes and Mobile Home Parks	121
728.	Trailer Park Regulations	127
729.	Apartment Standards	130
Section 8.	Enforcement.	136
801.	Violations and Penalties	136
Section 9.	Effectuation	137
901.	Separability	137

INTRODUCTION

Zoning is, the creation by law of districts within which regulations prohibit establishment of certain specified uses which are considered harmful to public interest. Legally, zoning is a use of the "police power", the general authority by which the public protects and promotes the "public health, safety, morals and welfare". The courts of this and many other states, as well as the Supreme Court of the United States, have upheld the principle of zoning. At the present time, the courts have protected private rights by insisting that zoning regulations may not be unreasonable, arbitrary or capricious, and that the regulations must have a real and substantial relation to the purpose of zoning or "real and substantial relation to the object sought".

The courts have been conservative in approving the zoning power and two safeguards are well established:

- (1) zoning regulations cannot prevent the continuation of established uses and
- (2) regulations must be uniform within the district.

The first means that a landowner or occupier cannot be prohibited from continuing his present use of the land by an ordinance which later zones out that type of land use. The established "nonconforming use" is legal as long as it is continued and the ordinance operates only to prevent other land from being put to the prohibited use after the ordinance is enacted. In other words, zoning applies to future uses rather than to established uses except in rare instances.

The second restriction on zoning power means that regulations apply uniformly to all land in the zoning district. Two or more different kinds of districts may be established and the regulations may be different for each type of district. Within a district, however, a zoning ordinance applies equally to all tracts of land.

An important objective of zoning is the regulation of land use to secure the best utilization of our national resources, not only in terms of money but in human life and happiness. Zoning stabilizes and enhances land values within each zone or district because it promotes the orderly utilization of land for agriculture, recreation, residence, business, industry, and other uses.

Zoning looks mainly to the future. Zoning tools work best if they are used before a community grows up in a hit-or-miss way and before blight occurs. If used in time, zoning can both prevent and improve. It can prevent harmful uses that depress property values from infiltrating neighborhoods and it can set apart desirable areas for business and industry and provide guidance for orderly growth. By using zoning tools, local people working together can shape the future of their community and save many tax dollars in the years ahead.

Zoning tools work, thus, in communities that have given serious thought to the future and have worked out a comprehensive development plan based on a study of resources, problems, needs, and potentials. The idea is to achieve reasonable harmony of public plans for future investments in roads, water supplies, sewers, schools, parks and so on, and for the private development of property for residential, business, and industrial uses. The comprehensive development plan or guide plan is a blueprint that suggests how present and future improvements and land uses

should be related. With such a guide plan the community can use more wisely its zoning and related tools to assure that each new private development will be in reasonable accordance with and contribute to the overall harmonious growth of the local community.

Many different types of land use are found in Washington County. Even in most areas which are primarily residential suburban communities, there are land uses in addition to places in which to live. Such uses include churches, schools, parks, playgrounds, agriculture, streets, commercial enterprises, industrial type uses, and others. The arrangement of these many types of buildings and uses, their relationship one with another, and the manner in which the patterns of land uses are adopted to the site of the community, very largely determines the character, efficiency, and quality of the environment.

The different parts of the community are not static but are constantly changing as they adopt to new conditions, new conceptions of human needs, aging and obsolescences, and new technological improvements. The control of new development and change through zoning may be the most important part of planning in Washington County. Although zoning has certain deficiencies, it is still the most important tool we have to guide and control the urban form. Control of land use through zoning and other means is essential to avoid the hodge-podge and chaotic pattern with residential, commercial, agricultural, industrial and public and semi-public uses all intermingled.

Reasonable land use control at the local level of government is not only essential in order that a desirable and sound community may result, but also in order that the individual citizens who build the different parts of the planning district can proceed with reasonable confidence unimpaired by doubts regarding the future land use pattern. Land use control is also necessary in order to plan for schools, streets with adequate capacity, proper location and size of utilities, balanced economic growth, and other reasons.

The community of the future will grow gradually out of the present development. Proper zoning is one means to assure that the sum total of all individual developments will combine to make for a satisfactory total environment. The zoning regulations proposed in this report are intended to help effectuate the provisions of the Comprehensive Development Plan and to generally reflect the policy and goals of the county at large.

WASHINGTON COUNTY, MINNESOTA

CHAPTER 1. ZONING ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND THE USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION, AND THE DIVISION OF THE COUNTY INTO DISTRICTS FOR THE ORDERLY FUTURE DEVELOPMENT OF THE AREA OF WASHINGTON COUNTY, MINNESOTA, OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF THE MUNICIPALITIES.

THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Washington County Zoning Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

SECTION 2. INTENT AND PURPOSE

201. Purpose. This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Dividing Washington County into zones and districts restricting and regulating therein, the location, and use of structures and land.
- (3) Promoting orderly development of the residential, business, industrial, recreational and public areas.
- (4) Providing adequate light, air, and convenience of access to property.
- (5) Limiting congestion in the public rights-of-way.
- (6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.

- (7) Providing for the compatibility of different land uses and the most appropriate use of land throughout Washington County.
- (8) Protecting and guiding the development of rural areas.
- (9) Conserving and developing natural resources, and maintaining a high standard of environmental quality.
- (10) Fostering agriculture and other industries.
- (11) Conserving the natural and scenic beauty and attractiveness of roadsides.
- (12) Preserving the capacity of flood plains to carry and discharge regional floods.
- (13) Guiding wise development of shorelands of public water..
- (14) Preserving and enhancing the quality of surface water.
- (15) Providing for the administration of this Ordinance and amendments thereto.
- (16) Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.
- (17) Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto.

SECTION 3. DEFINITIONS

301. Rules. .

301.01. The Town Board of any Township may continue to plan and zone as provided by law, but no Township shall enact and/or maintain a zoning map which is inconsistent with the County Zoning Map, Nothing in this Ordinance shall prevent the township from enacting and/or maintaining a zoning ordinance with regulations more restrictive than provided in this Ordinance.

301.02. In the event of conflicting provisions in the text of this Ordinance, the more restrictive provision shall apply. The County Zoning Administrator shall rule on what is more "restrictive" and appeals from said decisions may be made in the manner provided herein.

301.03. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive.

302. Definitions.

302.01. For the purpose of the Ordinance, certain terms and words are hereby defined as follows:

- (1) Accessory Building.
A subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.
- (2) Accessory Use.
A use subordinate to the principal use on the same premises and customarily incidental thereto.
- (3) Administrator.
The duly appointed person charged with enforcement of this Ordinance.
- (4) Agricultural, Rural.
An area of five (5) or more contiguous acres which is used for the production of farm crops such as vegetables, fruit trees, grain, and other crops and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets, and domestic farm animals. The term "farming" includes the operation of such area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the farming activity, and provided further that farming does not include commercial pen feeding (feed lots) or the commercial feeding of garbage to swine or other animals.
- (5) Agricultural, Urban.
An area of less than five (5) contiguous acres which is used for the purpose of growing produce including crops, fruit trees, shrubs, plants and flowers, vegetables, and the like provided such produce is intended solely for the use of residents on the property or sale away from the property. It may include the raising of domestic pets.

It shall not include the raising of domestic farm animals, roadside stand for sale of products, processing or packaging operations, or similar uses.

- (6) Airport or Heliport.
Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way.
- (7) Airport Elevation.
The established elevation of the highest point on the usable landing area.
- (8) Airport Hazard.
A structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.
- (9) Airport Reference Point.
The point established as the approximate geographic center of the airport landing area and so designated.
- (10) Alley.
Any dedicated public right-of-way providing a secondary means of access to abutting property.
- (11) Animals, Domestic Pets.
Dogs, cats, birds, and similar animals.
- (12) Animals, Domestic Farm.
Cattle, hogs, horses, queen bees, sheep, goats, chickens, and other commonly known farm animals.
- (13) Apartment.
A room or suite of rooms with cooking facilities which is occupied as a residence by a single family.
- (14) Attorney.
The Washington County Attorney.
- (15) Automobile Service Station. (Gas Station)
A place where gasoline, kerosene or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. This definition includes greasing and oiling and the sale of automobile accessories on the premises. This definition also includes minor repairs, incidental body and fender work, painting or upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding one and one-half (1/2) tons capacity. This definition shall not include major repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, collision service, including body, frame or fender straightening or repair; overhaul, painting or paint job; vehicle steam cleaning; or automatic car or vehicle washing devices.
- (16) Automobile Service Uses.
Those uses catering to the traveling public. These include auto and truck laundry, drive-in business, service station, repair garage, public garage, motel, hotel,

seasonal produce sales, motor vehicle sales, trailer sales and rental, boat sales, rental services and restaurants.

- (17) Automobile Repair - Major.
General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting service.
- (18) Automobile Repair - Minor.
The replacement of, any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not. in excess of 7,000 pounds gross vehicle weight.
- (19) Auto or Motor Vehicle Reduction Yard.
A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard).
- (20) Basement.
A portion of a building located partly underground and having 2 or less of its floor to ceiling height below the average grade of the adjoining ground.
- (21) Board.
The County Board of Commissioners of Washington County.
- (22) Boarding House.
A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for 3 or more unrelated persons, but not to exceed 8 persons.
- (23) Building.
Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal or chattel of property of any kind. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
- (24) Building Height.
The distance between the average ground level at the building line and the uppermost point on the roof.
- (25) Building Setback.
The minimum horizontal distance between the building and a lot line.
- (26) Business.
Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (27) Carport.
An automobile shelter having one or more sides open.

- (28) Cellar.
That portion of the building having more than one-half (1/2) of the clear floor-to-ceiling height below the average grade of the adjoining ground.
- (29) Channel.
A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- (30) Channel Flow.
Is that water which is flowing within the limits of the defined channel.
- (31) Church.
A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (32) Club or Lodge.
A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, county and municipal laws.
- (33) Commercial Recreation.
Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skiing, skating, tavern, theater, firearms range and similar uses.
- (34) Community.
Washington County, Minnesota, except where otherwise designated.
- (35) Comprehensive Plan.
Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the Washington County Planning Advisory Commission.
- (36) Conservancy.
A zoned area, the purpose of which is to manage areas unsuitable for development.
- (37) Curb Level.
The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the County engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- (38) Decibel.
The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the latest revision of Standards on Sound Level Meters of the USA Standards Institute.

- (39) Disposal Area - Sewerage.
That ground within the confines of the lot that does not contain buildings and has an elevation at least eighty (80) inches above the highest known or calculated water table or bedrock formation and does not slope in excess of thirteen percent (13%).
- (40) Drive-In.
Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
- (41) Dwelling.
A building or one (1) or more portions thereof occupied or intended to be occupied exclusively for human habitation, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches. A dwelling shall not be interpreted to include lodging rooms.
- (42) Dwelling-Attached.
A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
- (43) Dwelling-Detached.
A dwelling which is entirely surrounded by open space on the same lot.
- (44) Dwelling-Duplex or Two Family.
A residential building containing two (2) dwelling units.
- (45) Dwelling-Multiple or Apartment Building.
A residential building, or portion of a building, containing three (3) or more dwelling units served by a common entrance.
- (46) Dwelling-Single.
A residential building containing one (1) detached dwelling unit.
- (47) Dwelling-Townhouse.
A residential building containing two (2) or more attached dwelling units, each unit so oriented as to have all exits directly to the out-of-doors.
- (48) Dwelling Unit.
A residential accommodation including complete kitchen facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one family.
- (49) Easement.
A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.
- (50) Engineer.
The Washington County Engineer.
- (51) Essential Services. (Public Utility Uses)
Underground or overhead gas, electrical, steam or water distribution systems;

collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

- (52) Essential Services. (Public Utility Uses - transmission services, 'buildings and storage).
Transmission service such as electrical power lines of a voltage of 35 kv or greater, or bulk gas or fuel being transferred from station to station and not intended for in-route consumption or other similar equipment and accessories in conjunction therewith.
- (53) Exterior Storage (Includes Open Storage).
The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (54) Family.
An individual, or two or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household, exclusive of usual servants.
- (55) Farm.
Any tract of land, five (5) acres or greater, used for agricultural purposes.
- (56) Feed Lot.
The place of confined feeding of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.
- (57) Fence.
A partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.
- (58) Flood.
A temporary rise in stream flow or stage that results in water over-topping its banks and inundating areas adjacent to the channel.
- (59) Flood Design.
In the absence of any special engineering studies or evidence of the highest known water level, the 1965 high water levels shall be used as a standard in this Ordinance in determining areas subject to flooding.
- (60) Flood Plain.
The areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.
- (61) Flood Proofing.
A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

- (62) Flood Protection Elevation.
A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
- (63) Flood Water.
The water of any river, stream, drainage channel, low area, lake or pond which is above and/or outside the channel or banks of said river, stream, drainage channel, lake or pond.
- (64) Floodway.
The channel or bed of a river, stream, drainage channel, lake or pond, and those portions of the flood plains adjoining which are required to carry and discharge the flow of the river or stream and for the purpose of this Ordinance.
- (65) Floor Area.
The gross area of the main floor of a residential building measured in square feet and not including an attached garage, breezeway or the like.
- (66) Floor Area - Gross.
The sum of the gross areas of the various floors of a building measured in square feet. The basement floor area shall not be included, other than that area devoted to the same use as the principal use of the building.
- (67) Floor Area Ratio.
The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
- (68) Floor Plan - General.
A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
- (69) Frontage.
That boundary of a lot which abuts an existing or dedicated public street.
- (70) Garage - Private.
A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or farm trucks.
- (71) Garage - Public.
A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.
- (72) Garage - Repair.
A building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

- (73) Garage - Storage.
Any premises, except those described as a private or public garage, used exclusively for the storage of power-driven vehicles.
- (74) Governing Body.
The Board of County Commissioners of Washington County, Minnesota.
- (75) Home Occupation.
Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in any accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, that no over-the-counter retail sales are involved, and entrance to the home occupation is or can be gained from within the structure. Such uses include professional offices, hairdressing by occupant only, minor repair services, photo or art studio, dressmaking, or teaching limited to 3 students at any time and similar uses; however, a home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants, or similar uses. No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants. No home occupation shall be permitted in any accessory building.
- (76) Hotel.
A building having provision for 9 or more guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
- (77) Institutional Housing.
Housing for students, mentally ill, infirm, elderly, nurses, physically retarded, and similar housing of a specialized nature.
- (78) Junk Yard.
An area where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included. Such use shall not include organic waste or material.
- (79) Kennel - Animal.
Any place where 4 or more of any single type of domestic pets, over 4 months of age, are owned, boarded, bred or offered for sale.
- (80) Land Reclamation.
The reclaiming of land by depositing material so as to elevate the grade. Depositing a total of more than one hundred (100) cubic yards of material per acre, either by hauling in or regrading the area, shall constitute land reclamation.

- (81) Landscaping.
Planting such as trees, grass, and shrubs.
- (82) Loading Space.
A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.
- (83) Lodging Room.
A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as 1 lodging room.
- (84) Lot.
A parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description which is recorded or to be recorded in the Office of the Washington County Register of Deeds or Registrar of Titles.
- (85) Lot Area.
The area of a horizontal plane within the lot lines.
- (86) Lot Area Minimum Per Family.
The minimum number of square feet of lot area required per dwelling unit.
- (87) Lot, Corner.
A lot situated at the junction of, and abutting on, 2 or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.
- (88) Lot Depth.
The mean horizontal distance between the front and the rear lines of a lot.
- (89) Lot, Interior.
A lot other than a corner lot, including through lots.
- (90) Lot Line.
A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.
- (91) Lot Line, Front.
That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Zoning Administrator. In the case of a corner lot in a non-residential area the lot shall be deemed to have frontage on both streets.
- (92) Lot Line, Rear.
That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel, to, and at the maximum distance from the front lot line.

- (93) Lot Line, Side.
Any boundary of a lot which is not a front lot line or a rear lot line.
- (94) Lot of Record.
A platted lot or metes and bounds parcel which has been recorded in the Office of the Washington County Register of Deeds or Registrar of Titles prior to the adoption of this Ordinance.
- (95) Lot, Through.
Any lot other than a corner. lot which abuts more than one street. On a through lot, all the street lines shall be considered the front lines for applying this Ordinance.
- (96) Lot Width.
The horizontal distance between the side lot lines of a lot measured at the setback line.
- (97) Manufacturing, General.
All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include but are not limited to the following: sawmill, refineries, commercial feed lots, acid, cement, explosives, flour, feed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of paris, tanneries, automobile parts, paper and paper products, glass, chemicals, crude oil and petroleum products including storage, electric power generation facilities, vinegar works, junk yard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.
- (98) Manufacturing, Limited.
All uses which include the compounding processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere. Such uses. include but are not limited to the following: lumberyard, machine shops, products, assembly, sheet metal shops, plastics, electronics, general vehicle repair (repair garage), body work and painting, contractors shops and storage yard, food and non-alcoholic beverages, signs and displays, printing, publishing, fabricated metal parts, appliances, clothing, textiles, used auto parts.
- (99) Medical Uses.
Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services or clinic, nursing or convalescent home, orphans' home, rest home, sanitarium.
- (100) Manure.
Any solid or liquid animal excreta or mixture with water or other wastes which might cause pollution of waters of the state if discharged thereto or deposited where the same is likely to get into any waters of the state.

- (101) May
Means permissive.
- (102) Mean Flow Level.
The average flow elevation of a stream or river computed as the mid-point between extreme low and extreme high water.
- (103) Mining.
The extraction of sand, gravel, rock, soil or other material from the land and the removal thereof from the site. For the purposes of this Ordinance mining shall not include; the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural, conservative items and sod removal except as further regulated herein.
- (104) Mobile Home.
Any type of readily mobile structure or vehicle not drawn by its own power with permanently attached undercarriage and wheels which is designed, constructed, and equipped for use as a single family dwelling place, living abode, or living quarters, suitable for occupancy during the entire year, which contains the same water supply, waste disposal, and electrical conveniences as immobile housing. "Mobile home" shall not include "trailer" as hereinafter defined nor shall it include homes moved to a site on a more or less permanent basis.
- (105) Mobile Home Lot.
A parcel of land for the placement of a single mobile home for the exclusive use of the occupants of said mobile home.
- (106) Mobile Home Park.
Any site, lot, field, or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile home park" shall include any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
- (107) Mobile Home Stand.
The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- (108) Motor Courts, Motor Hotel, or Motel.
A building or group of buildings other than a hotel used primarily as a temporary residence of a motorist.
- (109) Motor Freight Terminal.
A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.
- (110) Noise.
One, or a group of, loud, harsh, non-harmonious sounds or vibrations that are unpleasant and irritating to the ear.
- (111) Noise, ambient.
The all-encompassing noise associated with a given environment, being either a

composite of sounds transmitted by any means from many sources near and far or a single predominate source.

- (112) Noxious Matter.
Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the health, the psychological social or economic well being of human beings.
- (113) Nursery, Day.
A use where care is provided for three (3) or more children under kindergarten age for periods of 4 hours or more per day for pay.
- (114) Nursery, Landscape.
A business growing and selling trees, flowering and decorative plants, and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- (115) Nursing Home.
A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.
- (116) Office Uses.
Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. These include: banks, general offices, governmental office, insurance office, real estate office; travel agency or transportation ticket office, telephone exchange, utility office, radio broad-casting and similar uses.
- (117) Official Map.
The map established by the governing body, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.
- (118) Open Sales Lot.
Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.
- (119) Open Storage.
Storage of any material outside of a building.
- (120) Parking Space.
A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size, minimum 10' x 30', to store one standard automobile.
- (121) Party Wall.
A common wall which divides two independent structures.
- (122) Pedestrian Way.
A public or private right-of-way across or within a block, to be used by pedestrians.
- (123) Performance Standards.
The minimum Development Standards as adopted by the Washington County

Planning Advisory Commission and/or the Washington County Board and on file in the office of the County Zoning Administrator.

- (124) Person.
An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.
- (125) Planned Unit Development.
A development which consists of 2 or more principal structures or uses on a single parcel of land.
- (126) Planning Advisory Commission or Planning Commission.
The duly appointed planning and zoning advisory commission of the Washington County Board; except when otherwise designated.
- (127) Principal Structure or Use.
One which determines the predominant use as contrasted to accessory use or structure.
- (128) Property Line.
The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
- (129) Protective Covenant.
A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (130) Public Land.
Land owned and/or operated by a governmental unit, including school districts.
- (131) Publication.
An official notice as prescribed by State Statutes.
- (132) Race Track.
Any area where two or more power driven vehicles or animals are raced for profit or pleasure.
- (133) Recreation Equipment (In Residential Districts).
Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.
- (134) Registered Land Survey.
A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
- (135) Research.
Medical, chemical, electrical, metalurgical or other scientific research and quality control, conducted in accordance with the provisions of this Ordinance.

- (136) Resort.
Any structure or group of structures containing more than two dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.
- (137) Retail Business Uses.
Stores and shops selling personal services or goods over a counter. These include the following: antiques, art and school supplies, auto accessories, bakeries, barber shop, beauty parlor, bicycles, books and stationery, candy, cameras, and photographic supplies, carpets and rugs, catering establishments, china and glassware, Christmas tree sales, clothes pressing, clothing and costume rental, custom dressmaking, department stores and junior department stores, drugs, dry goods, electrical and household appliances, sales and repair, florist, food, furniture, furrier shops, garden supplies (year round operation only), gifts, hardware, hats, hobby shops for retail of items to be assembled or used away from the premises, household appliances, hotels and apartment hotels, interior decorating, jewelry, including repair, laboratories, medical and dental research and testing, laundry and drycleaning pickup, processing to be done elsewhere, laundromat, leather goods and luggage, locksmith shops, musical instruments, office supply equipment, optometrists, paint and wallpaper, phonograph records, photography studios, service station, restaurant, when no entertainment or dancing is provided, shoes, sporting goods, tailoring, theater, except open air drive-ins, tobacco, toys, variety stores, wearing apparel and similar type uses.
- (138) Runway.
A surface of an airport landing strip.
- (139) Runway, Instrument.
A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
- (140) Safeguard.
A facility or device or any disposal system or combination thereof designed to prevent the escape or movement of any manure or solution. thereof or other waste such as uneaten feed, without limitation, from the place of deposit or keeping thereof under such conditions that pollution of any waters of the state otherwise might result therefrom.
- (141) Setback.
The minimum horizontal distance between a structure and street right-of-way or property line. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure at ground level.
- (142) Shelter - Fallout or Blast.
A structure or portion of a structure intended to provide protection to human life

during periods of danger from nuclear fallout, blasts, air raids, storms or other emergencies.

- (143) Shopping Center.
Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple, or single ownership.
- (144) Sign.
A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.
- (145) 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.
- (146) Sign Area.
The entire area within a continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of the sign. The maximum square footage of multi-faced signs shall not exceed two times the allowed square footage of single-faced signs.
- (147) 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.
- (148) Sign, Flashing.
An illuminated sign that has a light source that is not constant in intensity or color at all times while such sign is in use.
- (149) Sign, Ground.
A sign which is supported by one or more uprights, poles, or braces in or upon the ground.
- (150) Sign, Illuminated.
A sign which is lighted with an artificial light source.
- (151) Sign, Motion.
A sign that has revolving parts or signs which produce moving effects through the use of illumination.
- (152) Sign, Nameplate.
A sign which states the name and/or address of the business, industry or occupant.
- (153) Sign, Pedestal.
A ground sign erected on not more than three shafts or posts solidly affixed to the ground.
- (154) Sign, Real Estate.
A sign offering property (land and/or buildings) for sale, lease or rent.

- (155) Sign, Roof.
A sign erected upon or above a roof or parapet of a building.
- (156) Sign Structure.
The supports; uprights, braces and framework of the sign.
- (157) Sign, Temporary.
A sign placed on a lot or parcel of land for a period not to exceed thirty (30) days out of any twelve (12) month period.
- (158) Sign, Wall.
A sign attached to or erected against the wall of a building with the exposed face of the sign a plane parallel to the plane of said wall.
- (159) Sign, Warning.
A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.
- (160) Stand, Roadside.
A structure used only for the display and sale of products with no space for customers within the structure.
- (161) Storage Site.
Any tract or parcel of land, including any constructed storage platform, tank or other artificial or natural area or containment facility where manure is stored or kept and which is so located that the escape or movement of the manure or a solution thereof from the storage site or into the underlying ground might result in pollution of any waters of the state.
- (162) Story.
That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story:
- (163) Street.
A public right-of-way which affords a primary means of access to abutting property, and shall also include avenue, highway, road, or way.
- (164) Street, Collector.
A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.
- (165) Street, Major or Thoroughfare.
A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (166) Street, Minor.
A street intended to serve primarily as an access to abutting properties.
- (167) Street Pavement.
The wearing or exposed surface of the roadway used by vehicular traffic.

- (168) Street Width.
The width of the right-of-way, measured at right angles to the centerline of the street.
- (169) Structural Alteration.
Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (170) Structure.
Anything constructed or erected, the use of which requires location on the ground; or attached to something having a location on the ground.
- (171) Subdivision.
The division of any parcel of land into two (2) or more lots.
- (172) Trailer.
Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications: (a) Is not used as the residence of the owner or occupant; (b) Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; (c) Is towed or otherwise transported, by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activities. The term "trailer" shall not include mobile home. The term trailer shall include, but not be limited to campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers, pickup campers, camping buses, and any other self propelled vehicle constructed to provide living accommodations.
- (173) Trailer Parks.
A park, court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any trailers, as defined herein, and upon which said trailers are parked. The term "trailer park" shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the park and its facilities or not.
- (174) Transportation Terminal.
Truck, taxi, air, train, bus, and mass transit terminal and storage area, including motor freight (solid and liquid) terminal, but only if accessory to a principal use permitted in Industrial Districts.
- (175) Truck Stop.
A motor fuel station devoted principally to the needs of tractor trailer units and trucks and which may include eating and/or sleeping facilities.
- (176) Use.
The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
- (177) Use, Accessory.
A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

- (178) Use, Non-Conforming.
Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
- (179) Use, Open.
The use of a lot without a building or including a building incidental to the open use.
- (180) Use, Permitted.
A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- (181) Use, Principal.
The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
- (182) Use, Special.
The occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each Zoning Use District, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the county, and therefore may be permitted in such use district only by a Special Use Permit.
- (183) Veterinary.
Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.
- (184) Warehousing.
The storage of materials or equipment within an enclosed building as a principal use including packing and crating.
- (185) Waterfront Uses (Residential).
Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore residence provided such uses are for the exclusive use of the occupants and non-paying guests.
- (186) Wholesaling.
The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.
- (187) Yard.
The open space on an occupied lot which is unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance.
- (188) Yard, Front.
A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

- (189) Yard, Rear.
A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- (190) Yard, Side.
A yard between the side line of the lot and the nearest line of the building extending from the front line of the lot to the rear yard.
- (191) Zoning District.
An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing use are uniform.

SECTION 4. GENERAL PROVISIONS

401. Application of This Ordinance.

401.01. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health; safety, morals, and welfare.

401.02. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

401.03. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

402. Non-Conforming Uses and Structures.

402.01. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in a manner of operation existing upon such date except that no structural alterations shall be made.

402.02. Unsafe Structures. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.

402.03. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

402.04. Restoration. Whenever a lawful non-conforming building or structure shall have been damaged by fire; flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it is reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure is fifty per cent (50%) or more of its fair market value, (as established by the County Assessor) in which case the reconstruction shall be for a use in accordance with the provisions of this Ordinance.

402.05. Discontinuance. Whenever a lawful, non-conforming use of a building or land is voluntarily discontinued for a period of one (1) year any future use of said building or land shall be in conformity with the provisions of this Ordinance.

402.06. Wear and Tear. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

402.07. Lawful Alterations. Alterations may be made to a structure or building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units.

403. Lot Provisions.

403.01. A lot or parcel of land for which a deed has been recorded in the office of the Washington County Register of Deeds or Registrar of Titles upon, or prior to, the effective date of this Ordinance shall be deemed a buildable lot provided it has frontage on a public right-of-way and said space requirements for the district in which it is located can be maintained or adjusted to conform as follows: a lot or parcel of land of record upon the effective date of this Ordinance which is in a Residential District and which does not meet the requirements of this Ordinance as to area, width, or other open space, may be utilized for single family detached dwelling purposes provided the measure meets of such area, width and yard space are all within sixty per cent (60%) of the requirements of this Ordinance; and it can be demonstrated that a proper and adequate sewerage disposal system can be installed.

403.02. If in a group of contiguous platted lots under a single ownership any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the full minimum requirements of this Ordinance.

403.03. Any lot or group of lots of five (5) acres or less, or less than three hundred (300) feet in width, created by any means after the effective date of this Ordinance for purposes of erecting a structure must be as approved by the County Board. The plan for such subdivision shall be reviewed by the Planning Advisory Commission which shall submit a report to the County Board.

403.04. Lake and Stream Frontage Lots. All lots having frontage on a water body shall be governed in the following manner:

- (1) Waterfront uses shall be maintained in a safe, orderly, and efficient manner that presents a good appearance from the water; the design of the individual sewage disposal system must be approved by the Zoning Administrator before a building permit can be issued; the County Board may require a special use permit if deemed necessary to protect lake frontage from adverse conditions affecting the public.

- (2) Principal and accessory buildings shall not be located within seventy-five (75) feet of the average waterline, except boathouses may be located up to the normal highwater mark provided they are not used for habitation and they do not contain sanitary facilities.
- (3) To the extent feasible and practicable, shorelines shall be maintained so as to present a natural or landscaped appearance.
- (4) All lake and stream frontage land shall be subject to the adopted standards, codes, ordinances and regulations of the Planning Advisory Commission and/or the County Board and all regulations in the County Development Code, (see Chapter Two).

403.05. Lots on Floodways. All lots which are adjacent to a floodway shall be subject to flood plain zoning. All such lots are subject to the provisions of the Flood Plain Ordinance which is on file with the Planning Advisory Commission and as contained in the County Development Code, (see Chapter Three).

403.06. Through or Double Frontage Lots. Such lots are those as defined in the Subdivision Regulations and including lake and stream frontage lots having a public road as one lot line and a water body at substantially the opposite lot line. The Zoning Administrator, subject to approval by the Planning Commission, shall determine what shall be considered the front, side and rear yards for application of the provisions of this Ordinance.

403.07. Reduction of Required Yards and Open Space.

- (a) No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
- (b) No required yard or other open space allocated to a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

403.08. Minimum Requirements for Lots Without Central Sanitary Sewer.

- (1) In areas without public sanitary sewer, but where public sanitary sewer is expected within ten (10) years, single and two-family homes shall have a minimum sewerage disposal area of .95 acres per family; smaller sewerage disposal areas may be permitted or larger sewerage disposal areas may be required on the basis of percolation tests. Non-residential land uses and apartment buildings may be permitted in areas without sanitary sewer only if a special use permit is issued; said special use permit shall not be granted if the Planning Advisory Commission determines that a satisfactory waste disposal method and system is not available.

- (2) In areas without public sanitary sewer, and where it is not expected within 10 years, the following rules shall apply regardless of any more lenient regulations:
- (a) Non-residential uses and multiple dwellings may be permitted by Special Use Permit only; this Special Use Permit shall not be granted if the Planning Advisory Commission determines that a satisfactory waste disposal method and system is not available.
 - (b) The minimum lot area requirements for single-family dwelling units whose sewage is to be disposed of by a septic tank-drain field system, shall be as follows, based on the most current Washington County (SCS) soils map:

Soil Name (for soil description see Wash Co Soil & Water Conservation Plan)	Ultimate Zoning Designation as per Comprehensive Plan	Minimum Lot Size Per Family In area where public sewer is not expected within 10 yrs
Kinghurst #18 Kroschel #19 Warman #22 Withrow #23 & 24 Waukesha #25 Langdon #28 Waukegan #30 Greenbush #31&37 Bayport #32 & 33	Burkhardt #34 Hubbard #38 LaCrosse #39 O'Neill #40 Sparta #41 Edith #42 & 43 Onamia #45&46 Zimmerman #47	Residential Agricultural
Carrington # 1 & 11 Lindstrom #2 Oneka #6 Hayden #7 Hines #8 Knife Lake #27		Residential Agricultural
Freer #3 Adolph #4 Bluffton #5 Milaca #9 & 20 Santiago #10 Etter #23 Rockton #13 Dubuque #14 Gale #15 Boone #16 Oneka-Milaca #17 Scandia #21 Brickton #26	Langdon #29 Copas #35, 36 & 56 Berrien #44 Isanti #48 & 49 Judson #50 Wabash #51 Muck #52 Peat #53 Alluvial Soils #54 Beach Sand #55 Riverwash #57 Rough, broken land #58	No septic tank-drain field system permitted

- (3) The minimum lot size regulations of No. (2) above are based on the most current Washington County Soil Map. While it is believed that this map is reasonably accurate, nevertheless it is also believed that within a designated soil type area there can be unmapped pockets of a different soil type. Therefore, percolation rates must be verified for each buildable lot before a subdivision plan for such lots can be acceptable to the County Board.
- (4) Variances from these minimum lot requirements may be granted only if it can be demonstrated by soil borings and percolation tests that the soil map of Washington County is in error in the particular locality involved, and that specific areas lying within these soil types are suitable for the proposed facility; and that soil, water or other pollution will not occur for an indefinite period of time into the future. Such variances may include conditions without limitation to assure that these variances are consistent with the intent and purpose of these regulations and with the Comprehensive Plan for the area.
- (5) Cluster developments with density control may be encouraged as a means of minimizing service costs and still relating the development to the open space about it.
- (6) Sewer extension policies are encouraged which enhance the timing and location of platted developments on property contiguous to existing municipal services.
- (7) Minimum lot sizes are based upon various criteria including, but not limited to the following:
 - (a) Soil types
 - (b) Type of housing expected or desired
 - (c) Terrain, drainage, and other physical features
 - (d) The nature of traffic circulation
 - (e) The desire to minimize the cost of public services including police and fire protection, school bussing, highway construction, etc.
 - (f) Aesthetic considerations
 - (g) Desires of the existing and future inhabitants
 - (h) Permit rural governments to be free of urban problems
 - (i) To encourage development which will favor public transit
- (8) Where a private sewage disposal system other than a septic tank-drain field system is to be used for a single family dwelling unit to eliminate problems of pollution or contamination of surface or ground water, the County Board may decide how the minimum lot size regulations will apply.
- (9) All on-site individual sewer disposal systems shall conform to the minimum standards as set forth in Chapter 4 of the Washington County Development Code regulating individual sewer disposal systems. A septic tank drain-field system shall be the only acceptable system for installation unless it can be demonstrated that this

system is not feasible on the particular lot in question and if it can be demonstrated that the system being proposed as an alternate will not create a pollution problem.

- (10) All on-site sewage disposal systems shall conform to the regulations of the Washington County Development Code, Chapter 4, regulating individual sewer disposal systems within three (3) years of the date of the adoption of this Ordinance. Where there is evidence of septic tank effluent percolating from the ground, the system must be corrected and conform to these standards within ninety (90) days.

404. The Principle Structure.

404.01. Building Permits and Building Code. All new building, or remodeling of an existing building, where the value as determined by the County Zoning Administrator of such building or remodeling exceeds \$500.00 in any 12 month period, or \$1,000.00 if on a farm, shall require a building permit, and all such new building or remodeling shall conform to the Building Code of the State of Minnesota.

404.02. Relocated Structures. Before any building or structure which has been wholly or partially erected on any premises, located either within or outside of the County, can be moved to and be placed upon any other premises in this County a building permit shall be obtained. The applicant shall submit along with the application for a building permit photographs taken from two or more angles of the structure to be moved and photographs of the lots on which the structure is to be located together with photographs of adjacent lots and structures. Any such building or structure shall conform to all the provisions of this Ordinance, in the same manner as a new building or structure. These requirements do not apply to construction sheds, agricultural buildings, or temporary structures to be located on a lot for twelve (12) months or less. The governing body may require a special use permit before the issuance of a building permit.

404.03. Dwelling units prohibited.

- (a) No cellar, garage, trailer or basement with unfinished exterior structure above, or accessory building except mobile homes located in an approved mobile home park shall at any time be used as a dwelling unit or residence or parked within the County except as hereinafter provided.
- (b) The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits and is otherwise approved by the Zoning Administrator.

404.04. Except in Planned Unit Developments there shall be no more than one (1) principal building on one lot in all residence districts.

404.05. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning.

405. Accessory Buildings and Structures.

405.01. No accessory building or use shall be constructed or developed on a lot prior to the time of obtaining a building permit for the principal building to which it is accessory.

405.02. An accessory building shall be considered as an intergral part of the principal building if it is located less than six (6) feet from the principal building.

405.03. No accessory building in a commercial or industrial district shall exceed the height of the principal building except by special use permit.

405.04. Similar accessory buildings in apartment developments shall require a Special Use Permit.

405.05. Accessory buildings in the "Commercial" and "Industry" Districts may be located any place to the rear of the principal building, subject to the building code, and fire zone regulations.

405.06. No detached garages or other accessory building shall be located nearer the front lot line than the principal building on that lot.

405.07. Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than twenty (20) feet to the public road right-of-way.

405.08. No private garage used or intended for the storage of passenger automobiles shall exceed seven hundred (700) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet except when said garages are located in business, industrial, or planning unit developments.

405.09. Houseboats and buildings used as shelters from which to fish are to be considered accessory structures for purposes of applying this Ordinance. Any object that floats which has sleeping accomodations and facilities for preparing food shall be defined as a houseboat. All houseboats which are to be docked or moved within the County limits for a period of thirty (30) days or more shall require a conditional use permit. Said permit shall show the owner; owner's address; boat license number; whether the boat is to be used as a seasonal residence and if so, for what period of time during the year; type of sanitary sewage facility, water supply; and plot plan showing method of access to public road. Each houseboat shall have one off-street parking space within four hundred (400) feet of the access to the docking of such houseboat. No houseboat shall be used as a permanent residence.

405.10. Tool sheds, houses, and other similar buildings for the storage of domestic supplies; such structures shall conform to the following standards in Residential Districts:

- (a) On any lot, there shall be not more than one detached private garage and one other detached accessory building.
- (b) If the accessory building is attached to or within six (6) feet of the principal building, all applicable provisions of the building code shall apply; the exterior design and materials shall be the same as that of the principal structure; the height shall not exceed the height of the principal building.
- (c) If detached, the accessory building shall not be closer than ten (10) feet to the principal building; the height shall not exceed twelve (12) feet; a foundation or concrete slab is required; the minimum size shall be thirty-five (35) square feet. Buildings larger than one hundred (100) square feet shall require a building permit. Roof loads and wind loads shall conform to requirements for a private garage as contained in the State Building Code.
- (d) Except as approved by Special Use Permit, all such buildings shall be located in areas other than required yards.
- (e) The opening for ingress or egress shall not exceed a height of nine (9) feet.
- (f) No accessory buildings in the Residential District may be located within five (5) feet of the side lot line and eight (8) feet of the rear lot line.
- (g) An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five percent (25%) of a required rear yard.

406. Quasi-Public Structures.

406.01. No quasi-public structure shall be located within the public right-of-way except by permit, issued by the Zoning Administrator; such structure shall include but not be limited to trash containers, institutional directional signs, bicycle racks, benches, planting boxes, awnings, flag poles, light standards, stairs, stoop, light wells, newspaper storage containers, mail boxes for private mail delivery firms, loading wells, signs, and others. Such structures do not include public utility facilities.

407. Permitted Encroachments.

407.01. The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

- (1) In any yards: Posts, off-street open parking spaces, flues, belt course, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features,

open fire escapes, sidewalks, fences, and essential services, except as hereinafter amended.

- (2) In side and rear yards: Fences thirty percent (30%) open, walls and hedges six (6) feet in height or less, bays not to exceed a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Balconies eight (8) feet above grade may extend into the yards to within five (5) feet of a lot line provided said balconies do not extend over driveways. Breezeways, detached outdoor picnic shelters, open arbors, trellises, and detached outdoor living rooms may extend to within five (5) feet of a side or rear lot line except that no such structures shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but no closer than ten (10) feet from the rear lot line.
- (3) On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets within one hundred (100) feet of such intersection.
- (4) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than seventy-five percent (75%) of the lot area resulting in less than twenty-five percent (25%) landscaped area.
- (5) In rear yards. Recreational and laundry drying equipment, picnic tables, open arbors and trellises, detached outdoor living rooms, and outdoor eating facilities, provided these are not less than five (5) feet from any lot line.
- (6) A forty-five (45) foot height limitation shall not apply to barns, silos, essential and transmission services, and other structures on farms; but shall apply to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flag poles, public facilities, transmission towers of commercial and private radio broadcasting station, television antennae, and parapet walls extending not more than four (4) feet above the limiting height of the building except as hereinafter provided.
- (7) In any yards; Terraces, steps, exposed ramps (wheelchair), uncovered porches, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than three (3) feet from any lot line nor less than one (1) foot from any existing or proposed access drive. Yard lights and name plate signs. Trees, shrubs, plants. Floodlights or other sources of light illuminating authorized illuminated signs, or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property. Awnings, service station pump islands and open canopies that do not extend within ten (10) feet of any lot line.

- (8) In yards abutting streets: Encroachments in any yard that abuts a public or private street shall be considered as permitted encroachments as outlined above except that no encroachment shall be permitted within two (2) feet of the present or proposed street right-of-way lines.

408. Fences.

408.01. Fences shall be permitted in all yards subject to the following:

- (1) Solid walls in excess of four (4) feet in height shall be prohibited.
- (2) Fences in residential districts may be located on any lot line to a heights of four (4) feet, except that a fence up to six (6) feet in height may be erected on the side and rear lot line from the nearest near corner of the principal building.
- (3) Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a heights of more than four (4) feet.
- (4) Fences located within the buildable area of eight (8) feet or more from the rear lot line may be up to eight (8) feet in height.
- (5) Fences in Commercial and Industrial Districts may be erected on the lot line to a height of six (6) feet; to a height of eight (8) feet with a security arm for barbed wire.
- (6) Fences in excess of thirty (30) inches in height extending across yards adjacent to streets shall require a special use permit.
- (7) Fences shall be at least thirty percent (30%) open (space for the passage of air and/or light).
- (8) Fences within Required Yards shall not exceed five (5) feet in height except by special use permit except as otherwise permitted herein.
- (9) Fences may be placed along property lines provided no damage of any kind results to abutting property.
- (10) That side of the fence considered to be the face (facing as applied to fence posts) shall face abutting property.
- (11) Fences exceeding height limits may be erected provided they do not encroach upon front or side-yard requirements or within ten (10) feet of a rear lot line. No fence shall exceed the height of the principal structure.

409: Setbacks.

409.01. Front Setbacks. Where adjoining structures existing at the time of adoption of this Ordinance have a different setback from that required by this Ordinance, the County Zoning Administrator shall determine the necessary front yard setback. However, in no case shall a building be required to set back more than one hundred eighty (180) feet from the street centerline, except where an industrial district is adjacent to a residential district or where it is proven to be of reasonable necessity. In residential zoned districts the front yard set-back shall conform to the established setback line unless otherwise approved by the Zoning Administrator or if the established setback line does not meet the minimum requirements of this Ordinance, then those minimum requirements shall apply.

409.02. Side and Rear Setbacks. Subject to regulations contained in the Building Code and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an intergral unit. Such exclusion from side and rear setbacks shall be permitted only after issuance of a special use permit except where such setbacks are part of an approved shopping center, townhouse development, and other similar development.

409.03. Setbacks Adjacent to Residential Areas. Where a commercial district is adjacent to a residential district, the minimum commercial building setback from the lot line shall be thirty-five (35) feet. In the case of industrial districts, such minimum setback shall be seventy-five (75) feet.

409.04. Setbacks Along Thoroughfares. Along county roads and streets designated as "thoroughfare" in the Comprehensive Plan, the minimum front set-back for principal buildings shall be one hundred fifty (150) feet from the nearest planned street centerline unless otherwise approved by the County Engineer. Building permits shall not be issued for principal buildings on land designated for future road interchanges or intersections.

410. Height.

410.01. In residential districts, places of public assembly such as churches and schools, are exempt from height limitations except that the required setback from any residential lot shall be at least equal to twice the height, and the distance between any two principal buildings must be no less than the sum of the heights of the two structures, except that any structure exceeding forty-five (45) feet shall require a special use permit.

410.02. All buildings proposed that exceed the height limits imposed by provisions of this Ordinance shall require a special use permit which may be granted provided: Adequate fire protection and other safety features are provided; and the height and bulk of the building will not destroy a scenic or other appropriate view, will not shut off light and air from surrounding properties, or otherwise be detrimental to the public.

411. Shopping Centers.

411.01. Any new structures in a commercial district must be shown to fit into an overall plan. Before any new area is zoned into commercial, the following conditions must be met:

- (1) The area will be located adjacent to a thoroughfare or collector street as shown on the comprehensive plan or as indicated as a potential shopping center site on such plan.
- (2) Submission of a plot plan showing structures, parking, driveways, landscaping, and screening.
- (3) Demonstration that the developers are financially able to carry out the project and that they will begin construction within eighteen (18) months after action on the proposal and will substantially complete the project within five (5) years; if said construction has not begun within eighteen (18) months, or if the project is not fifty percent (50%) completed within five (5) years, any further development of any type shall require a special use permit and the Planning Advisory Commission may move to initiate a rezoning back to that in effect prior to commercial zoning.
- (4) The area zoned shall include at least two (2) acres, although there is no minimum lot size for individual businesses located within a shopping center.

411.02. Any area noted on the Zoning District Map as "SC" with no definite boundary shall be administered as follows:

- (1) Any landowner within five hundred (500) feet may apply for "SC" or commercial zoning.
- (2) The land area shall consist of at least two (2) contiguous acres and be located in accordance with the Comprehensive Plan.
- (3) Only one corner of any major road intersection may be zoned for commercial.
- (4) The land owner shall submit a plan in accordance with the provisions of a "Planned Unit Development".
- (5) The County Board may grant or deny the request for commercial zoning based upon the plans submitted.
- (6) In the event that a corner of any major road intersection or interchange is zoned for commercial use based upon the presence of an "SC" symbol, no further commercial zoning shall be intended except when the County Board shall provide another "SC" symbol in the vicinity.

411.03. The purpose of this provision is to encourage more than one land owner to submit plans for commercial zoning in any area where:

- (1) There may be more than one site suited for commercial activity and public policy states that only one may be developed; and
- (2) To provide a flexible means to zone land for commercial development at a later date when there is justification.

412. Planned Unit Developments.

412.01. It is the intent of this planned unit development section to provide a means to allow design flexibility by substantial variances from the provisions of this Ordinance including uses, setbacks, height, and similar regulations but not including parking requirements, off-street loading, necessary screening and the like. The variances, if granted, should be fully consistent with the general intent and purpose of this Ordinance.

412.02. Planned unit developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land; and may include townhouses, apartment projects involving more than one building, residential subdivision submitted under "density zoning" provisions, multi-use structures such as an apartment building with retail at ground floor level, commercial type developments; industrial type developments, mixed residential and commercial type developments, and similar projects. Such developments may be excluded from certain requirements of this Ordinance providing:

- (1) A plan is submitted to the Planning Advisory Commission, showing the location of all proposed structures, driveways, landscaping, parking, screening, sidewalks, access drives, land uses, and such other information as may be requested.
- (2) The Planning Advisory Commission, shall find that the proposed development is fully consistent with the purposes of this Ordinance and in conformity to the Comprehensive Plan.
- (3) The development shall conform to the plan as filed with Washington County.
- (4) A Special Use Permit is granted.

412.03. Procedures.

1. Form and Treatment of Application.

A. Application Procedure - Concept Plan.

- (1) The person applying for a PUD permit may fill out and submit to the Planning Advisory Commission a "Concept Form" together with an abstractors certificate showing the names and addresses of all property owners within two hundred fifty

(250) feet of the proposed PUD development and a fee of fifty (\$50.00) dollars, which application shall be for approval of the concept only. The applicant may submit such information as he deems necessary to explain the general intent. Should approval be granted for the concept, this in no way shall bind the County to subsequent approval of the detailed plans.

- (2) The Zoning Administrator shall immediately refer the application to the Planning Advisory Commission for a public hearing. Property owners within two hundred fifty (250) feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by mail and may include a larger geographic area if requested by the Chairman of the Planning Advisory Commission.
- (3) The Planning Advisory Commission shall initially consider the application at its next regular meeting, but not earlier than ten (10) days from date of submission to the Planning Advisory Commission.
- (4) The petitioner or his representative shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed PUD.
- (5) The Planning Advisory Commission shall thereafter hold a public hearing, and take action on the application within sixty (60) days of the date the public hearing is held. The public hearing shall be called and notice thereof given in the manner required by Minnesota State Statute and this Zoning Ordinance respecting special use permit petitions. The action of the Planning Advisory Commission may include a request for plan amendments, approval or denial.
- (6) If a Concept Plan is approved, the applicant may then proceed to submit a General Plan of Development as hereinafter described. If denied, the applicant may appeal the decision to the County Board of Commissioners.

B. Application Procedure - General Plan of Development.

- (1) Complete Plans.
As an alternate procedure to submitting a Concept Plan the applicant may initially proceed directly to submitting all plans and specifications required by this Chapter together with an abstractor's certificate showing the names and addresses of all property owners within two hundred fifty (250) feet of the proposed development and a fee of one hundred (\$100.00) dollars, and the same procedure shall be followed as with a Concept Plan as set forth in the above. If the applicant first submits a Concept Plan and this is approved, he shall then submit the complete plans and specifications as required hereunder together with a fee of one hundred (\$100.00) dollars and the same procedure shall be repeated as was followed with respect to the Concept Plan.

(2) General Plan Requirements For All Areas.

A General Plan of Development shall be submitted for all proposed PUD areas reflecting the following information:

- (a) Complete details of the proposed site development, including location of buildings, driveways, parking places, dimensions of the parking spaces, dimensions of the lot, lot area and yard dimensions.
- (b) Complete landscaping plans including species and size of trees and shrubs proposed.
- (c) Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development.
- (d) Population and services required (kind and amount).
- (e) Complete plans for proposed storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area.
- (f) Preliminary architectural plans showing the floor plan and elevations of the proposed buildings.
- (g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.
- (h) Complete data as to dwelling unit sizes and ratios of dwelling units to total lot space.
- (i) Unless waived by the Planning Advisory Commission all data required on a preliminary plan and on a final plat, including streets, utility easements, existing or proposed subdivision of ownership, and such other information, if any, as required by the Subdivision Ordinance of the County (provided however that the application for the PUD may request variances therefrom).

(3) General Plan for Small Areas.

The General Development Plan for small areas (hereby defined to mean a Planned Unit Development) for a total land area of less than five (5) acres need only include the items specified for a "concept" plan.

(4) Requirements for General Development Plan for Large or Complex Areas.

In areas of five (5) or more acres or of such complexity that more detailed and complete plans may be warranted, the Planning Advisory Commission may require the following in addition to other requirements of this Ordinance:

(a) Land Use Component.

A Land Use Component shall consist of a map or maps, 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. Such uses may include single family residential, two family residential, three or more family residential, mixed types of residential, neighborhood retail shopping facilities, office facilities, service facilities, education, religious, recreation, public and semi-

public facilities; or other categories of public or private uses of land. Said Component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

(b) Circulation Component.

A Circulation Component shall consist of a map or maps, setting forth the general location and extent of all transportation facilities proposed as part of the General Plan of Development. Such facilities include major and local thoroughfares, transportation routes, terminals, heliports, and the delineation of such systems on the land, one-way street systems, grade separations, 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 related to the Land Use Component. Said Circulation Component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(c) Population Component.

A Population Component shall contain a descriptive statement of the standards of population density and building intensity for the various proposed land uses, including estimates of future population characteristics and change within the planned community correlated with the other Components of the General Plan of Development. The supporting data 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 non-residential 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.

(d) Subdivision Design Component.

A subdivision Design Component shall contain a descriptive statement of the principles governing the proposed subdivision of land including lot design for various proposed land uses. This Component shall be in sufficient detail so that it can serve as the basis for determining the conformity of any site plan to the General Plan of Development.

(e) Services and Facilities Component.

A Services and Facilities Component shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, domestic water supply and distribution, refuse disposal, drainage, local utilities and rights-of-way, easements, facilities and appurtenances necessary therefor. Said 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.

- (f) Construction Order Component.
A Construction Order Component 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, completed structures so as to provide a basis for determining the adequacy of the related services and facilities for each separate construction phase.
- (g) Additional Components.
The General Plan of Development may include as additional Components: a Recreation Component, a Public Building Component, providing for consideration for administrative and public safety quarters, and such other Components indicated by the nature of the particular proposed development.
- (h) Maps and Reports.
The General Plan of Development shall include supporting maps drawn to scale, diagrams, charts, descriptions, reports and explanation of methods utilized in its formulation.

2. Action on Application.

- A. Reports from Departments.
Prior to submission of any application for a PUD permit to the Planning Advisory Commission, the Zoning Administrator shall first refer the same, together with all required plans and components, to affected Fire Departments, Police Departments, Recreation and Parks Departments, Community and County Engineers, and such other public bodies, agencies and officials as may be interested or be affected. Reports may be submitted to the Planning Advisory Commission on those aspects of the proposed plan which concern the particular department. Failure of any department to submit such a report shall in no way invalidate the proceedings.
- B. Action by Planning Advisory Commission.
Every application for a PUD permit, whether pursuant to a Concept Plan or including a full General Development Plan and additional components as required, shall be next referred by the Zoning Administrator to the Planning Advisory Commission within the time and in the manner specified above. The Planning Advisory Commission may thereafter, acting in its assigned capacity and within the time period specified in the aforesaid Section above, approve of the application as submitted, approve subject to specified modifications or conditions, or deny the application. Within the permitted period of time while the matter is under consideration by the Planning Advisory Commission the applicant shall be allowed to make such amendments to his application,

including any part of the General Development Plan and any applicable components thereof, as either the various departments or the Planning Advisory Commission shall request, or as the applicant himself shall desire to effect. Any applicant may, if he so desires, request a delay in the proceedings and time schedules as called for in this Chapter, in order to provide said applicant with additional time within which to comply with requests being made of him by either the County staff, the Planning Advisory Commission or any Unit of Government, or in order that the applicant might make modifications or amendments to his plans; provided however that in no event shall any such requested delay ever continue the proceedings for a period in excess of one hundred twenty (120) days beyond the time limits within which the Planning Advisory Commission must act pursuant to the terms of this Ordinance.

At the public hearing called for, the Planning Advisory Commission shall consider such staff departmental reports and Planning Advisory Commission reports as may have been filed with it concerning a particular PUD application, shall hear from the proponents of the application, and shall open the discussion to questions or comments from persons required to be notified of the hearing or claiming to have an interest therein. At the conclusion of such a hearing on the matter, which hearing may be continued from time to time so as to permit further amendments to or further discussion respecting a particular application, the Planning Advisory Commission shall, within the time limits specified either approve the application as originally submitted or amended as the case may be, deny the application, request further amendments to the application or refer the application back for further study and review; provided however that in either of the latter two events the application must be placed back on the agenda for final approval or denial within sixty (60) days following the taking of either of such latter two types of action. The affirmative vote of two-thirds (2/3) of the members shall be required for final approval of any application for a PUD permit. Conditions may be applied to the approval of a PUD permit and/or a periodic review of the permit may be required. Each permit shall be granted for a particular use and development and not for a particular applicant.

- C. Method of Withdrawing on Application for a PUD Permit.
Any application for a PUD permit may be withdrawn by the applicant at any time prior to filing the required final plat thereof in accordance with the Platting Ordinance, or if no platting is required in connection with the PUD application then at any time prior to physical implementation of the approved permit, such as the commencement of construction on the permit site.

- D. Method of Amending a PUD Permit.
Any desired change involving structural alteration, enlargement or intensification of use not specifically allowed by a particular PUD permit, or any request for a variance from the specific terms of a previously issued PUD permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was being applied for. An application for an amended PUD permit shall be administered in the same manner as that required for an

initial PUD permit except that the fee shall be seventy-five (\$75.00) dollars. The amendment procedure shall also apply to re-applications for permits that have been denied, requests for changes in specific conditions contained in an existing permit, and for other situations described in this section, except the Planning Advisory Commission may waive the requirement for a public hearing if they determine the proposed change is only of minor significance.

E. Method of Cancellation for a PUD Permit.

Any existing approved PUD permit shall be deemed to be cancelled if the owner of the land involved in the permit applies for and receives a re-zoning respecting said property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD permit. In addition an existing PUD permit shall be deemed to be automatically cancelled in the event that a final plat, if the same be required in connection with the permit, is not filed as required by and in accordance with the terms of the Subdivision Ordinance for Washington County within one hundred twenty (120) days following final approval of the PUD permit by the Planning Advisory Commission. In all other situations an existing PUD permit shall be cancelled 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 re-zoning action which supersedes the PUD permit.

3. Standards and Criteria for Granting PUD Permits.

(1) General Standards.

In granting a PUD permit the Planning Advisory Commission shall consider the advice and recommendations of public staff of the various public bodies, and of the Township Planning Commissions, and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding area. If it shall determine that the proposed use will not be detrimental to the health, safety, morals, or general welfare of the community nor will cause serious traffic congestion nor hazards, nor will seriously depreciate surrounding property values, and that said use is in harmony with the general purpose and intent of this Ordinance the Planning Advisory Commission may grant such permits.

(2) Residential and Transitional Area Standards.

The purpose of this section of this Chapter is to establish standards and guidelines for the granting of a PUD permit to erect a multi-building apartment, institutional or other transitional use project in relation to an overall design and an integrated physical plan, in accordance with the provisions and procedures provided for in this Ordinance. The owner or owners of any tract of land may submit a plan for the development and use of such tract by making an

application for a PUD permit authorizing completion of the development in accordance with the following standards:

- (a) The tract of land for which such a development is proposed and permit requested shall contain not less than two (2) acres of land or is composed of two (2) or more platted lots.
- (b) The tract of land for which such a development is proposed and a permit requested shall not have less than one hundred (100) feet of frontage on a public street as measured at building setback line.
- (c) The proposed development shall be served by the public water and sewer system, and fire hydrants shall be installed according to a plan approved by the Fire Chief as to type and location.
- (d) No principal building shall be nearer than twice its height to the rear or side property line when such line abuts on a single family use.
- (e) Private roadways within the project shall have an improved surface and width and shall be so designed and constructed as to permit fire trucks to provide protection to each building.
- (f) No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are a part of the internal road system.
- (g) The number of dwelling units may be flexible but not greater than the total number permitted for the Use District within which the land is located or any lesser number which would also be detrimental to the public health, safety, and general welfare.
- (h) Provisions for solid waste storage and disposal shall be provided according to an approved plan.
- (i) Landscaping shall be provided according to an approved plan.
- (j) (Common recreation use areas, buildings, open space and other joint facilities). In the event certain land areas or structures are provided within the planned unit development for private recreational use or as service facilities the owner of such land and buildings shall enter into an agreement to assure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following depending which is more appropriate:
 - (1) Dedicated to public where a community-wide use would be anticipated.

- (2) Dedicated to public as a special assessment district.
- (3) Landlord control.
- (4) Landowners Association, provided all of the following conditions are met:
 - i. The Landowners Association must be established prior to any sale.
 - ii. Membership must be mandatory for each owner and any successive buyer.
 - iii. The open space restrictions must be permanent, not for a given period of years.
 - iv. The Association must be responsible for liability insurance, local taxes, and the maintenance of residential and other facilities.
 - v. Landowners must pay their pro rata share of the cost and the assessment levied by the Association that can become alien on the property.
 - vi. The Association must be able to adjust the assessment to meet changing needs.

(k) In developments containing single family unattached housing, townhouses or multi-family housing, the developer shall dedicate to the community, all lands necessary to implement the park development plan. If the development being considered does not contain public parks or recreational areas, the Planning Advisory Commission may, in lieu of land dedication, require a cash contribution of one hundred (\$100.00) dollars per living unit. In making its decision, the Planning Advisory Commission, among other considerations, shall take into account the standards for park development as set forth in the Park Development Plan. Said cash contributions shall be paid at the time the required building permit is obtained. Said cash contributions shall be placed in a special park acquisition and development fund.

- (3) Business or Industrial Area Standards.

The purpose of this section of this Chapter is to establish provisions for the granting of PUD permits to erect a multi-building sales and service facility in relation to an overall design and intergrated physical plan, in accordance with the provisions and procedures as provided in this Ordinance. The owner or owners of any such tract of land may submit for approval a plan for the development and use of such a tract for commercial or industrial or other uses by making an application for a PUD use permit authorizing completion of the development in accordance with an approved plan. The following standards shall apply:

- (a) The tract of land for which such a development is prepared and a permit requested shall not have less than two (2) acres if land includes two (2) or more platted lots.
- (b) The tract shall have not less than one hundred (100) feet of frontage on a public street.
- (c) The development shall be served by the public sewer and water system and fire hydrants shall be installed according to a plan approved by the community fire chief as to type and location.
- (d) The surface drainage system shall be constructed according to a plan approved by the County Engineer.
- (e) The entire site shall be utilized for some approved purpose.
- (f) The off-street parking spaces shall be painted on the surfaced area according to an approved plan.
- (g) Provisions shall be designed for off-street loading to service the business and such space shall have easy access and not be designated for any other use.
- (h) Private roadways within the project shall have an improved surface and width which shall be so designed and constructed as to permit the fire trucks to provide protection to each building.

4. General.

(1) Records.

The Zoning Administrator shall maintain a record of all PUD permits issued including information on the use, locations, conditions imposed, time limits, review dates, and such other information as may be appropriate. PUD permits granted shall be clearly noted on the Washington County Zoning Map.

(2) Certification of Plans Required.

Any plan submitted shall be certified as follows: (a) Mechanical systems, electrical systems and all structural systems shall be designed and certified by a registered professional engineer and (b) All building and site plans shall be designed and certified by a registered architect or registered engineer. The site plans may be prepared by a professional site planner but a registered architect or engineer must certify that he has reviewed the site and designed the proposed buildings in accordance with the site plans, the terrain and neighboring conditions and in accordance with the State Building Code.

- (3) Time Limits.
No application which was subsequently denied shall be resubmitted for a period of six (6) months from the date of said order of denial.

If a time limit or periodic review is included as a condition by which a permit is granted, the permit shall be reviewed at the specified time, at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a PUD permit shall not be required to pay a fee for said review.

- (4) Bonding to Assure Conformance to General Plan of Development and Agreements.
To assure that any improvements specified as part of the General Plan of Development (or necessary as a prerequisite to a utility release) are completed under the terms of said plan or each phase as outlined in the Construction Order Component or in any agreements executed according to the provisions of this Ordinance, the applicant shall post a corporate surety bond or cash bond guaranteeing the faithful performance of the work or agreements and the payment of any costs in a sum equal to the total as recommended by the Planning Advisory Commission. Furthermore, prior to certification of the Site Plans required by this Ordinance, the Planning Advisory Commission shall also determine the amount of corporate surety bond or cash bond as required by this Ordinance. Said corporate surety bond or cash bond shall cover each separate facility, landscaping, or utility required as part of each phase of development as outlined in the approved Construction Order Component and in the General Plan of Development, as the case may be; provided however that part of the corporate surety bond or cash bond may be released when any specific part of each phase is completed.
- (5) Effect of Minimum Area Requirements on Conveyed Lots or Building Sites.
In the event any real property in the approved PUD permit is conveyed in total or in part the buyers thereof shall be bound by the provisions of the PUD permit and the General Development Plan constituting a part thereof; provided however that nothing herein shall be construed to create nonconforming lots, building sites, buildings or uses by virtue of any such conveyance of a lot, building, site building or part of the development created pursuant to and in conformance with the PUD permit. Subsequent structural additions or alterations may be made provided the provisions of the PUD permit, this Ordinance and other applicable Ordinances are adhered to.

(6) Final Plat.

Unless the requirement for a final plat be waived all applicants for a PUD permit shall be required to file with the appropriate governmental recording agency a plat of said Planned Unit Development complying with all of the requirements of the Subdivision Ordinance except to the extent that the Planning Advisory Commission may have given specific permission to the effect that specific portions of the Subdivision Ordinance,

(a) need not be complied with, or

(b) waiving the requirement that a plat be filed.

Such required plats shall contain on their face a cross-reference to the final approved PUD permit (and General Plan of Development made a part thereof) on file and shall be filed within one hundred twenty (120) days after the date of the action giving final approval to the PUD permit.

(7) Private Streets.

Whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation plan or the protection of opportunities for reasonable development of surrounding land adjacent to a development proposed in a PUD application; streets which are intended to be kept continuously closed to public travel or are at all times posted as private streets may be retained as private streets and so reflected upon the final plat made a part of the PUD permit; provided an agreement is entered into between the owner of said private streets and the community assuring that the construction, operation and maintenance of said streets will be accomplished in accordance with approved standards.

(8) Qualifications, of Petitioner.

Application for Planned Unit Development may be made only by the owner of the land involved in the PUD application, or by his duly authorized representative, except that an option or contract holder may apply for Planned Unit Development provided his application is accompanied by fully executed agreements or documents from the owner stating that he has no objections to the proposed application and is in fact joining in the same as his interest may appear. In addition the applicant shall supply names and addresses of all persons who are to be notified of any public hearings or other proceedings required by the terms of this Ordinance, including those persons disclosed on the abstractor's certificates required to be furnished by the applicant in accordance with the above provisions of this Chapter.

(9) Staged Developments.

It is recognized that certain PUD permits may involve construction over a long period of time. If it is proposed to develop a project during a period which will exceed two (2) years, the applicant may request concept approval of the entire project and permission to submit detailed information respecting only the first stage or stages of the project. If permission pursuant to such a request is

granted, a separate public hearing shall nevertheless be required respecting each successive stage of the project as the same is reached, and detailed plans shall be submitted in accordance with the approved Construction Order Component forming a part of the PUD permit.

5. Site Plans and Building Plans.

(1) Requirements for Site Plans.

Prior to the final issuance of the PUD permit, or prior to specific building permits being issued in the case of an approved staged development PUD permit, the applicant shall file five (5) complete and detailed site plans for which building requirements will be required. Each such site plan shall include refinements of all pertinent data required as a part of the General Plan of Development constituting a part of the PUD application and, as well as all pertinent data required by the Minnesota State Building Code, including but not limited to:

- (a) Identification of the use of each structure and reference to the supplementary data pertinent to each use and contained within the relative Component of the General Plan of Development along with appropriate additional data.
- (b) Provisions for off-street parking, vehicle storage, internal and external circulation and reference to supplementary traffic data.
- (c) Type and placement of signs, other than street name signs.
- (d) Type and location of fire-fighting facilities.
- (e) Nature and extent of cut and fill and degree of soil compaction along with related engineering data.
- (f) Plans and specifications for facilities for drainage of the lots, if any, and the sites, streets, highways and alleys, including provisions of storm drainage, culverts, bridges and appurtenant structures.
- (g) Plans and specifications for distribution and service lines for public water supply to each lot, if any, or building site, wells or, other sources of supply, reservoirs, pumping stations; and, if a private facility, a proposed agreement to assure continued operation and maintenance in accordance with Chapter 4 of the Washington County Development Code.
- (h) Plans and specifications for sewage and all liquid or solid waste storage and disposal facilities, including main and secondary collection lines and stub-offs from the secondary collection lines to the property line of each potential lot, if any, or building site and pumping station.
- (i) Type, placement and number of street name and signs and traffic safety signs.

- (j) Type, placement and number of street, highway, way and alley lighting devices.
 - (k) Barricades and other safety devices.
 - (l) Type of fencing along any lot or site abutting a river, creek, open storm drain, lake or other body of water of channel and its appurtenant works.
 - (m) Such other information as requested on forms supplied.
- (2) Procedure for Approval of Site Plans. Upon receipt of site plans the Zoning Administrator shall refer copies of the same to such departments as appropriate. Each of said departments shall certify in writing to the Zoning Administrator whether said site plans are in conformance with the approved General Plan of Development made a part of the PUD application, in accordance with the approved chronological order of construction, and in accordance with the provisions of all applicable Ordinances insofar as the same fall within the jurisdiction of each such particular department. Upon receipt of said certifications from the afore mentioned departments the Zoning Administrator shall in turn make its decision respecting said site plans, and shall thereafter act upon the same, or he may refer the certifications and site plan to the Planning Advisory Commission for their action.
- (3) Building Permits. Following approval of the site plans building permits may be issued for proposed structures within the approved Planned Unit Development permit area provided;
- (a) that the same appear to be in substantial conformance with the final approved Planned Unit Development permit and the integral General Development Plan made a part of said permit, and with the approved site plans;
 - (b) that the necessary bonds have been acquired as provided in this section;
 - (c) that the proposed improvement or building construction is in accordance with the approved order of construction as per the Construction Order Component or other specific terms of the approved PUD permit as may be in any way involved respecting a Staged Development;
 - (d) that any final plat as may be required by the terms of this Ordinance has been filed with the appropriate governmental recording agency; and
 - (e) that the proposed structure meets the requirements of applicable codes.

413 Density Zoning.

413.01. The purpose of this sub-section of the Zoning Ordinance is to provide a method by which parcels of land in the Residential Districts having unusual building characteristics due to sub-soil conditions, elevation of water table, water area, relative location or shape of the parcel may be more efficiently utilized. Density zoning may also provide a means to preserve good agricultural land, open green space, scenic views and other desirable features of the natural environment. The owner or owners of any tract of land in the Residential Districts may submit to

the Planning Advisory Commission for approval, a plan for the use and development of such a tract of land as a planned density area by making an application for a special use permit authorizing completion of the project according to the plan. The plan for the proposed project shall conform to the requirements of the Use District within which the land is located except as hereinafter modified.

- (a) The tract of land for which a project is proposed and a permit requested shall not be less than three (3) acres.
- (b) The applicant shall state precisely what in his opinion are the unusual characteristics of the site for purposes of justifying the granting of a special permit.
- (c) The plan shall be submitted in the form of a preliminary plat and in complete conformance with the subdivision regulation.
- (d) The number of dwelling units proposed for the entire site shall not exceed the total number permitted for the Use District within which the land is located.
- (e) The average density in the plan shall not be greater than the maximum for the area and the lot area of any one (1) lot as required within the Use District shall not be reduced more than two-thirds (2/3) by assigning additional dwelling units.
- (f) Each lot as shown on the plan shall have indicated on it the maximum number of dwelling units to be permitted within a single building.
- (g) That land which is to be set aside as unbuildable and on which the plan is justified shall be clearly indicated on the plan. Provisions for continual maintenance of that area not dedicated and accepted by the County Board shall be required.

414. Townhouses.

414.01. Townhouses may be permitted in any Residential District following issuance of a special use permit for a Planned Unit Development. The following standards shall apply although these may be modified and added to under provisions of the special use permit:

- (1) Minimum lot size shall be six thousand (6,000) square feet per unit.
- (2) Diversity in housing types and architecture within an over-all design plan shall be required.
- (3) In addition to common open space, each unit shall have an area specifically designed and developed for outdoor living (patio, small yard, large balcony, etc.) for individual family enjoyment as contrasted to apartment living.
- (4) Each project shall have recreation areas specifically designed to accommodate the needs of occupants as outlined by type in the population component of the Planned Unit Development.

- (5) Air conditioners and other apparatus shall be designed such that it blends well with the architecture and in no way conflicts with outdoor living aspects of the project.
- (6) Applicable standards for normal multiple dwelling structures such as those relating to noise, fire alarms, storage of trash, parking, and the like shall be applied to townhouse developments.
- (7) Not less than twenty-five (25%) percent of the total project area shall be useable open space designed and developed for use by the occupants of the development for recreational and other common useage participation. Open spaces between structures, including those spaces being used as recreational areas shall be protected by adequate covenants or such other methods as may be specified.
- (8) The dimensions and construction of roads and parking areas within the development; whether or not public dedication of them is contemplated, shall conform with all applicable regulations and standards.
- (9) There shall be no continuous structure of townhouses containing more than seven dwelling units.
- (10) The height of any dwelling unit shall not exceed thirty-five (35) feet nor shall the distance between principal structures be less than thirty (30) feet.
- (11) Any dwelling unit which contains a study or similar room capable of being converted into a bedroom shall be considered as having said room as a bedroom.
- (12) No townhouse project shall be permitted to exceed the following percentages in dwelling unit types:

1 - bedroom units	-----	80%
2 - bedroom units	-----	50%
3 - bedroom units	-----	10%
3+ - bedroom units	-----	10%
- (13) Minimum floor area requirements shall be the same as for single-family homes.
- (14) All buildings including attached or detached garages shall be setback from the street curb at least twenty (20) feet. No building within a townhouse project shall be closer than sixty (60) feet to any single-family zoning district.
- (15) Each dwelling unit shall be provided at least two (2) off-street parking spaces one of which shall be fully enclosed; in addition, adequate space shall be provided for guest and other additional parking needs.
- (16) The stroage of trash, boats, campers, trailers, nor any similar use shall be permitted unless specifically authorized and conducted in a location and manner indicated on the approved plans.

- (17) Each dwelling shall be occupied by one one family as defined in the zoning regulations. No dwelling shall be utilized for any purpose other than occupancy by a family unless specifically authorized by conditions of a special use permit.
- (18) TV antennae are to be centralized for four or more attached groupings of dwelling units.
- (19) A fee of one hundred (\$100.00) dollars per dwelling unit shall be paid into the park and recreational fund as building permits are issued. All or portions of said fee may be refunded following full development of the project provided it can be demonstrated to the satisfaction of the Planning Advisory Commission that all or portions of the recreational needs of the occupants have been met within the project development. Generally recognized standards for neighborhood recreational needs shall be utilized as a guideline to making this decision.
- (20) All townhouses shall have public water and sewer.

415 Apartments and Other Multi-Family Uses.

415.01. In recommending the granting of special use permits for structures containing three (3) or more dwelling units, the Planning Advisory Commission shall find that the proposed development plan is in substantial compliance with the approved apartment standards and County Plan Housing Policies on file with the Zoning Administrator. In no event shall any building housing three (3) or more families in a Residential District have less than ten thousand (10,000) square feet of lot area. All multi-family developments shall conform to applicable performance standards in Section 7.

415.02. A "Conditional Use Permit" shall be required for any structure built in a "TH" Townhouse Residential District or an "MF" Multiple Family Residential District prior to issuance of a building permit. The purpose of a Conditional Use Permit shall be to assure that site and building plans are fully consistent with the intent and purpose of the Zoning Regulations and the Comprehensive Plan for the area. Prior to issuance of a building permit, the Zoning Administrator shall determine that:

- (1) All conditions of the Zoning Regulations and other codes and ordinances have been fully complied with.
- (2) Site and development plans are fully consistent with the intent and purpose of the Comprehensive Development Plan.
- (3) Site and development plans are fully consistent with current sound practices of site and development practices.
- (4) The development will in no way present a problem related to the public health, safety, morals, or general welfare.

- (5) The Zoning Administrator may refer the request for a conditional use permit to the Planning Advisory Commission for their recommendation.

416. Storage of Hazardous Materials.

416.01. Bulk Storage (liquid). 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 in order that the Zoning Administrator may have assurance that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. 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 Ordinance; the Zoning Administrator shall require the development of dyking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred fifteen (115%) percent of the tank capacity. Any existing storage tank that, in the opinion of the Planning Advisory Commission, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this Ordinance.

417. Land Reclamation.

417.01. Under this Ordinance, Land Reclamation is the reclaiming of land by depositing or moving material so as to elevate the grade. Land reclamation shall be permitted only by special use permit in all districts. Depositing a total of more than one hundred (100) cubic yards of material per acre, either by hauling in or regrading the acre shall constitute land reclamation. Land reclamation in flood plains shall be in accordance with the Flood Plain Ordinance. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land and as conditions thereof shall regulate the type of material permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site.

417.02. No person, partnership or association, private or public corporation, county, municipality or other political subdivision shall appropriate or use any public water, surface or underground, without first securing a Use of Public Waters Permit and written permission of the Commissioner of the Division of Waters, Soils and Minerals of the State Department of Natural Resources. For purposes of these regulations, public waters shall be as defined in Minnesota Statutes, Chapter 105 and as follows:

Public waters shall include all lakes, ponds, swamps, streams drainage ways, flood plains, floodways, natural water courses, underground water resources and similar features involving directly or indirectly the use of water within Washington County.

No public water area shall be filled, partially filled, dredged, altered by grading, mined or otherwise utilized or disturbed in any manner without first securing a permit from the Zoning Administrator. All requests for such permits shall be reviewed by a committee consisting of the County Building Official, County Engineer, a member of the Planning Advisory Commission, the Watershed District, the County Planning Coordinator and such other person as may be appointed by the County Board. A permit shall be issued if agreed upon the Planning Advisory Commission, Watershed District and the Department of Natural Resources and it is the opinion of three-fourths of the Committee.

418. Mining, Sand and Gravel Extraction.

418.01. All mining and related uses of land, including but not limited to the excavation, removal or storage of sand, gravel, rock, soil, clay and other natural deposits, are subject to the adopted standards, codes, ordinances and regulations of the Planning Advisory Commission and/or the County Board related to such activities and all regulations in the County Development Code.

419. Service Stations.

419.01. Before a special use permit for a service station is granted, the minimum requirements of the Zoning District in which the service station is to be located shall be met.

419.02. A drainage system, subject to approval by the County Engineer shall be installed. The entire site, other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the Planning Advisory Commission. Pump islands shall not be considered to be part of the required yards. The area around the pump island to a distance of eight (8) feet on each side, shall be concrete. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street right-of-way lines. Each service station shall have a least two (2) driveways with a minimum distance of one hundred seventy (170) feet between center lines when located on the same street.

419.03. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this Ordinance.

419.04. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump island; all other exterior storage shall be limited to items offered for sale provided they are within yard requirements and are located in containers such as the racks, metal trays, and similar structures designed to display merchandise. Existing service stations shall comply with this requirement within three (3) months of the effective date of this Ordinance.

419.05. All areas utilized for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this Ordinance.

419.06. Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a special use permit is obtained specifically for such business. Such activities include but are not limited to the following: (a) automatic car and truck wash; (b) Rental of vehicles, equipment, or trailers; (c) general retail sales.

420. Flood Control: Shall be in accordance with the policies and plans set forth by the Watershed District and the Department of Natural Resources.

420.01. Floodway and Flood Plain Regulations.

- (1) Prior to the issuance of any building permits, grading permits, or on-site sewer disposal systems permits, all floodway and flood plain regulations on file with the Planning Advisory Commission, those adopted by the County Board and those required by the State of Minnesota, or the County Development Code (see Chapter 3 - Flood Plain Regulations) shall be complied with.

421. Zoning and the Comprehensive Plan.

421.01. Any change in zoning granted by the County Board shall automatically amend the Comprehensive Plan in accordance with said zoning change. The Planning Advisory Commission shall inform the County Board of any zoning proposal which is not in conformity to the Comprehensive Plan and inform the County Board as to why the Plan should or should not be amended.

421.02. Prior to approval of any zoning change not in conformity to the Comprehensive Development Plan of the County, municipality and/or township, a public hearing shall be conducted by the Planning Advisory Commission and the results noted in the minutes of the official proceedings. The public hearing required for the zoning change or amendment may also serve as the public hearing for an amendment to the Comprehensive Plan for the area provided this is so noted in the record of the official proceedings.

421.03. In granting any re-zoning, special use permit, variance or other permit as provided for in this Ordinance, the Planning Advisory Commission shall find that the proposed development is in substantial compliance with the policy, goals, standards, and plans as contained in the Comprehensive Plan for the area.

421.04. 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 proceeding.

422. Farming Operations.

422.01. All farms in existence upon the effective date of this Ordinance shall be a permitted use. However, all regulations contained herein and other County Ordinances in effect shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Setback and other regulations shall apply to farming operations just as they do to urban developments. Any structure exceeding one thousand (\$1,000.00) dollars in value erected on a farm shall require a building permit and shall conform to all requirements of the building code. The County Board may require any farm operation to secure a special use permit to continue said operations in the event of the following:

- (1) A nuisance on a farm is adjacent to or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by emitting noise, odors, vibrations, hazards to safety, and the like.
- (2) The farming operations are so intensive as to constitute an Industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot be terminated as can a normal farming operation. Excessive trucking operations shall be considered as intensive use.

423. Access Drives and Access.

423.01. Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two-family residence nor closer than five (5) feet to any multifamily building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

423.02. Access drives unto county roads shall require a permit from the County Engineer. This permit shall be acquired 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 may refer the request for an access drive permit unto a county road to the Planning Advisory Commission for their comment.

423.03. Access to any non-residential dwelling via private easement shall be by special use permit only. Access to any residential dwelling via private easement shall be prohibited.

424. Airport Zoning District.

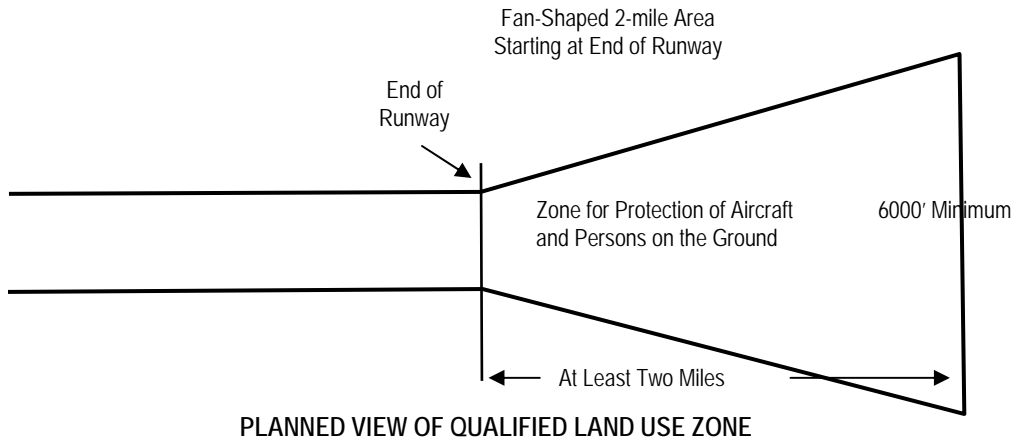
424.01. The airport zoning district is an area designated which includes private or public owned and operated airfields and a prescribed area beyond. The regulations in this district are in addition to rather than in lieu of regulations imposed by any other zoning classification for land designated.

424.02. The purpose of the regulations is to:

- (1) Limit development of future construction to a reasonable height and use so as not to constitute a hazard for planes operating to and from the airfields.
- (2) Control the type and extent of land development adjacent to and near the airfields so as not to impede proper expansion of the field and otherwise be detrimental to the air operations and to protect the public from hazards, air traffic noise, and other conflicts of use.

424.03. The following zones are hereby established:

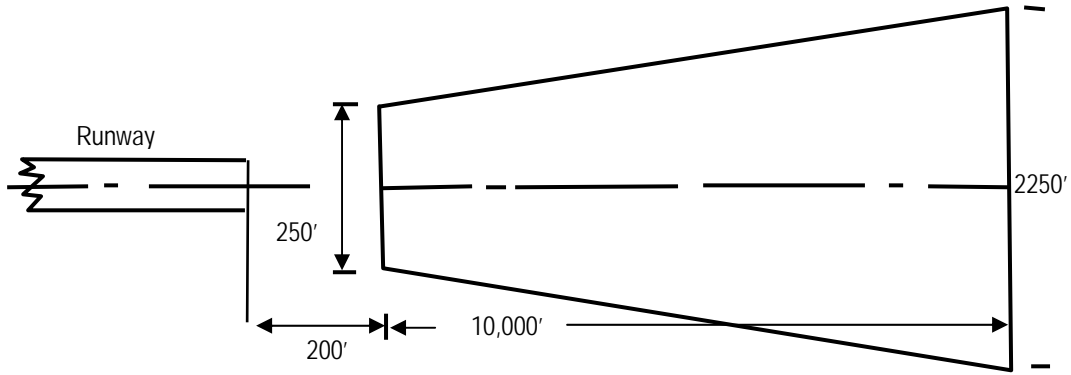
- (1) Qualified Land Use Zone. Uses shall not be permitted within this zone which might result in an assembly of persons; manufacturing or storage of materials which explode on contact; and the storage of flammable liquid above ground. Prohibited uses shall include educational, institutional, amusement, and recreational. Permitted uses shall include single-family homes, commercial, and industrial uses. 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, taking off, or maneuvering of aircraft.



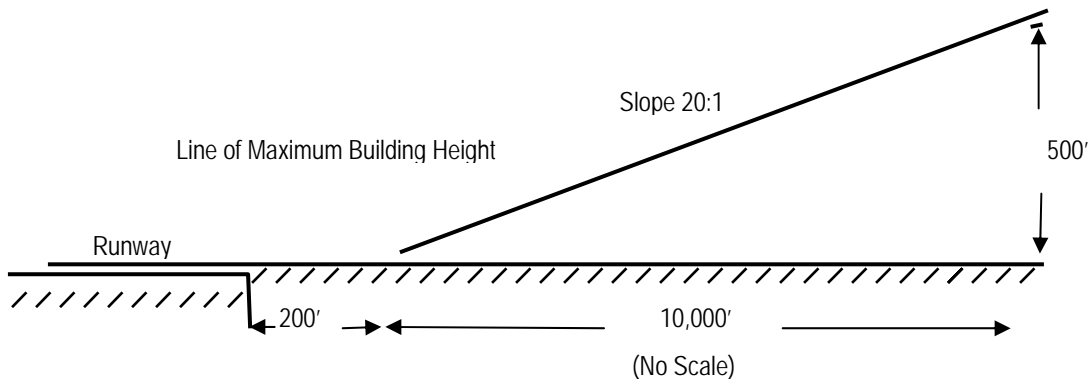
- (2) Airport Zoning. Except as otherwise provided in this Ordinance and except as required necessary and incidental to airport operations or recommended by or in accordance with the rules of the Federal Aviation Agency, no structure shall be constructed, altered, or maintained, and no trees shall be allowed to grow so as to project above the landing area or any of the airports referenced imaginary surfaces described below:
- (a) 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.
 - (b) 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 distances of seven thousand (7,000) feet and to the elevations above the airport elevation of five hundred (500) feet.
 - (c) Primary surface - a surface longitudinally centered on a runway and extending in length two hundred (200) feet beyond each end of a runway. The elevation of any point on the longitudinal profile of a primary surface, including the extensions, coincides with the elevation of the centerline of the runway, or extension, as appropriate. The width of a primary surface is two hundred fifty (250) feet.
 - (d) 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:
 - (1) The surface begins two hundred fifty (250) feet wide at the end of the primary surface and extends outward and upward at a slope twenty to one (20 to 1), expanding to a width of two thousand two hundred fifty (2,250) feet at a horizontal distance of ten thousand (10,000) feet.
 - (e) Transitional surfaces - these surfaces extend outward and upward at right angles to the runway centerline at a slope of seven to one (7 to 1) from the edges of the primary and the approach surfaces until they intersect the horizontal or conical surface.

424.04. Airport Landing Area, Approach Area, Width, Slope, Horizontal Surface, and Conical Surfaces:

Maximum Height of Buildings, Structures, and Trees Below a Runway Approach Surface - - - -



(1) Approach Surface Plan View



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

425. Trailer Regulations.

425.01. Trailer Regulations.

- (1) A camper or travel trailer of the type generally used temporarily as living quarters during the hunting, fishing, or vacation season and duly licensed and registered under the laws of the State of Minnesota may be parked on residential property in the County provided, however, that such camper or travel trailer shall not while so parked be used as a human dwelling place, living abode or living quarters.
- (2) A camper or travel trailer of the type described in paragraph (1) above and owned by a non-resident, guest, or visitor may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed thirty (30) days while visiting the resident of said property.
- (3) The County Zoning Administrator may upon application grant a conditional use permit for the use of a residential trailer or similar portable unit for temporary residential purposes within the County in conjunction with a home construction project that is underway, provided however, that a duly authorized and valid building permit shall, have been approved by the County Building Official prior to the application for said temporary trailer permit.
- (4) The applicant for said temporary trailer permit shall file an application with the Zoning Administrator setting forth the area in which said trailer is to be located together with a copy of the building permit for the home to be constructed on said property.
- (5) The term of said trailer permit shall not exceed one hundred twenty (120) days or upon completion of construction of the residential home in question, whichever comes first.
- (6) The Zoning Administrator may attach such conditions and obligations to the issuance of said temporary permit as it deems necessary to protect the health, safety and general welfare of the citizens of Washington County.

SECTION 5. ADMINISTRATION

501. Enforcing Officer.

501.01. The County Board of Commissioners shall appoint a Zoning Administrator whose terms of office shall terminate at the pleasure of the County Board.

502. Duties of the Administrator.

502.01. The Zoning Administrator shall enforce this Ordinance and in addition thereto and furtherance of said authority he shall:

- (1) Issue occupancy and building permits, and make and maintain records thereof.
- (2) Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- (3) Maintain permanent and current records of this Ordinance, including but not limited to all maps, amendments, and special uses, variances, appeals and applications. therefore.
- (4) Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
- (5) Institute in the name of the County, any appropriate actions or proceedings against a violator as provided for.
- (6) Serve as an ex-officio non-voting member of the Planning Commission.
- (7) When any work shall have been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.

503. Appeals and the Board of Adjustment and Appeals.

503.01. The County Board provides the resolution for a Board of Adjustment and Appeals.

503.02. The Board of Adjustment and Appeals shall consist of three members whose appointment, term of office, or removal from the board shall be provided in the resolution creating the Board of Adjustment and Appeals; no elected officer of the County nor any employee of the Board of Commissioners shall serve as a member of the Board of Adjustment and Appeals. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

503.03. The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of a board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a

public record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

503.04. The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify.

503.05. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state.

503.06. Hearings by the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

503.07. The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such decision shall have the right to appeal to district court in the county in which land is located on questions of law and fact.

504. Variances.

504.01. The Board of Adjustment and Appeals shall have the power to grant variances where they find that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.

504.02. An application for a variance shall be filed with the Zoning Administrator stating the exceptional conditions and the peculiar difficulties claimed.

504.03. The request shall be referred to the Board of Adjustment and Appeals. and they shall hold a hearing within sixty (60) days of the date the request is filed with the Zoning Administrator.

504.04. In considering requests for Variances, the Board of Adjustment and Appeals shall consider the effect of the proposed variance upon the health, safety, and general welfare of the community existing and anticipated and the effect of the proposed variance upon the Comprehensive Plan.

504.05. If the Board of Adjustment and Appeals shall determine that the special conditions applying to the structure or land in question are peculiar to such property, and do not apply generally to other land or structures in the district in which said land is located, and that the granting of the variance is necessary and that granting the variance will not in any way impair health, safety, comfort, morals, or in any other respect be contrary to the intent of this Ordinance and the Comprehensive Plan, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the Board of Adjustment and Appeals may grant such variances and impose conditions and safeguards to insure compliance and to protect adjacent properties. The Board of Adjustment and Appeals may not permit as a variance any use that is not permitted under this Ordinance for the property in the district where the affected person's land is located.

504.06. Variances may be denied by motion of the Board of Adjustment and Appeals and such motion shall constitute a finding and determination that the conditions required for approval do not exist. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Zoning Administrator.

504.07. The decision of the Board of Adjustment and Appeals shall not be final in the case of variances and any person having an interest affected by such decision shall have the right to appeal the decision to the County Board. A decision of the Board of Adjustment and Appeals in the case of variances 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, if no appeal is made within this time period the decision will take effect and shall be considered final.

504.08. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and automatically terminates the variance.

504.09. A variance shall become void one (1) year after it was granted unless made use of.

505. Conditional Use Permits.

505.01. The Zoning Administrator may issue a conditional use permit in any district provided the proposed use is listed as a conditional use for the district in Section 6. In granting a conditional use permit, the Zoning Administrator shall consider the effect that the proposed use has with regard to the intent and purpose of the Zoning Regulations and the Comprehensive Plan for the area. If he shall determine that the proposed use will not be detrimental and all conditions of the Zoning Regulation and other codes and ordinances have been fully complied with, that site and development plans are fully consistent with the intent and purpose of the Comprehensive Development Plan, that site and development plans are fully consistent with current, sound

planning practices and the proposed development will in no way present a problem related to the public health, safety, morals, or general welfare, the Zoning Administrator may issue such conditional use permit.

505.02. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm. The cancellation of a conditional use permit shall be considered equivalent to a rezoning and the same requirements and procedures shall apply.

505.03. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed as part of the permit such as time limits, review dates and such other information as may be appropriate.

505.04. Whenever this Ordinance requires a conditional use permit, an application therefor, in writing, shall be filed with the Zoning Administrator.

505.05. The application shall be accompanied by development plans of the proposed use showing such information as may be necessary and desirable including, but not limited to, those listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans:

- (1) Site plan drawn at scale showing parcel and building dimensions.
- (2) Location of all buildings and their square footage.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
- (4) Landscaping and screening plans.
- (5) Finished grading and drainage plans sufficient to drain and dispose of all surface water accumulated in the area.
- (6) Sanitary sewer plan with estimated use per day.
- (7) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made prior to the permit application.
- (8) Any additional data requested by the Zoning Administrator.

505.06. The Zoning Administrator shall take action on the application for a conditional use permit within ten (10) days of the date that all of the required information has been submitted. The Zoning Administrator may issue the conditional use permit and apply such conditions as he feels are necessary to protect the public health, safety, and welfare and such conditions may include a time limit for the use to exist or operate, or the Zoning Administrator may deny the issuance of a conditional use permit, or the Zoning Administrator may refer the request to the Planning Advisory Commission for their comment and recommendation. If the request for a conditional use permit is referred to the Planning Advisory Commission, the Zoning Administrator shall take final action on the request for such permit within forty-five (45) days of the date the request was filed whether or not he has received a recommendation from the Planning Advisory Commission.

505.07. If no action on the request for a conditional use permit is taken within the above mentioned time limits, the request for a conditional use permit shall be considered denied.

505.08. If the request for a conditional use permit is denied or if conditions are imposed, the applicant may appeal the decision to the Board of Adjustment and Appeals. The procedures to be followed in this case shall be the same as those followed for an appeal to any administrative decision made by the Zoning Administrator.

506. Special Use Permits.

506.01. The Planning Advisory Commission may grant a special use permit in any district provided the proposed use is listed as a special use for the district in Section 6. In granting a special use permit the Planning Advisory Commission shall consider the effect of the proposed use upon the health, safety, morals, convenience, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities, the effect on property values and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. If it shall determine that the proposed use will not be detrimental to the health, safety, convenience, morals, or general welfare of the County nor will cause serious traffic congestion nor hazards, nor will seriously depreciate surrounding property values, and that said use is in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan, the Planning Advisory Commission may grant such special use permit.

506.02. Certain uses, while generally not suitable, in a particular zoning district, may, under some circumstances, be suitable. When such circumstances exist, a special use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm. The cancellation of a special use permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply.

506.03. The Zoning Administrator shall maintain a record of all special use permits issued including information on the use, location, conditions imposed by the Planning Advisory Commission, time limits, review dates, and such other information as may be appropriate.

506.04. In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the special use permit when it was granted approving the preliminary plan. Enlargement intensification of use, or similar changes not specifically permitted by the special use permit issued, shall be considered substantial changes. All uses existing at the time of adoption of this Ordinance that now require a special use permit, shall be considered as having a special use permit which contains conditions which permits the land use and structures as they existed on said date .and any enlargement, structural alteration, or intensification of use shall require an amended special use permit as provided for above. The Planning Advisory Commission may impose additional, reasonable, conditions for the continuation of such use in accordance with the hearing provisions set forth in Section 506.

506.05. Application. Whenever this Ordinance requires a special use permit, an application therefore in writing shall be filed with the Zoning Administrator.

506.06. The application shall be accompanied by development plans of the proposed use showing such information as may be necessary or desirable including but not limited to, those listed below. These plans need not meet engineering or construction detail so long as they contain adequate information upon which the Planning Advisory Commission can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

- (1) Site plan drawn at scale showing parcel and building dimensions.
- (2) Location of all buildings and their square footages.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
- (4) Landscaping and screening plans including species and size of trees and shrubs proposed.
- (5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
- (6) Type of business or activity and proposed number of employees.
- (7) Proposed floor plan and elevations of any building with use indicated.

- (8) Sanitary sewer and water plan with estimated use per day:
- (9) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
- (10) A location map showing the general location of the proposed use within the County.
- (11) A map showing all principal land use within two hundred (200) feet of the parcel for which application is being made.
- (12) Any additional data requested by the Planning Advisory Commission or the Zoning Administrator.

506.07. The applicant shall supply proof of ownership of the property for which the special use permit is requested 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 petitioners acquire a legal or equitable ownership interest.

506.08. The application form shall be accompanied by a licensed abstractor's certificate showing the names and the addresses of the record owners of all the property located within a minimum of two hundred fifty (250) feet of all the contiguous property owned by the special use permit applicant.

506.09. The Zoning Administrator shall refer the application to the Planning Advisory Commission. Such application shall be considered by the Planning Advisory Commission at a public hearing following notice as provided herein.

506.10. Notice of the purpose, time and place of such public hearing shall be published in the official newspaper of the County at least ten (10) days prior to the day of the hearing.

506.11. Notice of the purpose, time and place of such public hearing shall be mailed at least ten (10) days prior to said public hearing to each of the owners of all property located with a minimum of two hundred fifty (250) feet of the property in question but not less than ten (10) surrounding property owners. The failure of any property owner to receive such notification shall not invalidate the proceedings.

506.12. The clerk of the applicable town board shall be notified in writing not less than ten (10) days in advance of the date of public hearing. The notice shall state the purpose, date, time, and place of the public hearing. A written recommendation by the Township Board of Supervisors shall not be overruled except upon a concurring vote of six (6) members of the Planning Advisory Commission; in all other cases a simple majority vote of those present is sufficient for approval.

506.13. The Planning Advisory Commission shall consider the Petition at its next regular meeting, but not earlier than ten (10) days after publication.

506.14. The petitioner or his representatives shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed special use permit.

506.15. The Planning Advisory Commission shall make disposition of an application within sixty (60) days from the date of the public hearing on the application. If the Planning Advisory Commission grants the special use permit, it may impose conditions including a time limit, which is considered necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.

506.16. The decision of the Planning Advisory Commission shall not be final and any person having an interest affected by such decision shall have the right to appeal the decision to the County Board. A decision of the Planning Advisory Commission as it relates to a special use permit 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, if no appeal is made within this time period the decision will take effect and shall be considered final.

506.17. Any use permitted under the terms of any special use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.

506.18. Revocation. A violation of any condition set forth in a special use permit shall be a violation of this Ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall automatically terminate the permit.

506.19. Expiration and Suspension of Special Use Permit. A special use permit shall expire one (1) year after it has been issued unless the Planning Advisory Commission has set some other time limitation or unless the use for which the permit has been granted has commenced within such year, except that, upon written application of the owner of the affected land for which the special use permit was granted prior to the end of such year, the Planning Advisory Commission may extend the expiration date of such permit for an additional period, not to exceed one year. If construction relative to the use authorized under said special use permit is commenced and subsequently determined by the Zoning Administrator to be abandoned for a period of one hundred twenty (120) days, the special use permit shall be suspended at the end of said one hundred twenty (120) days. Before said construction may be recommenced, a special use permit can be reinstated by the Planning Advisory Commission provided that no changes or alterations in the original plan have been made. If the building permit for the construction that was

determined to be abandoned became invalid prior to the recommencement of such construction, the suspended special use permit shall expire at the time said building permit became invalid.

506.20. An amended special use permit application may be administered in a manner similar to that required for a new special use permit. Amended special use permits shall include reapplications for permits that have been denied or permits that have expired, requests for changes in conditions, and as otherwise described in this Ordinance.

506.21. No application for a special use permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of a previous application.

506.22. If a periodic review is imposed as a condition of the granting of a special use permit, the special use permit shall be reviewed by the Planning Advisory Commission at a public hearing at least thirty (30) days prior to the expiration of the permit, with notice of said hearing published in the official newspaper at least seven (7) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearing, and the owner of land having a special use permit shall not be required to pay a fee for said review.

507. Amendment of Zoning Ordinance.

507.01. The provisions of this Ordinance may be amended by the Board of County Commissioners of Washington County.

507.02. Initiation for Amendment. The County Board or the Planning Advisory Commission may, upon their own motion, initiate a request to amend the text or the districting map of this Ordinance. Any person owning real estate may petition the County Board to amend the district boundaries so as to affect his real estate or a larger parcel which includes said real estate.

507.03. Application for Amendment. All applications for amendments shall be filed with the Zoning Administrator. When said application involves the changing of zoning districts and boundaries thereof, it shall be accompanied by a site plan showing the lands proposed to be changed, and showing the use the lands will be put to.

507.04. The site plan shall include such information as may be necessary or desirable, including but not limited to, the following:

- (1) Site plan drawn at scale showing parcel and building dimensions.
- (2) Location of all buildings and their square footages.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
- (4) Landscaping and screening plans including species and size of trees and shrubs proposed.
- (5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
- (6) Type of business or activity and proposed number of employees.
- (7). Proposed floor plan and elevations of any building with use indicated.
- (8) Sanitary sewer and water plan with estimated use per day.
- (9) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
- (10) A location map showing the general location of the proposed use within the County.
- (11) A map showing all principal land use within two hundred (200) feet of the parcel for which application is being made.
- (12) Any additional data requested by the Planning Advisory Commission or the Zoning Administrator.

507.05. The applicant shall supply proof of ownership of the property for which the district change is requested 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 petitioners acquire a legal or equitable ownership interest.

507.06. The application form shall be accompanied by a licensed abstractor's certificate showing the names and the addresses of the record owners of all the property located within a minimum of two hundred fifty (250) feet of all the contiguous property owned by the special permit applicant.

507.07. The Zoning Administrator shall refer all applications to the Planning Advisory Commission for recommendation. Such applications shall be considered by the Planning Advisory Commission at a public hearing following notice as provided herein.

507.08. Notice of the purpose, time and place of such public hearing shall be published in the official newspaper of the County at least ten (10) days prior to the day of the hearing.

507.09. If the application involves the changing of zoning districts and boundaries thereof, the Zoning Administrator shall also send notice of the purpose, time and place of such public hearing, which shall be mailed at least ten (10) days prior to said public hearing, to each of the owners (no less than ten (10)) of all property located within a minimum of two hundred fifty (250) feet of the property in question. The failure of any property owner to receive such notification shall not invalidate the proceedings. The clerk of the applicable town, board shall be notified in writing not less than ten (10) days in advance of the date of public hearing. The notice shall state the purpose, date, time, and place of the public hearing. A written recommendation by the Township Board of Supervisors shall not be overruled except upon a concurring vote of six (6) members of the Planning Advisory Commission; in all other cases a simple majority vote of those present is sufficient for approval.

507.10. The Planning Advisory Commission shall consider the petition at its next regular meeting, but not earlier than ten (10) days after publication.

507.11. The petitioner or his representatives shall appear before the Planning Advisory Commission in order to answer questions concerning the proposed district change.

507.12. The report of the Planning Advisory Commission shall be submitted to the County Board not later than sixty (60) days after the public hearing on the application. If the Planning Advisory Commission fails to make a report to the County Board within the sixty (60) day period, the County Board shall proceed without said Planning Advisory Commission report. Failure to receive a report from the Planning Advisory Commission as herein provided shall not invalidate the proceedings or actions of the County Board.

507.13. The County Board may hold a public hearing on the application following notice as provided herein. Amendments to the Zoning Ordinance shall be by passage upon a simple majority vote of the Board.

507.14. No application for a zoning district change for a particular parcel of land which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of the denial of a previous application.

508. Permits.

508.01. Applications for permits as required in this section shall be made to the Zoning Administrator on blank forms to be furnished by the County.

508.02. In areas without public sanitary sewer facilities, no building permit for any building requiring sanitary sewerage shall be issued until a sanitary permit has been obtained.

508.03. A sanitary permit shall be issued only after proof is furnished by the applicant that a suitable septic and drain field system can be installed on the site in question. Such system must conform to all of the requirements of the State of Minnesota Sanitary Code, including percolation tests by a person or organization approved by the County Zoning Administrator.

508.04. A driveway entrance permit to a public road shall be secured before a building permit can be issued.

508.05. Application for a building permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be build upon, the size and location of the building and accessory buildings to be erected, and drawings of the structure(s) in sufficient detail to, permit checking against the Minnesota State Building Code. The applicant shall also provide evidence as to when the parcel of land concerned was created, when the applicant acquired it, whether the parcel is part of a plat or is described by metes and bounds, and whether the parcel has access to a public street or highway. In some cases the Zoning Administrator may require a new survey before a building permit will be issued. Applications for a building permit shall contain such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of the Ordinance. The Zoning Administrator shall issue the building permit only after determining that the application complies with the terms of this Ordinance.

508.06. No building permit shall be required if the proposed work will not alter the use of the property and the value as determined by the assessor is less than five hundred (\$500.00) dollars in any twelve (12) month period, except that a permit shall be required for installation of a new sewage system or water system regardless of cost.

508.07. No building permit shall be required for normal maintenance such as painting, siding, roofing and other similar improvements, which do not involve structural changes to the building.

508.08. The Zoning Administrator shall refuse to issue a permit for the construction of any building which construction or necessary grading incidental thereto shall obstruct any natural waterway, unless provision has been made to leave such natural waterway open in a manner satisfactory to the Watershed District Board of Managers or if none the County Engineer.

508.09. The Zoning Administrator may deny a permit for the construction of a dwelling unit upon ground which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.

508.10. The Zoning Administrator shall refuse to issue a permit for the construction for any residential dwelling located on a lot that does not have frontage on an improved public street.

508.11. In the event of moving a building onto a new location, whether from within or without the County, the owner or agent thereof shall apply for a building permit and moving permit.

508.12. The work for which a building permit is issued shall commence within ninety (90) days after the date thereof unless an application for an extension of sixty (60) days has been submitted and approved. The work shall be completed within one (1) year unless an application for an extension of one (1) year has been submitted to and approved by the Zoning Administrator.

508.13. No land shall be graded so as to raise or lower the elevation remove top soil, alter to contours, or conduct similar activities except under terms of a grading permit; this provision shall not apply to normal farming and agricultural activities.

509. Certificate of Occupancy.

509.01. No person may use any vacant land, except for agricultural purposes or for erection of essential services and transmission lines, erect or structurally alter any building used for non-agricultural use, unless he has first obtained a certificate of occupancy.

509.02. Application for a certificate of occupancy for a new building or for an existing building which has been altered may be made to the Zoning Administrator any time after the application for a building permit for such building. The certificate shall be issued within ten (10) days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance. Pending the issuance of said certificate, the Zoning Administrator may issue a temporary certificate of occupancy for a period not to exceed twelve (12) months during the completion of the erection or the alteration of such a building. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the County relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants. A use of any structure for which a building permit is required shall be considered a violation of this Ordinance unless a certificate of occupancy has been issued.

509.03. Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of the land shall be made before any such land shall be so occupied or used. Such a certificate of occupancy shall be issued if the use is in conformity with the provisions of this Ordinance.

509.04. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and this Ordinance and other building codes. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator.

510. Fees.

510.01. The following fee schedule is hereby created for application of and conformance to the provisions of this Ordinance:

- (1) Rezoning \$50.00
- (2) Special Use Permit 50.00
- (3) Variance 10.00
- (4) Time and expenses for
Zoning Administrator Based on current salary plus 20% actual
expenses
- (5) Conditional Use Permit 10.00
- (6) Permits or fees where not specified .. 10.00
- (7) Planned Unit Development As prescribed by this Ordinance

510.02. Any person filing a petition for an amendment to this Ordinance, request for a variance, special use permit, or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by this Ordinance. The fee is payable at the time of filing a petition and is not refundable.

510.03. Wherever a fee is paid for a similar permit from a township, the Zoning Administrator may waive part or all of the County fee as set forth herein.

510.04. Municipal corporations and governmental agencies shall be exempt from the fee requirement as prescribed by this Ordinance.

511. Township Planning.

511.01. Minnesota Statutes Section 394.33 provides that townships may continue to plan after the County has adopted a County Zoning Ordinance. It is the desire of the Washington County Board of Commissioners to have as much planning done on the local level as possible. They are also aware of the fact that in some cases it may be both necessary and desirable to have the County Planning Advisory Commission become involved in local planning matters.

511.02. In order to provide as much flexibility as possible and to encourage the townships to participate in the planning process, the County Board will consent to permit townships to conduct all required public hearings on all zoning matters if they so desire.

511.03. Each township desiring to hold the required public hearings shall so notify the County Board by resolution of this fact.

511.04. If a township holds the public hearings, all legal requirements such as official publication and mailing of notice as set forth in this Ordinance shall be complied with by the township.

511.05. The township shall send notice of the public hearing to the Zoning Administrator at least ten (10) days prior to the hearing and a copy of all site plans and any other information submitted by the applicant.

511.06. Within ten (10) days after making a decision on the request, the township shall submit to the Zoning Administrator a transcript of the public hearing and minutes of all meetings at which the application was discussed. The minutes or other documents submitted, shall set forth the action taken, special condition imposed, and any other requirements that were made part of the approval.

511.07. The matter will be considered by the County Planning Advisory Commission at the next regular meeting after the appropriate information is received. Representatives of the township and the applicant will be notified of the meeting date and may be present along with any landowners interested, to explain the proposal, present arguments, and inform the County Planning Advisory Commission of the township's action.

511.08. The Planning Advisory Commission shall consider all information submitted and take appropriate action as provided for in this Ordinance. (See Sections 506.15 and 506.12.)

SECTION 6. DISTRICT PROVISIONS

601. Districts.

601.01. The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan and to control residential densities in such a manner as to adequately provide public services and utilities. The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare by controlling the needs for public utilities, protecting against traffic congestion and accident hazards, protecting the public health from adverse influences generated by non-residential uses, protecting against the danger of fire conflagration, and other purposes of a similar nature.

601.02. For the purposes of this Ordinance Washington County is hereby divided into the following Zoning Districts.

<u>Symbol</u>	<u>Name</u>		
A	Agriculture		
R	Single-Family		
B	Commercial		
I	Industrial		
FP	Flood Plain		
PUD	Planned Unit Development*		
SC	Shopping Center		
AZ	Airport Zone		
TH	Town House		
MF	Multiple Family		
LS	Lake and Shoreland		
C	Conservancy		
L	Lakes		
LPUD	Limited Planned Unit Development		

* May include corridor areas, LS Districts or Uses, and other special purpose districts and uses.

602. Minimum Requirements.

602.01. The following chart sets out the minimum area, maximum height, and other requirements of each zoning district:

Zoning Districts	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"LB"	"RB"	"GB"	"I"	"FP"	"PUD"	"SC"	"AZ"	"TH"	"MF"	"LS"	"C"	"L"
(1) Lot Area Per Dwelling Unit (Sq. Ft.)										>	>	>	>			>	>	>
1 – Family Structure	5 A	2 ½ A	1 A	20,000	10,400	--	--	--	--	>	>	>	>	10,400	10,400	>	>	>
2 – Family Structure	2 ½ A	1 ¼ A	½ A	10,000	6,000	--	--	--	--	>	>	>	>	6,000	6,000	>	>	>
Multiple Family Structures with 3 Families or over:										>	>	>	>			>	>	>
Efficiency unit	--		2,000	2,000	2,000	--	--	--	--	>	>	>	>		2,000	>	>	>
1 – Bedroom Unit	--		2,800	2,800	2,800	--	--	--	--	>	>	>	>		2,800	>	>	>
2 – Bedroom Unit	--		3,500	3,500	3,500	--	--	--	--	>	>	>	>		3,500	>	>	>
3 – Bedroom Unit	--		4,500	4,500	4,500	--	--	--	--	>	>	>	>		4,500	>	>	>
*More Than 3 Bedroom Unit										>	>	>	>			>	>	>
(2) Minimum Ground Floor Area Per Dwelling Unit (Sq. Ft.)										>	>	>	>			>	>	>
1 – Family Structure										>	>	>	>			>	>	>
One Story	960	960	960	960	960	--	--	--	--	>	>	>	>		1,000	>	>	>
One and One-Half or Two Story	800	800	800	800	800	--	--	--	--	>	>	>	>		800	>	>	>
(3) Floor Area Per Dwelling Unit (Sq. Ft.)										>	>	>	>			>	>	>
2 – Family Structure	850	850	850	850	850	--	--	--	--	>	>	>	>		850	>	>	>
Multiple Family Structures with 3 Families or more:										>	>	>	>			>	>	>
Efficiency Unit	500	500	500	500	500	--	--	--	--	>	>	>	>		500	>	>	>
1 – Bedroom Unit	600	600	600	600	600	--	--	--	--	>	>	>	>		600	>	>	>
2 – Bedroom Unit	750	750	750	750	750	--	--	--	--	>	>	>	>		750	>	>	>
3 – Bedroom Unit	1,000	1,000	1,000	1,000	1,000	--	--	--	--	>	>	>	>		1,000	>	>	>
**More than 3 Bedroom Unit										>	>	>	>			>	>	>
(4) Non-Residential Lot Area (Sq. Ft.)	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	>	>	>	>		15,000	>	>	>
(5) Lot Width at Front										>	>	>	>			>	>	>
Set-back Line (Ft.)	300	160	160	100	80	100	100	100	100	>	>	>	>		100	>	>	>
(6) Lot Depth (Ft.)	130	130	130	130	130	150	150	150	150	>	>	>	>		150	>	>	>
(7) Front Yard Setback (Ft.)	40	40	40	30	30	40	40	40	40	>	>	>	>		40	>	>	>
(8) Side Yard Setback (Ft.)										>	>	>	>			>	>	>
From Street in Case of Corner Lot	40	40	40	30	30	40	40	40	40	>	>	>	>		40	>	>	>
From Interior Lot Line	20	20	10	10	10	20	20	20	20	>	>	>	>		20	>	>	>
(9) Rear Yard Setback (Ft.)	50	50	30	30	30	30	30	30	30	>	>	>	>		30	>	>	>
(10) Height (Maximum Ft.)	35	35	35	35	35	45	45	45	45	>	>	>	>		45	>	>	>
(11) Maximum Floor Area Ratio	30%	30%	30%	30%	30%	40%	40%	40%	40%	>	>	>	>		30%	>	>	>
(12) Parking Surfaces or Structures of any type.	50%	50%	50%	50%	50%	80%	80%	80%	80%	>	>	>	>			>	>	>

*Five hundred (500) additional square feet for each additional bedroom.

**Each additional Bedroom requires two hundred fifty (250) square feet of additional minimum floor space.

NOTE: A = (acres)

602.02. Additions and modifications to minimum requirements.

(1) High-Rise Multiple Dwelling Structures.

It is recognized that the standards applicable to multiple dwelling units in this Ordinance may or may not be reasonably applicable to structures exceeding 3 ½ stories in height. The following density standards shall apply:

<u>Number of Stories</u>	<u>Lot Area Required Per Dwelling Unit</u>
3-½ - 6	2, 000 sq. ft.
6 - 12	1,500 sq. ft.
12 +	1,000 sq. ft.

Said requirements shall apply regardless of the number of bedrooms provided per dwelling unit.

(2) Density Modifications.

Minimum lot area, setback, and other requirements of Section 602.01 may be modified by other provisions of this Ordinance. Such provisions include, but are not necessarily limited to the following sections: 403, 409, 410, 412, 413, 420 and 424.

603. Zoning District Map.

603.01. The boundaries of the Districts as established by this Ordinance are as shown on the map published herewith and made part of this Ordinance which is designated as the "Washington County Zoning Map", which map is properly approved and filed with the County Zoning Administrator. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary line is otherwise indicated 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 hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.

603.02. When any special use permit, permit for a planned unit development, density zoning permit, or any other permit is granted which affects the use of any zoning district in a substantial way, said permit shall be coded and noted clearly on the zoning district map so as to clearly indicate the special use permit which may not otherwise be clearly evident from the map or text of the Zoning Ordinance.

603.03. When uses in a district are listed as both permitted and as special uses or any other conflicts of provisions occur regarding permitted uses within a district, in this Ordinance, the more restrictive provisions and interpretation shall be applied.

604. Uses in Agricultural, Residential, Commercial and Industrial Districts:

USE	ZONING DISTRICT						
	Agricultural	Residential R1 & R2	Residential R3 & R4	Commercial (LB)	Commercial (RB)	Commercial (GB)	Industrial
(Key) P = Permitted Use A = Permitted Accessory Use S = Special Use Permit Required C = Conditional Use Permit Required N = Not Allowed							
Agriculture – Rural	P	P	S	N	N	N	P
Agriculture – Urban	P	P	P	P	P	P	P
Airports	S	N	N	N	N	N	S
Animals – Commercial Training	S	S	N	N	N	N	S
Animals – More than one domestic farm animal per acre.	C	C	S	N	N	N	N
Antennae or Towers over 45" in height	S	S	N	N	S	S	S
Archery Range	S	S	N	N	S	S	S
Armories, Convention Halls and similar uses	S	N	N	S	S	S	S
Auto/Car Wash	N	N	N	N	S	S	N
Auto Reduction Yard; Junk Yard	S	N	N	N	N	N	S
Automobile Service Station	N	N	N	N	S	S	S
Automobile and Truck Wash	N	N	N	N	S	S	S
Blacktop or Crushing for Highway	S	N	N	N	N	N	S
Boarders (not more than 2)	A	A	A	N	N	N	N
Boarders (not more than 4)	A	N	N	N	N	N	N
Boat Dock (non-commercial)	A	A	A	N	N	N	N
Boat, Trailer, Marine Sales (Enclosed)	N	N	N	N	S	P	N
Broadcasting Studio	N	N	N	P	N	P	N
Business – Seasonal	S	S	S	S	S	S	S
Cafes and Restaurants	S	S	N	N	P	P	P
Campgrounds	S	S	N	N	N	N	N
Cemeteries	S	S	S	S	N	N	S
Churches	S	S	S	P	N	P	N
Clubs or Lodges	S	S	N	S	P	P	S
Commercial Recreation	S	S	N	N	S	S	S
Commercial Schools	N	N	N	P	N	P	N
Convents	S	S	S	P	N	N	N
Disposal Areas – Solid and Liquid Waste	S	N	N	N	N	N	S
Domestic Pets	A	A	A	N	N	N	N
Drive-In Business	N	N	N	N	S	S	N
Essential Services – Public Utility Uses	P	P	P	P	P	P	P
Essential Services – Transmission services, bldg & stor.	S	S	S	S	S	S	P
Explosives – Manufacture, Storage or Utilization	N	N	N	N	N	N	S
Exterior Sales and Storage	N	N	N	N	S	S	N

	Agri	Res 1 & 2	Res 3 & 4	Comm LB	Comm RB	Comm GB	Industrial
Farm Equipment Sales	S	N	N	N	N	P	N
Feed Lots – Commercial	S	S	N	N	N	N	S
Fences	A	A	A	A	A	A	A
Flammable Gasses and Liquids	S	N	N	N	N	N	S
Forests	P	P	P	P	P	P	P
Fuel Sales	N	N	N	N	S	S	S
Funeral Homes	N	N	N	P	N	P	N
Garage – public	N	N	N	N	N	P	P
Garage – private	A	A	A	A	N	N	N
Garage – Repair	N	N	N	N	N	P	S
Golf Courses and Country Clubs	S	S	S	S	N	N	S
Greenhouses	S	S	N	P	N	P	N
Guest House	C	C	C	N	N	N	N
Gun Clubs	S	N	N	N	N	N	S
Gun Ranges	S	N	N	N	N	N	S
Home Occupations, (Meeting Criteria)	C	C	C	N	N	N	N
Home Occupations (Not meeting Criteria)	S	S	S	N	N	N	N
Hotel or Motel	N	N	N	N	S	P	S
Housing – Student	S	S	S	N	N	N	N
Housing – Institutional and Medical	S	N	N	N	N	N	N
Identification and Nameplate Signs	A	A	A	A	N	N	N
Incidental Repair	N	N	N	N	N	N	A
Information Centers	P	P	S	N	N	N	N
Institutional Uses	S	N	N	N	N	N	N
Kennels – Animal	S	S	N	N	N	N	S
Land Reclamation	S	S	S	S	N	N	S
Landscaping and Decorative Features	A	A	A	A	A	A	A
Live Entertainment or Dancing	N	N	N	N	S	S	N
Lodging Room (not more than 1)	A	A	A	N	N	N	N
Lodging Room (not more than 4)	A	N	N	N	N	N	N
Manufacturing – General	N	N	N	N	N	N	S
Manufacturing – (Limited)	N	N	N	N	N	P	P
Marine – Including Boat Rental, etc.	S	S	N	N	N	N	N
Medical Uses	S	N	N	P	P	P	P
Mining, Sand and Gravel Extraction	S	S	S	S	N	N	N
Mobile Home – Court/Park	N	S	S	S	N	N	N
Motel and Hotels	N	N	N	N	S	P	S
Multiple Family Dwellings	N	*	S	S	N	N	N

**denotes "N" in a Residential – 1 District and "S" in Residential – 2 District.*

	Agri	Res 1 & 2	Res 3 & 4	Comm LB	Comm RB	Comm GB	Industrial
Nursery – Commercial	S	S	N	S	N	N	S
Nurseries – Day and School	C	C	S	S	N	N	N
Nursery and Garden Supplies (Enclosed)	N	N	N	N	P	P	N
Offices	N	N	N	P	P	P	P
Off – Street Loading	N	N	N	A	A	A	A
Off – Street Parking	A	A	A	A	A	A	A
Parks	S	S	S	S	N	N	S
Photo, Art Studio	N	N	N	P	N	P	N
Planned Unit Developments	S	S	S	S	S	S	S
Public Garage	N	N	N	N	N	P	P
Race Tracks	S	S	N	N	N	N	S
Railroad Operations	S	N	N	N	N	N	S
Recreation Areas – Private or Semi-Public	S	S	S	N	N	N	S
Recreation Equipment Storage	A	N	N	N	N	N	N
Recreation Equipment Storage (side and rear yards only)	A	A	A	N	N	N	N
Reduction or Processing of Refuse, Trash and Garbage	S	N	N	N	N	N	S
Rental of Cars, Trailers, Campers, Trucks & similar equip	S	N	N	N	S	S	N
Repair Garage	N	N	N	N	N	P	S
Research	N	N	N	P	N	P	P
Residential – 2 Family Dwellings	S	S	S	N	N	N	N
Residential Waterfront Uses	A	A	A	N	N	N	N
Resorts	S	S	S	N	N	N	N
Rest or Nursing Homes	S	N	N	P	N	P	N
Retail Shopping	N	N	N	N	P	P	N
Riding Stable	S	S	N	N	N	N	N
Road Side Sales Stand	N	C	N	N	N	N	N
Road Side Stand as Regulated Herein	C	N	N	N	N	N	N
Sales – Open Lot	N	N	N	N	S	S	N
Sales – Open Lot (Outdoor)	N	N	N	N	S	S	N
Schools	S	S	S	N	S	S	S
Service Station	N	N	N	N	S	S	P
Signs Advertising	N	N	N	N	S	S	P
Signs – Other than Permitted Accessory Signs	S	S	S	N	N	N	N
Signs – As Regulated Herein	A	A	N	A	A	A	A
Single Family Residences	P	P	P	N	N	N	N
Storage, Auxiliary	N	N	N	A	A	A	A
Storage – Highway Construction	S	S	S	S	N	N	S
Storage – Open	C	C	N	N	N	C	S

	Agric	Res 1 & 2	Res 3 & 4	Comm LB	Comm RB	Comm GB	Industrial
Storage – As a Principal Use	S	S	S	N	N	S	S
Storage – Normally Incidental to the Principal Use	A	A	N	N	N	A	N
Storage – Not accessory to a permitted principle use	S	S	N	N	N	N	S
Structure – Temporary	C	C	C	C	C	C	C
Swimming Pool – Commercial	S	S	N	S	N	N	N
Swimming Pools – Residential	C	C	C	N	N	N	N
Taverns and Bars	S	S	N	N	S	S	S
Terminal – Transportation or Motor Freight	N	N	N	N	N	P	P
Theater	N	N	N	S	P	S	N
Theater – Drive-In	S	N	N	N	N	N	S
Townhouse	N	S	S	S	N	N	N
Trailer Parks – Not intended for year around use	C	C	N	N	N	N	N
Truck and Automobile Service Station	N	N	N	N	S	S	S
Used Auto Parts	N	N	N	N	N	P	N
Utility Substations	S	S	S	S	S	P	P
Vehicle Sales (Enclosed)	N	N	N	N	P	P	N
Veterinary Clinic	S	S	N	S	S	P	P
Warehousing	N	N	N	N	N	P	P
Waterfront Uses	A	N	N	N	N	S	S
Waterfront Uses – Residential	N	A	A	N	N	N	N
Wholesale Business	N	N	N	N	N	P	P
Wild Life Reserves	P	P	P	P	N	P	P
(Key) P = Permitted Use A = Permitted Accessory Use S = Special Use Permit Required C = Conditional Use Permit Required N = Not Allowed							

605. Flood Plain.

605.01. Permitted Uses.

- (1) As permitted and regulated under the Flood Plain Regulations of Washington County.

605.02. Accessory Uses.

- (1) As permitted and regulated under the Flood Plain Regulations of Washington County.

605.03. Special Uses.

- (1) Planned Unit Developments.

606. Planned Unit Development.

606.01. Permitted Uses.

- (1) Any and all uses subject to the conditions of a special use permit which may or may not be granted as herein regulated.

606.02. Accessory Uses.

- (1) As permitted by conditions of a special use permit.

606.03. Special Uses.

- (1) All uses in the district.

607. Limited Planned Unit Development District (LPUD).

607.01. Permitted Uses.

- (1) All uses permitted in an agricultural district and all uses permitted in a general business district (excluding hotels. and motels) normally incidental to the then existing principal use, by special use permit only.

608. Shopping Center.

608.01. Permitted Uses.

- (1) All uses permitted in the "R-B" commercial district. (Refer to Section 411 of this Ordinance.)

608.02. Accessory Uses.

- (1) All accessory uses permitted in the "R-B" commercial district.

608.03. Special Uses.

- (1) All special uses which may be granted in the "R-B" commercial district.

609. Airport Zone.

609.01. Permitted Uses, Accessory Uses, and Special Uses.

- (1) As regulated in Section 424 herein and other use districts as may be imposed on the land.

610. Townhouse.

610.01. Permitted Uses.

- (1) All uses permitted in all residential districts.
- (2) Townhouses as herein defined and regulated. (By conditional use permit only).

610.02. Accessory Uses.

- (1) All accessory uses permitted in all residential districts.

610.03. Special Uses.

- (1) All uses which require a special use permit in all residential districts.

611. Multiple-Family.

611.01. Permitted Uses.

- (1) All uses permitted in all residential districts.
- (2) Townhouses as herein defined and regulated. (By conditional use permit only.)
- (3) Multiple-family uses. (By conditional use permit only.)

611.02. Accessory Uses.

- (1) All accessory uses permitted in all residential districts.

611.03. Special Uses.

- (1) All uses which require a special use permit in all residential or townhouse districts.

612. Lake and Shoreland.

612.01. Permitted Uses, Accessory Uses, and Special Uses.

- (1) Uses as permitted and governed by other use districts as may be imposed by the Zoning District Map except that all such uses shall require a conditional use permit prior to issuance of a building permit since special conditions or restrictions may be

required to protect the public interest in shoreland and water quality and useage as set forth in the Shoreland Regulations.

613. Conservancy.

613.01. Purpose. To manage areas unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock; and manage areas of unique natural and biological characteristics in accordance with compatible uses.

613.02. Permitted Uses.

- (1) All uses permitted in the "A" agriculture zoning district and as regulated therein.
- (2) Fishing, hunting, public fish hatcheries, soil and water conservation, forestry, wildlife habitat, drainage, grazing, and similar uses.

613.03. Accessory Uses.

- (1) All accessory uses permitted in the "A" agriculture zoning district.

613.04. Special Uses.

- (1) All uses requiring a special use permit in "A" agriculture districts.
- (2) Public and private recreation uses.
- (3) Any use other than rural agriculture.

614. Lakes.

614.01. Permitted Uses, Accessory Uses, and Special Uses.

- (1) Each lake in the County has been classified as to development type in accordance with state standards and requirements. The classification shall serve as a guideline to determine proper use of shoreland. The zoning of shoreland shall be as designated on the Zoning District Map and any requests for special use permits or variances shall be judged on the basis of Minnesota State Standards as may be applied to the lake classification assigned. The regulations in this district are in addition to, rather than in lieu of, regulations imposed by any other zoning classification for land designated except as modified below.
- (2) Where the underlying zoning district is conservancy, all the land use requirements and minimum lot sizes of the conservancy district shall apply.
- (3) The minimum lot sizes and setback requirements as set forth in Chapter 2, The Shoreland Management Ordinance of the Washington County Development Code, shall govern *for* all lots that meet the following criteria:

- (a) A portion of the lot must be located within one thousand (1,000) feet of the normal high water mark *of* any classified lake, pond, flowage, river or stream.
- (b) A portion of the lot must fall within a lake or shoreland zone as set forth on the Washington County Zoning Map.
- (c) The lot must be located on the lake side of any county, state or federal highway.
- (d) The lot must abut the lakeshore or be in the next row of lots back and the primary access to these lots shall be from the same township road that serves the lake lots.

SECTION 7. PERFORMANCE STANDARDS

701. Purpose.

701.01. All rezonings, special use permits, conditional use permits, variances, building permits, or other permits as provided for in this Ordinance shall be in conformity to the Minimum Development Standards; as adopted by the Washington County Planning Advisory Commission, and/or the Washington County Board and on file in the office of the County Zoning Administrator.

701.02. The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are also designed to prevent and eliminate those conditions that cause urban blight. All future development shall be required to meet these standards. The standards shall also apply to existing development where so stated.

701.03. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or land owner shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be, used, hours of operation, method of refuse disposal, type and location of exterior storage, etc. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

702. Exterior Storage.

702.01. In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following: Laundry drying and 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 passenger automobiles and pick-up trucks. Boats and unoccupied trailers, less than twenty-five (25) feet in length, are permissible if stored in the rear yard more than ten (10) feet distant from any property line. Existing uses shall comply with this provision within twelve (12) months following enactment of this Ordinance.

702.02. In All Districts. The County Board may require a special use permit for any exterior storage if they feel it may be a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

702.03. Refuse. In all districts, 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 and weeds. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance.

702.04. Unlicensed passenger vehicles and trucks shall not be parked in residential districts for a period exceeding seven (7) days.

702.05. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a special use permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

703. Pollution.

703.01. Incinerators. The installation of incinerators, their use and design shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency and Washington County.

703.02. Tributary Pollution. No use shall be permitted which will cause or result in the pollution of any tributary to the St. Croix River, Mississippi River, or any lake, stream, or body of water in Washington County. Silt traps, on-site storage of wastes, or other protective measures may be required to assure against surfaces or underground waters.

704. Screening.

704.01. Screening shall be required in residential zones where (a) any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

704.02. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Zoning Administrator.)

704.03. All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; (3) merchandise located on service station pump islands.

704.04. The screening required in this section shall consist of a fence or wall not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way, with landscaping between the screening and the pavement. A fence shall block direct vision. Planting of a type approved by the County Planning Advisory Commission may also be required in addition to or in lieu of fencing.

705. Landscaping.

705.01. In all districts all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot, such yard shall have a depth of at least ten (10) feet.

706. Maintenance.

706.01. In all districts, all structures, landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

707. Glare.

707.01. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure or area, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. No light or combination of lights 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 or combination of lights which cast light on residential property exceed 0.4 foot candles meter reading as measured from any part of said property.

708. Parking.

708.01. 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 accumulation within the area. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to one, two, three, and four-unit residential structures; all other uses shall utilize asphalt, concrete, or other surface (water sealed) as approved by the County Engineer or Zoning Administrator.

708.02. Location. All accessory off-street parking facilities required herein shall be located as follows:

- (1) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- (2) Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- (3) Spaces accessory to uses located in a business or industrial district; with eight hundred (800) feet of a main entrance to the principal building served.
- (4) There shall be no off-street parking space within ten (10) feet of any street right-of-way.
- (5) No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

708.03. Underground Parking Credits. In any development in which all or a portion of the required off-street parking is provided fully enclosed and below ground elevation, the minimum lot area requirements shall be reduced by fifteen percent (15%) per unit for each parking place per unit so provided, but said reduction shall not be greater than twenty percent (20%) except as may be approved by special use permit.

708.04. General Provisions.

- (1) Should the County establish a public off-street parking district, those uses within the district shall be exempt from the regulations in this section.
- (2) Buildings or structures for which a permit has been issued prior to the effective date of this Ordinance but for which work has not been completed shall be exempt from the hereinafter stated parking requirements of the structure or building is completed within six (6) months after the effective date of this Ordinance.
- (3) Existing off-street parking spaces and loading spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

- (4) Should a building, structure or use in existence upon the effective date of this Ordinance be damaged or destroyed by fire or other cause, it may be re-established except that in doing so any off-street parking or loading which existed must be retained but should plans propose an enlargement of the floor area, seating capacity or other facilities which would affect the parking or loading requirements, the parking or loading spaces shall be enlarged accordingly.
- (5) Benches in Places of Public Assembly. In stadiums, sport arena, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
- (6) Parking Spaces. Each parking space shall be not less than ten (10) feet wide and twenty-five (25) feet in length exclusive of an adequately designed system of access drives.
- (7) Use of Parking Facilities. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed seven thousand (7,000) pounds 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 business or manufacturing establishments.
- (8) Joint Parking Facilities. 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.
- (9) Control of Off-Street Parking Facilities. 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 spaces during the existence of said principal uses.

- (10) Use of parking area. 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 or for sale or for rent.
- (11) In residential districts, not more than twenty-five (25) percent of the front yard area shall be surfaced or utilized for driveway or vehicle storage space.

708.05. Design and Maintenance of Off-Street Parking Areas.

- (1) Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Road Design Manual #5-291 but in no case shall they exceed thirty-two (32) feet in width unless a special use permit has been obtained approving the larger width. Driveway access shall be so located as to cause the least interference with traffic movement.
- (2) Calculating space. When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- (3) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
- (4) Surfacing. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material to control dust and drainage. Parking areas for less than three (3) vehicle spaces shall be exempt. Plans for surfacing and drainage shall be subject to approval of the County Engineer.
- (5) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from the adjoining property.
- (6) Curbing and Landscaping. All open off-street parking area designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a guard of normal bumper height not less than three (3) feet from the side property line. When said area is for six (6) spaces or more, a curb or fence not over six (6) feet in height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or fence.

- (7) Parking space for six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence of adequate design, not over six (6) feet in height nor less than three and one-half feet (3 1/2) in height shall be erected along the Residential District property line.
- (8) Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, accessways, landscaping and required fences.
- (9) Access. All off-street parking spaces shall have access from driveways and not directly from the public street.
- (10) Determination of areas. A parking space shall be not less than 300 square feet per vehicle of standing and maneuvering area.

708.06. Truck Parking in Residential Areas. No motor vehicle over one ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district except when loading, unloading, or rendering a service.

708.07. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes and guest parking, except for short-term parking (six hours or less).

708.08. Reduction of Parking Areas. Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

708.09. Off-street Parking Spaces Required (One space equals 300 square feet).

One and Two family residences	Two spaces per dwelling unit but not to exceed four (4) per unit.
Multiple Dwellings	Two spaces per dwelling unit. At least one-half (1/2) of the required spaces shall be enclosed.
Churches, Theaters, Auditoriums, Mortuaries, and other places of assembly	One space for each three seats or for each five feet of pew length. Based upon maximum design capacity.
Offices	One space for each 200 square feet of gross floor space.

Hotel, Motel	One space per unit plus one space per employee.
Schools, Elementary and 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.
Hospital	One (1) space for each three (3) hospital beds, plus one (1) space for each three (3) employees other than doctors, plus one (1) space for each resident and regular staff doctor. Bassinets shall not be counted as beds.
Sanitarium, Convalescent Home, Rest Home., Nursing Home or Institution	One (1) space for each six (6) beds for which accommodations are offered, plus one (1) space for each two (2) employees on maximum shift.
Drive-in Food Establishment	One (1) space for each fifteen (15) square feet of gross floor space in building allocated to drive-in operation.
Bowling Alley	Six (6) spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant.
Motor Fuel Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	One (1) space for each one hundred fifty (150) square feet of gross floor area.
Medical or Dental Clinic	Three (3) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns, Night Clubs	One (1) space for each two and one-half (2.5) seats based on capacity design.
Undertaking Establishments	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 lot 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 maximum shift or one (1) for each two thousand (2,000) square feet of gross floor area, whichever is the larger.

Uses not specifically noted

As determined by the Planning Advisory Commission.

709. Off-Street Loading and Unloading Areas.

709.01. Location. All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street rights-of-way and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

709.02. Size. Unless otherwise specified in this Ordinance, a required loading berth shall be not less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

709.03. Required Loading Spaces. Determined by the County Board following review by the Planning Advisory Commission.

709.04. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.

709.05. Surfacing. All loading berths and accessways shall be improved with a durable material to control the dust and drainage according to a plan approved by the County Engineer.

709.06. Accessory Use. Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

709.07. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.

709.08. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a. m.

710. Traffic Control.

710.01. The traffic generated by any use shall be channelized and controlled in a manner that will avoid:

- (a) congestion on the public streets,
- (b) traffic hazards, and
- (c) excessive traffic through residential areas, particularly truck traffic.

Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into streets.

710.02. On corner lots, (including rural areas) nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline. grades of the intersecting streets within fifteen (15) feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right-of-way lines.

711. Drainage.

711.01. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, or other public facilities. Any change in grade affecting water run-off onto adjacent property must be as approved by the County Engineer.

712: Explosives.

712.01. No activities involving the storage, utilization or manufacture of materials or products which could decompose by detonation shall be permitted except. such as are specifically permitted by the County Board. Such materials shall include, but not be confined to, all primary explosives, such as lead azide and mercury fulminate, all high explosives and boosters, such as TNT, tetryl and ammonium nitrate, propellants and components thereof such as nitrocellulose, black powder, and nitroglycerine, blasting explosives such as dynamite, and nuclear fuel and reactor elements such as uranium 235 and plutonium.

713. Fall-Out Shelters.

713.01. Fall-out shelters shall be permitted as principal or accessory uses and structures in any district, subject to the yard regulations of the district. Such shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use.

714. Guest Houses.

714.01. Guest houses for purpose of this Ordinance shall be an accessory building detached from the principal building where accommodations for sleeping is provided but no kitchen facility provision is made. The use is for persons visiting the occupants of this principal building.

714.02. Guest houses shall be permitted in all residential districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirements for the principal building.

714.03. A permit from the Zoning Administrator shall be required.

715. Dwelling Units of Employee on Premises in Residential District.

715.01. The dwelling unit of employee on premises in A Residential District for purposes of this Ordinance shall be an accessory use and if located within a separate structure, such structure shall be an accessory structure. Dwelling units shall conform to the provisions applicable to the district in which located except as herein modified.

- (1) Detached dwelling units shall be a distance from the principal structure equal to the sum of the required rear yard and one-half (1/2) the required front yard for the principal structure.
- (2) Detached dwellings shall not be located less than the required side yard for the principal building to any lot line.
- (3) All dwelling units shall have a designated off-street parking lot.
- (4) A permit from the Zoning Administrator shall be required.

716. Dwelling Units in Commercial and Industrial Districts.

716.01. Dwelling units for watchman and family shall be considered as accessory uses and shall conform to all applicable regulations for the district in which located except as herein modified.

- (1) A dwelling unit in the Commercial District located in a commercial structure shall not occupy the front half of the ground floor or basement.
- (2) A dwelling unit in a commercial or industrial building shall not contain more than one bedroom.
- (3) No detached dwelling unit shall be permitted in the Commercial or Industrial Districts except as a Planned Unit Development.
- (4) A dwelling unit which is a part of the principal building shall be provided with two entrances; one shall be an outside entrance.
- (5) All buildings shall conform to the building and fire codes of Washington County.

717. Drive-in Business.

717.01. The entire area shall have a drainage system approved by the County Engineer.

717.02. The entire area other than that occupied by structures or planting shall be surfaced with a material which will control dust and drainage.

717.03. A box curb at least six (6) inches above grade shall separate the public walk area from the lot except at approved entrance or exit drives.

717.04. A fence of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence shall be adequately maintained. The fence shall not be required within the required front yard.

717.05. General.

- (1) No person shall construct, operate, or maintain a drive-in business within the community without first obtaining a permit.
- (2) No persons shall construct, operate, or maintain a drive-in business without first obtaining a special use permit as provided for in the Zoning Ordinance.
- (3) Any drive-in business serving food or beverages shall also provide, in addition to vehicular service areas, in-door food and beverage service seating area sufficient to accommodate at least 24 customers at any given time.
- (4) The hours of operation shall be a condition for the granting of any drive-in business permit.
- (5) The sale of food or beverages shall not be permitted from a window or other opening in a drive-in restaurant.
- (6) In the process of reviewing a license application, the reputation of the applicant and the desirability of a drive-in business at the proposed location with reference to whether there will be an unreasonable disturbance of the neighborhood or interference with right of the surrounding property owners.

717.06. Locations.

- (1) No drive-in business shall be located within four hundred (400) feet of a public or parochial school, church, public recreation area or any residentially zoned property.
- (2) No drive-in shall be located on any street other than one designated as a thoroughfare or business service road on the Comprehensive Plan.
- (3) No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

717.07. Landscaping.

- (1) Each drive-in business shall provide adequate landscaped yards.
- (2) The landscaping plan must be approved prior to issuance of a license and said plan shall include complete specifications for plant materials and other features.
- (3) At least 30% of the gross lot area shall be landscaped.

717.08. Site Plan.

- (1) The site plan shall clearly indicate suitable storage containers for all waste material.
- (2) The parking area shall be paved with asphalt or concrete to specifications approved by the Zoning Administrator.
- (3) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- (4) A suitable screening fence shall be erected along all property lines except those which are also public right-of-way lines.
- (5) The design of any structure shall be compatible with other structures in the surrounding area.
- (6) No drive-in business shall be located on a lot of less than 30,000 sq. ft.
- (7) A plan shall be submitted showing adequate provision for surface water drainage.
- (8) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within 400 feet of any residentially zoned or used property nor within 200 feet of any adjacent lot regardless of use or zoning district.
- (9) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- (10) No permanent to temporary signs visible from the public street shall be erected without approval from the Zoning Administrator.
- (11) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

717.09. Revocation of License. The County Board shall have the authority to revoke or suspend the license issued when it is found:

- (1) That the licensee is operating in violation of any governing law, ordinance, or regulation.
- (2) That the licensee has not complied with all standards and provisions.
- (3) That the licensee has failed to properly maintain all landscaped areas, structures, waste disposal containers, access drives, parking areas, lighting, screening, and other features in a state of good repair and appearance.
- (4) That the drive-in business constitutes a nuisance.
- (5) That waste material is not properly stored in containers and tends to create a public nuisance by rendering property unclean, unsafe, unsanitary, and unsightly.

717.10. Should the use be a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

717.11. The lighting shall be accomplished in such a way as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

718. Radiation and Electrical Emissions.

718.01. 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.

719. Other Nuisance Characteristics.

719.01. No 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 in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. Minimum standards shall be as follows:

- (1) Odors.
Any use shall be so operated as to prevent the emission of odorous or solid matter of such quality and quantity as to be objectionable at any point beyond the lot line of the site on which use is located.
- (2) Vibration.
The following vibrations are prohibited:
 - (a) Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
 - (b) 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.

- (3) Toxic or Noxious Matter.
Any use shall be so operated as not to discharge across the boundaries of the lot or through percolation 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, comfort or welfare or cause injury or damage to property or business.
- (4) Air Pollution.
Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public. For the purpose of this Ordinance the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.
- (5) Animals.
Any building in which domestic farm animals are kept shall be a distance of two hundred (200) feet or more from the lot line.

719.02. Miscellaneous Nuisances.

- (1) It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in residential or agricultural districts.
- (2) It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
- (3) It shall be unlawful to create or maintain a nuisance affecting the health, peace or safety of any person.
 - (a) The following are declared to be nuisances affecting public health:
 1. The effluence from any cesspool, septic tank, drain field or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 2. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
 3. Carcasses of animals not buried or destroyed or otherwise disposed of within twenty-four (24) hours after death.
 - (b) The following are declared to be nuisances affecting public peace and safety:
 1. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other nuisances which may injure any person or animal or damage any pneumatic tire when passing over the same.

2. 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 to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

720. Noise Control.

720.01. Noise Prohibited.

It shall be unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth unless such noise be reasonably necessary to the preservation of life, health, safety or property.

720.02. Measurement of Noise.

Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than six (6) decibels above the ambient noise levels as designated in the following table at the time and place and for the duration then mentioned, shall be deemed to be a violation of the Ordinance, but any enumeration herein shall not be deemed to be exclusive.

	I	II	III
	7:00AM-6:00PM (all districts)	6:00 PM-10:00 PM (residential districts) and 6:00PM-7:00AM (all other districts)	10:00PM-7:00AM (residential districts)
Duration of Sound			
Less than 10 minutes	75db	70db	60db
Between 10 minutes and 2 hours	70db	60db	50db
In excess of 2 . hours	60db	50db	40db

In determining whether a particular sound exceeds the maximum permissible sound level in the above table: (1) sounds in excess of the residential district limitations as measured in a residential district are violative of this section whether the sound originates in a residential district or any other district: (2) during all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in Column III of the table.

Sounds emanating from the operation of (1) motor vehicles on a public highway; (2) aircraft; (3) outdoor implements such as power lawn mowers, snowblowers, power hedge clippers, and power saws; and (4) pile drivers or jackhammers and other construction equipment are exempt from the provisions of this section. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this Ordinance. Sounds emanating from activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products, electric or gas substations, fire stations, police stations, post offices, railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes, railroad commuter passenger stations, telephone exchanges, telephone transmission equipment buildings, and microwave-relay towers, water works, reservoirs, pumping stations and filtration plants, accessory radio and television antennas, maintenance and equipment storage buildings owned and operated by Washington County, are exempt from the provisions of this Ordinance and shall be regulated in all respects by the noise provisions of the County Zoning Code, including but not limited to, the permissible levels of noise and the boundary or location designation for the measurement of noise.

720.03. Construction Equipment. Except as hereinafter provided no pile driver, jackhammer or other construction equipment shall be operated between the hours of 6:00 PM to 7:00 AM on weekdays or during any hours on Saturdays, Sundays and State and Federal holidays, except under specific permit from the Zoning Administrator as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds one hundred (100) decibels measured along any property line; provided, however that said decibel maximum sound limit is reduced to ninety-five (95) decibels effective the second anniversary of the enactment of this Ordinance, and ninety (90) decibels effective the fourth anniversary; provided further, however, that such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed herein may be operated during the above prohibited hours and days. When any of the above named equipment is used for any purpose other than construction, the ambient noise levels apply.

No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as above set forth in this section and any sound emitted from any such engine or power unit shall not exceed eighty-three (83) decibels measured along any property line.

If an emergency situation exists or if the Zoning Administrator determines that loss or inconvenience would result to any party in interest unless allowed additional hours of equipment operation, he may grant permission for extended hours of operation of such construction equipment and internal combustion engine or power unit as follows:

- (1) In the event of an emergency situation a permit may be granted for such operation during any hour of any day for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues.
- (2) In the event of a determination of loss or inconvenience to a party, a permit may be granted for such operation throughout the hours of 7:00 AM to 9:30 PM on weekdays and throughout the hours of 1:00 PM to 5:00 PM on Saturdays, Sundays and State and Federal holidays upon the condition that while any construction equipment, internal combustion engine or power unit is in operation, its location shall not be less than six hundred (600) feet in any direction from any dwelling; except that if while any such construction equipment or internal combustion engine or power unit is in operation; its location shall be not less than one thousand two hundred (1,200) feet in any direction from any dwelling, a permit may be granted for operation during any hour of any day.

720.04. Outdoor Implements. Except as hereinafter provided, any power lawn mower, snowblower, power hedge clipper, power saw or such other implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 AM to 9:00 PM on weekdays or between the hours of 9:00 AM to 9:30 PM on Saturdays, Sundays and State and Federal holidays; provided however, that such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed herein may be operated during the above prohibited hours.

720.05. Motor Vehicle.

- (1) No person shall operate or permit to be operated either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of fifty (50) feet from the center of the lane of travel within the speed limits specified in this section.
 - (a) Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand (6,000) pounds or more, any combination of vehicles towed by such motor vehicle and any motorcycle:

	Speed Limit of 35 mph or less	Speed Limit of more than 35 mph
(a) Before Jan 1, 1975	88dbA	90dbA
(b) On and after Jan 1, 1975	86dbA	90dbA
(b) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	82dbA	88dbA

- (2) The Minnesota Department of Public Safety shall adopt regulations establishing the test procedures and instrumentation to be utilized.
- (3) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or procluding the enforcement of any other provisions of law relating to motor vehicle exhaust noise.
- (4) For the purpose of this section, a truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand (6,000) pounds or more if the unloaded weight is more than five thousand (5,000) pounds.
- (5) This section shall not apply to an authorized emergency vehicle.
- (6) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of fifty (50) feet from the centerline of travel under test procedures established by the Minnesota Department of Public Safety:
- | | |
|---|-------|
| (a) Any motorcycle manufactured before January 1, 1972 | 92dbA |
| (b) Any motorcycle manufactured on or after January 1, 1972 and before January 1, 1973 | 88dbA |
| (c) Any motorcycle manufactured on or after January 1, 1973 | 86dbA |
| (d) Any motor vehicle with a gross vehicle weight rating of six thousand (6,000) pounds or more manufactured on or after January 1, 1972 and before January 1, 1975 | 88dbA |
| (e) Any motor vehicle with a gross vehicle weight rating of six thousand (6,000) pounds or more manufactured on or after January 1, 1975 | 86dbA |
| (f) Any other motor vehicle manufactured on or after January 1, 1972 and before January 1, 1975 | 86dbA |
| (g) Any other motor vehicle manufactured after January 1, 1975 | 84dbA |
- (7) Test procedures for compliance with subsection " f " shall be established by Minnesota Department of Public Safety taking into consideration the test procedures of the Society of Automotive Engineers.

721. Visual Standards.

721.01. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen from the public ways and water bodies are subject to the provisions of this Ordinance.

721.02. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein. A complete site plan showing landscaping, off-street parking, structure locations, grades, and access drives shall also be shown.

722. Coin Operated Machines.

722.01. Coin operated, automatic machines dispensing food, soft drinks, and other food and materials shall not be permitted outside of a building in residential districts except as approved by special use permit.

723. Swimming Pools.

723.01. Single and Two Family Dwelling Areas.

- (1) A conditional use permit shall be required for any swimming pool with a capacity over three thousand (3,000) gallons or with a depth of over three and one-half (3 1/2) feet of water.
- (2) An application for a conditional use permit shall show:
 - (a) The type and size of pool.
 - (b) A site plan indicating the following: location of pool, location of house, garage, fencing, and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump, and wiring indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool, location of existing overhead or underground wiring, utility easements, trees; and similar features, location of any water heating unit.
- (3) Pools shall not be located within ten (10) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front yard.

- (4) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (5) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (6) In the case of underground pools, the necessary precautions shall be taken during the construction, to: (a) Avoid damage, hazards, or inconvenience to adjacent or nearby property. (b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.
- (7) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- (8) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- (9) The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- (10) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (11) A structure or safety fence of a non-climbable type at least five (5) feet in height shall completely enclose the pool.
- (12) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local Health Officer.
- (13) All wiring, installation of heating units, grading, installation of pipes, and all other installations and construction shall be subject to inspection.
- (14) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

723.02. Multiple Family Dwelling Areas. Private swimming pools which are intended for and used by the occupants of a multiple family dwelling and the guests of the occupants of said dwelling, shall adhere to the following regulations:

- (1) No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
- (2) No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line.
- (3) The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area and adjacent single family district lot lines.
- (4) All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line in an adjacent single family district.

723.03. In All Zoning Districts.

- (1) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool.
- (2) Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation, and the like, shall not be permitted.
- (3) Filling of pools from fire hydrants or other public facilities shall require the permission of the appropriate local public officials.
- (4) Drainage of pools into public streets or other public drainage ways shall require permission of the appropriate local public officials.

724. Signs.

724.01. The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Washington County. By the construction of public roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

724.02. Permit Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated, until a permit for the same has been issued by the Zoning Administrator. An application shall be submitted in such form as may be prescribed and shall include such information as may be required for complete understanding of the proposed work.

724.03. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.

- 724.04. 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. No signs shall be permitted which would interfere with traffic control.
- 724.05. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for purposes intended.
- 724.06. Private signs, other than public utility warning signs, are prohibited within the public right-of-way of any street or easement.
- 724.07. Illuminated signs may be permitted but flashing signs, except ones giving time, date, temperature, weather or similar public service information shall be prohibited. Signs giving off an intermittent or rotating beam or ray of light shall also be prohibited.
- 724.08. Political Signs. 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 applied.
- 724.09. Displays. In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, place, activity, person, institution, organization or business, shall require a special use permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just-as permanently affixed signs.
- 724.10. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way. No illuminated signs should be located within twenty-five (25) feet of a roadway surface.
- 724.11. Real estate signs may be placed in any yard providing such signs are not closer than ten (10) feet to any property line.
- 724.12. Real estate signs may be erected for the purpose of selling or promoting a single family or multiple family residential project of ten (10) or more dwelling units provided:
- (1) Such signs shall not exceed one hundred (100) square feet in area.
 - (2) Only one (1) such sign shall be erected on each 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 shall not be located closer than one hundred (100) feet to any existing residence.
- (5) Time limits may be imposed for review.

724.13. Multiple family dwelling project identification signs may be erected for the purpose of identifying a multiple family dwelling project of three (3) or more dwellings. Such sign shall not exceed seventy (70) square feet and only one (1) such sign shall be erected as each entrance to the project, but in no case shall there be more than four (4) such signs for any one project.

724.14. Construction signs not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.

724.15. 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.

724.16. Roof signs are prohibited in all districts.

724.17. Signs on benches, newsstands, cab stands, bus stop shelters, and similar places, shall require a special use permit.

724.18. Electrical Signs. All signs and displays using electric power shall have a cut-off 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 a residential or agricultural district.

724.19. Inside Signs. 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.

724.20. Offensive Signs. No sign shall contain any indecent or offensive picture or written matter.

724.21. Required Signs. In all zoning districts one (1) identification sign shall be required per building except accessory structures and residential buildings which shall be required only to display the street address or property number.

724.22. If two (2) or more signs erected before the date of enactment of this Ordinance are violation of the spacing requirements as herein provided, the Zoning Administrator shall notify the owners of such devices and give such owners full opportunity to be heard. He shall thereafter make a finding as to the date of erection of each of the devices. The device or devices last erected shall be deemed nonconforming and shall be removed by the owner or owners.

724.23. Advertising signs shall not be located closer than three thousand (3,000) feet to any other sign on the same side of a street or highway.

724.24. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

724.25. No sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

- (1) Which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street 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, historic site, picnic or rest area, church or school.
- (3) Which would be closer than one hundred (100) feet to residential structures.
- (4) Which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and scenic beauty.

724.26. Signs by Special Use Permit. Where a use is permitted in a zoning district by special use permit the sign for that use shall require a special use permit unless the sign is otherwise provided for in this Ordinance.

724.27. Permitted Signs in Agricultural Districts.

- (1) Type. Nameplate, real estate, ground, political, temporary, wall, and identification.
- (2) Advertising by major roads by special use permit only.
- (3) No sign shall be so constructed as to have more than two (2) surfaces.
- (4) Number Per Lot Frontage. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.
- (5) Size. Not more than a total of twenty (20) square feet with a five (5) foot maximum for any dimension.
- (6) Height. No sign shall exceed ten (10) feet above grade.
- (7) Setback. Any sign over two (2) square feet shall be set back at least ten (10) feet from any lot line.

724.28. Permitted Signs in Residential Districts.

- (1) Type. Nameplate, real estate, political, ground, temporary, wall and identification. No sign shall be so constructed as to have more than two (2) surfaces.

- (2) Number Per Lot Frontage. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.
- (3) Size. Not more than a total of sixteen (16) square feet with a four (4) foot maximum for any dimension.
- (4) Height. No sign shall exceed eight (8) feet above grade.
- (5) Setback. Any sign over one and one-half (1 1/2) square feet shall be set back at least ten (10) feet from any lot line.

724.29. Permitted Signs in Commercial Districts.

- (1) Type. Business, nameplate, illuminated, ground, pedestal, motion, political, real estate, shopping center where there are three (3) or more businesses, temporary, and wall. Advertising by special use permit only.
- (2) Number Per Lot Frontage. One advertising sign on any lot having a frontage of one hundred fifty (150) feet or more. One (1) real estate sign, two (2) temporary signs, one (1) nameplate sign, one (1) political sign for each candidate, and one (1) business sign or one (1) shopping center sign.
- (3) Size.
 - (a) Except as provided herein, the total square footage of sign area for each lot shall not exceed three (3) square feet of sign area for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be increased by one and one-half (1 1/2) square feet of sign area per front foot of public right-of-way along a side lot line.
 - (b) No sign shall exceed two hundred (200) square feet in area.
 - (c) Each real estate sign, temporary sign and political sign shall not exceed thirty-five (35) square feet in area. (d) Each nameplate sign shall not exceed one hundred (100) square feet in area.
- (4) Height. .No sign shall exceed thirty-five (35) feet in height above average grade.
- (5) Setback. Any sign over six (6) square feet shall be set back at least ten (10) feet from any lot 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. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential or agricultural district.

724.30. Permitted Signs in Industrial Districts.

- (1) Type. Advertising, business, nameplate, illuminated, ground, pedestal, political, real estate, temporary, wall and motion.
- (2) Number Per Lot Frontage. One (1) advertising sign on any lot having a frontage of one hundred fifty (150) feet or more. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.
- (3) Size.
 - (a) Except as provided herein, the total square footage of sign area for each lot shall not exceed five (5) square feet for each lineal foot of lot frontage except where a location is a corner lot, the amount may be increased by one and one-half (1 1/2) square feet of sign area per front foot of public right-of-way along a side lot line.
 - (b) No sign shall exceed six hundred (600) square feet in area. (c) Each real estate sign, temporary sign and political sign shall not exceed thirty-five (35) square feet in area.
- (4) Height. No sign shall exceed forty-five (45) feet in height above grade.
- (5) Setback. Any sign over ten (10) square feet shall be set back at least ten (10) feet from any lot 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. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential or agricultural district.

724.31. Permitted Signs in Planned Unit Development Districts or Uses Requiring a Special Use Permit.

- (1) Type, number, size, height, and setback as specifically authorized by terms of the permit issued.
- (2) 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.

724.32. Sign Design, Construction, and Maintenance.

- (1) Required marking on signs.
 - (a) Every sign, for which a permit is required, shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and voltage of any electrical apparatus used in connection therewith.
 - (b) Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm erecting such sign.

- (2) Projecting Signs. 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 materials approved by the Zoning Administrator for this purpose. All metal supports and braces shall be galvanized or be of corrosive resistant material. Signs shall not be hung with the legend perpendicular to the building wall.
- (3) Ground Signs.
- (a) No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding thirty-five (35) feet above the ground.
 - (b) No ground sign for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground unless the face is constructed of sheet metal or other noncombustible facing materials.
 - (c) The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with platform or decorative trim of light wood or metal construction.
 - (d) No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the town, county or state in which it is to be located.
 - (e) The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
- (4) Wall Signs. Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter which shall be embedded at least five (5) inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.
- (5) Sign Maintenance.
- (a) Painting. The owner of any sign shall be required to have such sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.

- (b) Area Around Sign. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

724.33. Non-Conforming Signs. All signs not in conformity with the provisions of this Ordinance shall be removed by January 1, 1974.

724.34. Obsolete Signs. Any sign which no longer advertises a bonafide business conducted or a product sold 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 ten (10) days after written notice from the Zoning Administrator.

724.35. Unsafe or Dangerous Signs. 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 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.

724.36. Permit Fee. The application shall be accompanied by a fee of ten dollars (\$10.00) or ten cents (10¢) per square foot of sign area, whichever amount is larger. Whenever a fee is paid to a township for a similar permit, the Zoning Administrator may waive part or all of the County fee as set forth herein.

724.37. Expiration of Permit. All sign permits for an advertising sign, business sign, motion sign, pedestal sign or any sign over one hundred fifty (150) square feet in area shall expire three (3) years from the date of issuance. 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.

724.38. Exemptions. No permit will be required under this Ordinance for the following signs.

- (1) All signs under twenty (20) square feet in area except those that require a special use permit.
- (2) Real estate signs under fifteen (15) square feet in area.
- (3) Political signs.
- (4) Warning signs which do not exceed nine (9) square feet in area.

725. Automobile Sales and Show Rooms. The building and premises for automobile sales and show rooms shall meet the following requirements:

725.01. Setbacks and Lot Requirements.

- (1) Building setbacks shall be as required in the zoning district.
- (2) Parking. A minimum twenty-five (25) foot wide landscaped yard shall be required and maintained between any public street right-of-way and parking lots (including maneuvering area).

A minimum side and rear landscaped yard of seven (7) feet shall be maintained adjacent to commercial and industrial districts; ten (10) feet adjacent to institutional uses and business and professional office districts or uses; and fifteen (15) feet along residential and multiple dwelling districts.

- (3) Contiguous Site. Motor vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.
- (4) Lot Width. The minimum lot width shall be one hundred fifty (150) feet at the minimum required front yard setback.
- (5) Lot Area. A minimum lot area of two (2) acres shall be required.

725.02. Access Driveways.

- (1) Distance of Driveway from Street Intersection. The distance of the driveway from the street intersection shall be not less than fifty (50) feet provided, however, that if, in the opinion of the Zoning Administrator, present or future traffic conditions warrant greater distances, such greater distances shall be required.
- (2) Minimum Distance Between Driveways. Minimum distance between driveways shall be twenty-five (25) feet at the curb cut.
- (3) Minimum Driveway Angle to Street. Minimum driveway angle to street shall be sixty (60) degrees unless otherwise approved by the County Engineer.
- (4) Minimum distance between driveway and adjacent property shall be five (5) feet at the curb cut.
- (5) No driveway shall exceed twenty-five (25) feet in width and no curb cut shall exceed thirty-two (32) feet in width.

725.03. Landscaping, Screening and Curbing.

- (1) Screening. A screen shall be erected and maintained along all property lines separating the site from an institutional, residential, multiple, or business and professional office district or use. The screening required in this section shall consist of a fence or wall not less than five (5) feet nor more than seven (7) feet in height or such equivalent as is approved by the Zoning Administrator.

Screening shall also include landscaping (trees, shrubs, grass, etc.) of a type (layout, species, height, size, and density) approved by the Zoning Administrator. All waste material, debris, refuse, junk or damaged vehicles shall be kept in an enclosed building or area completely screened from public streets and adjacent property.

- (2) Landscaping. A landscaped yard shall be provided and maintained on all areas of the site not devoted to the building or parking areas. Said landscaped yard areas may be required at various locations on the site.
- (3) Curbs. Interior curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be a normal six (6) inches in height.
- (4) Surfacing. The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures or landscaped areas, shall be paved or blacktopped and maintained to control dust and drainage and such paving or blacktopping shall be subject to the approval of the County Engineer.
- (5) Lighting. All outdoor illumination on sales lots shall be provided with lenses, reflectors; or shades, which will concentrate the light upon the premises so as to prevent glare or direct rays of light from being visible upon any adjacent highway or street or any private property occupied for residential purposes. No flashing lights shall be permitted on any sales lots. Lighting from any source on the property shall not exceed 0.5 foot candles as measured from the centerline of any adjacent street not 0.4 foot candles at any property line which is not also a public right-of-way line.

725.04. Parking.

- (1) Customer Parking. A minimum of five (5) customer parking spaces shall be provided for every acre of total site area.
- (2) Customer Service Parking. A minimum of five (5) customer service parking spaces shall be provided for every acre of total site area.
- (3) Employee Parking. A minimum of two (2) employee parking spaces shall be provided for every three (3) employees.

The foregoing required parking spaces shall be shown and designated on the site plan.

725.05. Parking for Outside Sales and Storage. The maximum area permitted for outside storage of automobiles, new and used, shall not exceed two (2) square feet of outside storage area to each one (1) square foot of enclosed ground floor area.. Not more than one (1) automobile shall be stored on each four hundred (400) square feet of outside storage area. No rooftop parking shall be permitted.

725.06. Accessory Buildings. Accessory buildings to be used solely for sales offices shall not be permitted. Such accessory buildings as are permitted shall be constructed to the same type materials as the main structure.

725.07. Nuisances. There shall be no loud speakers utilized nor other noise generated that may create a nuisance on adjacent or nearby property. Security fences, designated demonstration drive areas, and other requirements may be imposed to correct any public nuisance created by the use.

725.08. Storage of Unused Vehicles - Used and of Low Value (junkers). Storage shall not exceed three (3) weeks.

726. Livestock Pollution and Nuisances. Regulation relating to prohibition of the promiscuous deposit of manure and other wastes which are capable of polluting waters of the state.

726.01. Prohibition of Deposit of Manure Without Safeguards. No manure shall be deposited, stored, kept, or allowed to remain in or upon any storage site or feed lot without reasonable safeguards adequate to prevent the escape or movement of the manure or a solution thereof from the site under any conditions whereby pollution of any waters of the state might result therefrom.

726.02. Safeguards. Unless otherwise prescribed by a permit issued as hereinafter provided, every safeguard shall comply with the requirements of this section, and shall consist of the following features:

- (1) A continuous dike or wall entirely surrounding the storage site of such dimensions and construction that the storage volume thereby created within the area enclosed by the dike will hold securely all of the manure of any solution therein and prevent the escape or movement of the manure or solution from its place of storage or keeping and prevent the entrance and add mixture of snow melt or surface run-off from outside areas; and
- (2) A reasonably impervious bottom under the storage site of such construction or composition either natural or artificial as to prevent the seepage, percolation, or other movement of any manure stored or kept on the site or any solution thereof into the underlying ground in such quantity that substantial pollution of the waters of the state in the vicinity might reasonably be expected to result therefrom under conditions prevailing at the site; or
- (3) Any alternative method of adequate safeguards, disposal system or treatment works submitted by owners of a feed lot or manure storage site may be reviewed by the Zoning Administrator. Upon finding that any such alternative is satisfactory and will reasonably protect the waters of the state against pollution by the manure, whether in liquid or solid form, the County Board may approve the use of said alternate in lieu of the above standards and may thereafter issue a permit for the same in accordance with the following sections:

726.03. Permits - Issuance on Application. It shall be the duty of every owner of a feed lot or manure storage site, or other person responsible therefor, to obtain from the Zoning Administrator, a permit for the use of the feed lot or site for the deposit, storage or disposal of manure as provided herein.

- (1) On application for a permit by the owner or other person responsible for a feed lot or manure storage site, the Zoning Administrator may require plans showing the features and method of construction and operation of existing or proposed safeguards or disposal systems in accordance with these regulations and current policies or other accepted criteria. The County Board may thereafter issue a permit therefor upon such conditions as it shall prescribe to prevent pollution of any waters of the state by such manure or the effluent therefrom. Such permit shall be subject to modification or revocation in like manner as provided by law for permits for the installation or operation of disposal systems or parts thereof.
- (2) Before the issuance, denial, revocation, suspension or modification of a permit, any person whose vested rights may be adversely affected thereby shall, upon request therefor, be entitled to a public hearing for the purpose of presenting evidence thereat. Written notice of the hearing stating the time and place thereof shall be given to any person known by it to be directly affected by such action either personally or by registered mail not less than ten (10) days before the date of the hearing.

726.04. Inadequate Safeguards. In case the Zoning Administrator shall find that any manure is stored or kept on any feed lot or storage site without a safeguard, or that any existing safeguard is inadequate, it may by order require the owner or other responsible person to immediately remove the manure from the feed lot or storage site and refrain from further storage or keeping of any manure thereat unless and until an adequate safeguard is provided as hereinbefore prescribed.

726.05. Notice Concerning Loss. It shall be the duty of the owner of a feed lot or manure storage site or other responsible person in charge thereof to notify immediately the Zoning Administrator of any loss of stored manure either by accident or otherwise when such loss involves a substantial amount which would be likely to enter any waters of the state. Said notice shall be by telephone or other comparable means and shall be made without delay after discovery of the loss. The notification shall include the location and nature of the loss and such other pertinent information as may be available at the time.

726.06. Hazards and Nuisances.

- (1) The keeping of more than one horse per net acre of grazing land or any other animal density problem that may constitute a public nuisance or endanger the public health, safety, or general welfare may be regulated by terms of a special use permit if so ordered by the Zoning Administrator and approved by the Planning Advisory Commission.

- (2) Prior to the issuance of a building permit for a residential structure, the Zoning Administrator shall determine if there are any existing animal conditions which may be incompatible with residential uses. If such conditions exist, building permits shall not be issued until the Planning Advisory Commission determines if such conditions are to be corrected or if the existing use has property use rights superior to those of any proposed adjacent or nearby use.

727. Mobile Homes and Mobile Home Parks.

727.01. Intent. The intent and purpose of this section is to assure quality development equal to that found in other types of residential areas throughout the County. Excellence of design, development and maintainance is the desired objective.

727.02. Any dwelling unit which is not designed for easy and ready travel on the highway and Which is intended rather for special transport to a site for permanent or semi-permanent occupancy affixed on a lot to the ground in some manner may be considered as a relocated, permanent structure subject to zoning and building code regulations applied to conventional construction. The Planning Advisory Commission shall determine if a dwelling unit is "mobile" or is to be considered as a permanent structure.

727.03. No person shall attempt to develop or operate a mobile home park within the County without first obtaining a special use permit therefor.

727.04. Application. The application for a special use permit, in addition to other requirements, shall include the name and address of the developer and a general description of the construction schedule and construction cost. The application for a special use permit shall be accompanied by twelve (12) copies of plans which indicate the following:

- (1) Location and size of mobile home park.
- (2) Location, size and character of all mobile home lots, mobile home stands, storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites, and all setback dimensions.
- (3) Detailed landscaping plans and specifications.
- (4) Location and width of sidewalks.
- (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service and gas service.
- (6) Plans for an overhead street lighting system shall be submitted for approval by the County Engineer.

- (7) The method of disposing of garbage and refuse.
- (8) Location and size of all streets abutting the mobile home park and all driveways from such streets to the park.
- (9) Plans and specifications for all road construction either within the park or directly related to park operation.
- (10) Floor plans of all service buildings to be constructed within the mobile home park.
- (11) Such other information as may be required or requested by the County.
- (12) Detailed description of maintenance procedures and grounds supervision.

727.05. Performance Standards for Mobile Home Parks.

- (1) All mobile homes shall be properly connected to a central water supply and a public sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the County Engineer. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home. All water supply and sanitation facilities must conform to the current recommendations in Chapter 4 of the Washington County Development Code.
- (2) All mobile home parks shall have one (1) or more recreational areas which shall be easily accessible to all park, residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of ten percent (10%) of the land area (exclusive of streets), but no outdoor recreational area shall contain less than two thousand (2,000) square feet. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
- (3) All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a mobile home lot which is occupied by a mobile home nor upon the streets within the mobile home park.

- (4) Each mobile home park shall maintain a paved off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) coach sites and located within three hundred (300) feet of the unit to be served.
- (5) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the County Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the Zoning Administrator prior to connection and electrical service shall be at least one hundred ten (110) volt, fifty (50) ampere capacity. Plans for the disposal of surface storm water shall be approved by the County Engineer.
- (6) All land areas shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. The proposed method of garbage, waste and trash disposal must be approved by the community and must conform to the regulations of the State Pollution Control Agency. Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. The storage, collection and disposal of refuse in the mobile home, park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- (7) All structures shall require a building permit. It is not the intent of this section to repeal or abrogate any part of the Building Code. The provisions of this section shall be enforced in addition to and in conjunction with the provision of the Building Code.
- (8) No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a structure in a mobile home park without the written consent of the owner or operator of said park.
- (9) The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform through the entire mobile home park except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related mobile home equipment.
- (10) Each mobile home lot shall be served by a central fuel supply system, such as natural gas or a central L. P. system. No separate or private fuel containers, such as fuel oil tanks or L. P. tanks, shall be allowed in the mobile home park. Periodic inspections by the County Zoning Administrator of the entire park and all its facilities may be required. Utility and heating facilities shall be inspected at least once every six (6) months.

- (11) No mobile homes shall be located in the mobile home park that do not conform to the requirements of the Motor Vehicle Code of the State of Minnesota. No mobile home shall be allowed therein which is in an unsanitary condition, or which has an exterior in bad repair, or which is structurally unsound, or which fails to protect the inhabitants of said mobile home against all the elements.
- (12) Every structure in the mobile home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair, and shall be repainted or refinished when so directed by the community Building Inspector.
- (13) A properly landscaped area shall be adequately maintained around each mobile home park. All mobile home parks located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent non-residential uses.
- (14) No mobile home, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any mobile home park. No mobile home shall be, located within one hundred twenty-five (125) feet of the existing or planned for edge of the traveled part of a public road.
- (15) A mobile home park shall contain at least one hundred fifty (150) fully developed lots. A minimum of fifty (50) mobile home stands must be fully developed, together with all required auxiliary buildings and areas, before any mobile home may be occupied.
- (16) Signs shall be limited to one nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front lot line.
- (17) Each mobile home park must have one (1) or more central community buildings 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, public telephones, and public mail boxes, in addition to public toilets and lavatory. For each one hundred (100) mobile home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex. Each 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. All of said buildings must be constructed to meet existing community codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

- (18) An adult caretaker must be on duty at all times in the mobile home park. The operator of every mobile home park shall maintain a register in the office of the park indicating the name and address of each permanent resident of said park, and the make, type, license and serial number of each mobile home and automobile of each permanent resident, and the date of arrival and departure of each mobile home. This information shall be kept for at least three (3) years after date occupant departs from park and shall be available at all times to law enforcement officers, health authorities and all other officials whose duties necessitate the acquisition of information contained in the register.
- (19) Each mobile home lot within a mobile home park shall abut on and have access to a private road used by the inhabitants of the park and built and maintained by the owner thereof. This road shall lead to and furnish ingress and egress from a public street through controlled driveways which shall have a right-of-way at least sixty (60) feet in width. The private roads and the access roads to public streets shall be paved with a concrete or bituminous material complying with the specifications for the construction of any community street. The paved surface shall be at least thirty-six (36) feet in width from curb to curb. A concrete curb and gutter shall be constructed on each side of the road. The curb and gutter shall comply with all applicable community ordinances. There shall be a concrete sidewalk at least two (2) feet wide along both sides of all roads and also connecting this frontage sidewalk with the mobile home entrance. Access drives off roads to all parking spaces and coach sites shall be paved.

727.06. Mobile Home Park Lots.

- (1) Each mobile home site shall contain at least six thousand (6,000) square feet of land area for the exclusive use of the occupant and shall be at least sixty (60) feet wide, which size site allows for a maximum length mobile home of fifty-five (55) feet. Larger mobile homes will require longer lots to comply with the following requirements of this Ordinance.
- (2) Mobile homes shall be placed upon mobile home lots so that there shall be at least a twenty (20) foot clearance between mobile homes and twenty (20) feet between the front of the mobile home and the front lot line and twenty-five (25) feet between the rear of the mobile home and the rear lot line. Mobile homes shall be parked no closer than ten (10) feet to a side lot line.
- (3) The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of a mobile home site; land may be occupied by a mobile home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure.

- (4) The yards shall be landscaped except for necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site. Landscaping shall include at least one (1) tree, hedges, grass, fences, windbreaks, and the like. Temporary storage shall not be allowed in the lawn area.
- (5) Each mobile home lot shall have paved off-street parking space for at least two (2) automobiles.
- (6) The corners of each mobile home lot shall be clearly marked and each site shall be numbered.
- (7) Each mobile home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any mobile home or within five (5) feet of any lot line.

727.07. Mobile Home Stands. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- (1) The mobile home stands shall not heave, shift, or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting upon the structure.
- (2) The mobile home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the mobile home.
- (3) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

727.08. The applicant shall pay to the County an application fee in the amount of fifty (\$50.00) dollars at the time the application is filed. When a permit is issued hereunder the applicant shall pay an amount equal to ten (\$10.00) dollars per lot. If only a portion of a proposed park is constructed at a time, the fee shall be paid for the lots in the portion being constructed, but the initial construction shall include at least fifty (50) lots.

727.09. Inspection.

- (1) On or before January 10th of each year following the first twelve (12) month period that a permit has been in force under this Ordinance, the operator shall pay an annual inspector fee to the County. Such inspection fee shall be Twenty-five and no/100 Dollars (\$25.00) per year plus twenty-five cents (25¢) per mobile home' lot for

each occupied lot in excess of twenty-five (25) occupied lots. Occupancy of lots for determining this fee shall be as of January 1st.

- (2) All mobile home parks established prior to the adoption of this Ordinance shall be subject to inspection provisions of this Ordinance and shall pay the inspection fee provided in subdivision (1) of this section commencing January 1, 1973.

727.10. Failure to comply with any provision or requirement of this Ordinance or with any provision or requirement imposed upon the mobile home park or owner or operator by the terms of the permit or the terms of any contract agreement or stipulation entered into or imposed by the County as part of or in connection with the said permit shall be cause of revocation of the mobile home park permit by the County after a ten (10) day mailed notice of violation and time and place of hearing to the owner and operator and a hearing by the County. Compliance with the terms of this Ordinance shall be a condition precedent to the issuance of a state license and shall run with the license so as to be an essential part thereof. Upon revocation of a permit by the County no further occupancy of the mobile homes in the park shall be allowed but the County may allow a reasonable time for termination of occupancy. This section shall apply in all respects to any violation of provisions previously in effect that continue to control existing occupied mobile home park areas.

727.11. Any mobile homes now used for living or residing and not now in a licensed mobile home park may not be occupied within the County for longer than one (1) year after the day this Ordinance takes effect.

727.12. Parking Outside of a Mobile Home Park. No person shall park or occupy a mobile home on the premises of any occupied dwelling or on any land which is situated outside of an approved mobile home park or approved mobile home sales lot, except that a mobile home may be temporarily maintained by a business, firm, or corporation on premises associated with a work project, or a mobile home may be occupied as a temporary dwelling while the occupants thereof are in the process of constructing, reconstructing or altering a permanent structure, if a permit for said mobile home is issued by the Zoning Administrator and only after a building permit has been obtained for the proposed construction. Such a permit shall expire one hundred twenty (120) days from the date of issuance. Renewal of such a permit may require approval of the County Board.

728. Trailer Park Regulations.

728.01. Trailer Park. No person, firm or corporation shall develop or operate any trailer park without having obtained a special use permit.

728.02. Application. The application for a special use permit, in addition to the requirements, shall indicate the name and address of the developer and a general description of the construction schedule and construction costs. The application for a special use permit shall be accompanied by twelve (12) copies of plans, which indicate the following:

- (1) Location and size of trailer park.
- (2) Location and size of all trailer lots, dead storage areas, recreation areas, laundry drying areas, roadways, parking spaces and sites, and all setback dimensions.
- (3) Detailed landscaping plans and specifications.
- (4) Location and width of sidewalks.
- (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service.
- (6) Plans for an overhead street lighting system shall be submitted for approval by the County Engineer.
- (7) The method of disposing of garbage and refuse.
- (8) Location, size and character of each trailer lot.
- (9) Location and size of all streets abutting the trailer park.
- (10) Road construction plans and specifications.
- (11) Plans for any and all structures.
- (12) Such other information as may be required or requested by the County.

728.03. Sewer and Water Connection. Each trailer lot must provide a connection to a water supply and a sanitary sewer system, constructed in accordance with plans and specifications approved by the County Engineer.

728.04. Trailer Park Lots. Any trailer park lot, with access to a public street, shall conform to all setback and other requirements of the zoning district in which said lot is located.

728.05. Performance Standards for Trailer Parks.

- (1) All water supply and sanitary facilities must conform to the current recommendations in Chapter 4 of the Washington County Development Code.
- (2) All trailer parks shall have at least ten percent (10%) of the land area (exclusive of streets) developed for recreational use (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. Open air drying of laundry and clothes shall be allowed only in approved areas established and maintained exclusively for that purpose.

- (3) All utilities, such as sewer, water, fuel, electric, telephone, and television antenna lead-ins, shall be buried to a depth specified by the County Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the community prior to connection. Plans for the disposal of surface storm water shall be approved by the County Engineer.
- (4) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish, or debris. The proposed method of garbage, waste and trash disposal must be approved by the Washington County Planning Advisory Commission (PAC).
- (5) All structures shall require a building permit. It is not the intent of this section to repeal or abrogate any part of the Building Code. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.
- (6) The source of fuel for cooking, eating or other purposes at each lot shall be approved by the County PAC. Periodic inspection of the entire park by the Zoning Administrator may be required.
- (7) No trailers shall be allowed in a trailer park that does not conform to the requirements of the Motor Vehicle Code of the State of Minnesota. Every structure in a trailer park shall be developed and maintained in a safe, approved and substantial manner.
- (8) A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within twenty (20) feet of the exterior boundary of any park.
- (9) Each trailer park shall contain at least thirty (30) fully developed trailer lots. Access to said parks shall be provided as required by the County PAC: The access streets shall be paved in accordance with minimum specifications required for the construction of any community street.
- (10) Advertising shall be limited to one (1) sign not to exceed twenty-four (24) square feet, with lighting, height and location as approved by the PAC.
- (11) Each trailer park must have one (1) or more central community buildings 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.

(12) 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.

(13) No dogs or animals shall be permitted to run at large within said park. No public address or loud speaker system will be permitted.

728.06. Parking Outside of an Approved Park. No person shall park a trailer on the premises of any occupied dwelling or on any land which is situated outside of an approved trailer park or an approved trailer sales lot, except that the parking of one (1) unoccupied trailer, less than twenty-five (25) feet in length, in an accessory private garage, building or in the rear yard of a residential district is permitted, provided that no living quarters shall be maintained or any business practiced in said trailer while it is so parked or stored.

A trailer may be temporarily maintained by a person, firm or corporation on premises associated with a work project or may be occupied as a temporary dwelling while the occupants thereof are in the process of constructing, reconstructing or altering a permanent structure, if a permit for said trailer is issued by the Zoning Administrator. Such a permit shall expire one hundred twenty (120) days from the date of issuance. Renewal of such permit may require the approval of the County Planning Advisory Commission.

729. Apartment Standards.

729.01. Locational Requirements. Apartment developments should be located on major thoroughfares, near open green space or in areas specifically designed for high density development.

- (1) When possible, apartments may serve as a buffer between single family homes and non-residential uses.
- (2) The site should not be located in such a manner as to channel traffic onto minor streets in low density residential neighborhoods.

729.02. Site Development..

- (1) Lot area per dwelling unit (with sewer) as per this Ordinance:
- (2) In areas not served with public sewer and water, an engineering study shall be required to determine the population density that an on-site sewage system would support. This should be related to the density of the proposed development.
- (3) Minimum lot width - one hundred (100) feet (with central sewer).
- (4) Front yard (setback) - thirty (30) feet on a minor street and fifty (50) feet on a major street.
- (5) Side yard (setback)
 - Adjacent to another lot -- fifteen (15) feet or three-fourths (3/4) the height of the building, whichever is greater.
 - Adjacent to street -- thirty (30) feet.
- (6) Rear yard (setback) - thirty (30) feet.
- (7) If a site abuts more than one street or planned future street, each street shall be treated as a frontage.
- (8) The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.
- (9) A minimum of twenty percent (20%) of the site shall be landscaped.
- (10) Two (2) parking spaces per unit shall be provided with each space not being less than nine (9) feet wide and twenty-three (23) feet in length and each space shall be served adequately with access drives.
- (11) A minimum of fifty percent (50%) of the parking spaces shall be in garages.
- (12) Parking spaces shall not be within twenty (20) feet of side lot line, within the front yard, or within five (5) feet of the rear lot line.
- (13) Bituminous or concrete driveways and parking areas with concrete curbing shall be required.
- (14) Site Plans shall locate and identify all shrubs and trees.

729.03. Screening.

- (1) Screening shall be required where (a) any off-street parking area contains more than six (6) parking places and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.
- (2) All exterior storage shall be screened. The screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street or driveway.
- (3) The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and pavement.
- (4) Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrances of the building.
- (5) Swimming pools or other intensive recreation shall not be placed near residences not part of the complex.

729.04. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance on each exterior vertical surface.

729.05. Miscellaneous Standards.

- (1) Party and corridor partitions and floor systems shall be of a type rated by a nationally known testing laboratory as capable of accomplishing an average sound transmission loss of not less than fifty (50) decibels as rated per the Sound Transmission Class Rating System. Doors and door systems between corridors and dwelling units shall be solid core construction. Room relationship, hallway design, door and window placement and plumbing and ventilation installation shall be such that they assist in the control of sound transmission from unit to unit.
- (2) No storage shall be permitted under stairways.
- (3) Class A fire extinguishers - one per two thousand five hundred (2,500) square feet of living area - maximum distance extinguished from each unit must not exceed fifty (50) feet, and shall be in addition to any automatic fire extinguishing equipment required by the Uniform Building Code.
- (4) Gas fired incinerators may be required inside building with access from each floor.
- (5) Exterior lighting - automatic control - adequate for the purpose intended.

- (6) Center hall lighting - adequate for purpose intended – automatic control.
- (7) Doorlocks - all exterior unit doors, storage and utility room doors shall have positive locks.
- (8) Elevators - all buildings exceeding three point five (3.5) stories.

729.06. General Requirements.

- (1) Requirements for Exterior Wall Surfacing and Covering. All multiple-family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.
- (2) Restriction for Exterior Wall Lying Below Ground Level. No dwelling unit within a multiple-family dwelling shall be so constructed as to have more than forty percent (40%) of the horizontal lineal distance of a dwelling unit's exterior wall below ground level. Continuous window wells or other selective excavation shall not be used to circumvent this restriction. Areas which do not qualify as dwelling units because of non-compliance with this section may be used for amusement, recreation, storage or as utility areas.
- (3) Storage Space Requirements. All multiple-family dwellings shall provide a minimum of ninety-six (96) cubic feet of miscellaneous storage space for each dwelling unit within the principal building containing such unit. Such space shall be in addition to normal storage space provided in wardrobes, cabinets, and clothes or linen closets.
- (4) Minimum Requirements for Accoustical Controls. In all multiple-family dwellings, the following requirements relating to accoustical controls shall apply:
 - (a) All plumbing serving each dwelling unit shall be separated from other dwelling units by a room, closet, corridor or sound barrier.
 - (b) Party partitions and floor systems shall be at least Sound Transmission Class 50. Corridor partitions shall be at least Sound Transmission Class 45. Sound Transmission Class (STC) shall be determined in accordance with International Accoustical Standards.
- (5) Fire Alarm System. Every multiple-family dwelling, housing three (3) or more dwelling units shall be equipped with an automatic fire alarm system which shall comply with the following requirements:
 - (a) Fire alarm wiring shall not be run in the same conduit or common enclosure with other wiring.

- (b) The system shall be wired to permit a continuous flow of electric power.
 - (c) Accidental interruptions of current flow shall be signaled.
 - (d) Sounding stations shall be sufficient in number on each floor of a multiple-family dwelling to be distinctly heard throughout the floor above all other sounds. In no case shall the sounding stations be further apart than one hundred (100) feet on each floor with seventy-five (75) feet maximum to a point of egress. Alarm units shall be installed as well in furnace rooms and storage areas.
 - (e) Electric service to the fire alarm control panels shall be taken from a point between load side of electric meter and line side of first switch through red painted fusible switch or circuit breaker with lock, labeled or stenciled: FIRE ALARM.
 - (f) Buildings of more than two (2) units shall have automatic and manual fire alarms.
- (6) Restrictions Against Protruding Air Conditioners. No multiple-family dwelling shall have an air conditioning unit protruding from any exterior wall, except to the extent required for proper functioning of said air conditioning unit. An appropriate grille shall be provided to cover any such protrusion, which grille shall be designed to appear as an integral part of the exterior wall.
- (7) Open Air Drying of Clothes. Open air drying of clothes shall not be permitted on the grounds of multiple-family dwellings except when the following conditions are met:
- (a) The areas for open air drying of clothes are specifically drawn on the original site plans.
 - (b) A durable and dustless surface and adequate screening is provided for the entire area to be used for the drying of clothes.
- (8) Each multiple-family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface.
- (9) Any blighting or deteriorating aspects of the multiple-family dwelling development shall be placed upon or absorbed by the site itself rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
- (10) The design shall make use of all land contained in the site. All of the site shall be related to the multiple-family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.
- (11) Trash Incinerators and Garbage. Except with townhouses and multiple-family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple-family dwellings of four

- (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.
- (12) If it is intended that individual buildings of a multiple-family dwelling complex be sold separately, provision shall be made so that each such building to be sold abuts upon a public street.
- (13) Construction of Multiple-Family Dwellings.
- (a) Fire Proof Construction. Any multiple-family building with dwelling units on more than three (3) floors shall be of Type 1, Type 11, or Type 111, 1 HR or H.T., construction as defined in the Uniform Building Code or the State Building Code. All multiple-family dwellings shall have windows that are easily opened from the inside for emergency exit.
- (b) Structural, Electrical and Mechanical Requirements. In addition to Code provisions relating to construction of all buildings, the following provisions shall apply to multiple-family dwellings:
- (1) All mechanical and electrical systems shall be designed and certified by a registered engineer.
- (2) Air conditioning systems shall be designed and have such capacity as to cool the area intended.
- (3) Unless architecturally treated and designed to appear as an integral part of a wall, no air conditioner shall protrude from an exterior wall.
- (3) Any multiple-family dwelling with more than two (2) floors, shall have the structural system designed and certified by a registered structural engineer.
- (4) Any multiple-family dwelling with more than two (2) floors, shall have the structural system designed and certified by a registered structural engineer.

SECTION 8. ENFORCEMENT

801. Violations and Penalties.

801.01. It is declared unlawful for any person to violate any of the terms . and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

801.02. In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate. such violations or threatened violations and it is the duty of the County Attorney to institute such action.

801.03. Any taxpayer of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 9. EFFECTUATION

901: Separability.

901.01. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

901.02. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

901.03. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

901.04. Nothing contained in this Ordinance repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

902. Effective Date.

902.01. Passed by the Washington County Board of Commissioners
this 6th day of July, 1972.

I. A. Pederson
Chairman of the Board

ATTEST: T. R. Greeder
County Auditor