
WASHINGTON COUNTY

DEVELOPMENT CODE

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

- | | | |
|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Individual Sewage Treatment System Regulations |
| (5) | Chapter Five | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6) | Chapter Six | Shoreland Management Regulations |
| (7) | Chapter Seven | Mining Regulations |
| (8) | Chapter Eight | 201 Sewer Use Regulations |
| (9) | Chapter Nine | Flood Plain Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |



WASHINGTON COUNTY DEVELOPMENT CODE

**CHAPTER ONE
ADMINISTRATION**

Table of Contents

SECTION 1. INTENT AND PURPOSE 1

SECTION 2. DEFINITIONS 2

SECTION 3. RULES OF INTERPRETATION 32

SECTION 4. COMPLIANCE 33

SECTION 5. ADMINISTRATOR 34

SECTION 6. APPEALS AND VARIANCES 35

6.1 Board of Adjustment and Appeals 35

6.2 Board Membership and Meetings. 35

6.3 Administrative Appeals 38

6.4 Variances 38

6.5 Official Map 40

6.6 Judicial Appeals 41

SECTION 7. PLAT COMMISSION 41

7.1 Washington County Plat Commission 41

7.2 Commission Membership and Meetings 42

7.3 Notice and Hearing Procedure 42

SECTION 8. PLANNING ADVISORY COMMISSION 43

8.1 Washington County Planning Advisory Commission 43

8.2 Commission Membership and Meetings. 44

SECTION 9. CONDITIONAL USES 45

9.1 Application 45

9.2 Notice and Hearing Procedure 46

9.3 Criteria for Granting Conditional Use Permit 47

9.4 Compliance 48

9.5 Length of Conditional Use 48

9.6 Expiration of Conditional Use Permit 49

9.7 Revocation 49

9.8 Records of Conditional Uses 49

9.9 Amended Conditional Use Permits 50

9.10 Reapplication 50

9.11 Planning Commission Decision and Appeal 50

9.12 Phased Developments 50

9.13 Existing Uses. 50

SECTION 10. CERTIFICATES OF COMPLIANCE	51
10.1 Application	51
10.2 Compliance	51
10.3 Issuance and Conditions	51
10.4 Record of Certificates of Compliance	51
10.5 Appeals to Denial of Certificates of Compliance	52
10.6 Expiration of Certificates of Compliance	52
10.7 Revocation	52
10.8 Existing Uses.	52
SECTION 11. OTHER PERMITS	53
11.1 Building Permits.	53
11.2 On-Site Waste Disposal Permits	53
11.3 Driveway Access Permits	53
SECTION 12. ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS	54
SECTION 13. NONCONFORMITIES	54
13.1 Nonconforming Situations	54
13.2 Nonconforming Use.	54
13.3 Nonconforming Structure.	55
13.4 Nonconforming Lots	56
SECTION 14. AMENDMENTS TO THE DEVELOPMENT CODE AND COMPREHENSIVE PLAN	58
SECTION 15. ENFORCEMENT	58
15.1 Violations	58
15.2 Penalties	58
15.3 Application to County Personnel	58
15.4 Equitable Relief	59
SECTION 16. SEPARABILITY	59
SECTION 17. EFFECTIVE DATE	59

*Commentary/Interpretive
Purposes Only*

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER ONE

ADMINISTRATION

SECTION 1. INTENT AND PURPOSE

The Development Code is intended to preserve and protect natural resources and the environment, and to guide development in the unincorporated areas of the County.

- 1.2** This Development Code is adopted for the following purposes:
- (1) To implement the policies established in the Washington County Comprehensive Plan.
 - (2) To stage development and redevelopment to coincide with the availability of necessary public services.
 - (3) To divide the unincorporated areas of the County into zoning districts.
 - (4) To define the allowable uses in zoning districts within the unincorporated areas of the County.
 - (5) To regulate the location, construction, reconstruction, alteration and use of structures and land within the unincorporated areas of the County.
 - (6) To provide for the compatibility of different land uses and the most appropriate use of land throughout the County.
 - (7) To regulate uses or development in Shoreland, Saint Croix River Bluffland and Shoreland and Floodplain areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.
 - (8) To regulate the placement of sanitary and waste treatment facilities on land.
 - (9) To conserve and protect natural resources and maintain a high standard of environmental quality.
 - (10) To regulate the placement of structures in flood prone areas.
 - (11) To regulate alterations of natural vegetation and topography.
 - (12) To provide a variety in housing.

- (13) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the County.
- (14) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
- (15) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.
- (16) To prevent environmental pollution and to protect surface and groundwaters from contamination.
- (17) To preserve the value of land and value of structures throughout the County.
- (18) To protect and preserve viable agricultural land.
- (19) To provide for the wise use and conservation of energy resources.
- (20) To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.
- (21) To provide for the orderly, economic and safe removal and processing of sand, gravel, rock, soil and other material.
- (22) To provide for the orderly development of land through subdivision regulation.
- (23) To protect areas needed for future public use from further development through Official Maps.
- (24) To provide for the enforcement of this Development Code and to define and limit the powers and duties of the administrative officers and bodies responsible therefor.

SECTION 2. DEFINITIONS

These terms or words are used in the Development Code. This section clarifies how the County is defining these terms or words.

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

- (1) Accessory Apartment: A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.
- (2) Accessory Building: A detached single-story building greater than 120 square feet in size used or intended to be

- used for the storage of personal property or for agricultural purposes.
- (3) Accessory Use: A use incidental or subordinate to the principal use of the same land.
 - (4) Administrator: The County Zoning Administrator who is the Department of Health, Environment and Land Management.
 - (5) Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.
 - (6) Agricultural-Business, Seasonal: A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.
 - (7) Agricultural Use: Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products. This activity does not need to be the principal source of income.
 - (8) Alteration: To change or make different; to remodel or modify.
 - (9) Animal Unit: A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.
 - (10) Animals, Domestic Farm: Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.
 - (11) Animals, Domestic Pets: Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots and similar animals shall not be considered domestic pets.
 - (12) Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fibre, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the

- regulations are not preempted by the Federal Communications Commission.
- (13) Apartment: A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.
- (14) Appraised Valuation: The market value of a structure as determined by the current records of the County Assessor.
- (15) Area, Net Developable: Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five percent (25%), unbuildable easements or rights-of-way, and required building setbacks.
- (16) Attorney: The County Attorney.
- (17) Automotive Dealership: An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, fuel dispensing, and the rental of vehicles.
- (18) Balloon Port, Commercial: An area of land designated for the takeoff, storage and maintenance of hot air balloons on a commercial basis.
- (19) Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
- (20) Bed and Breakfast Inn: An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.
- (21) Board of Adjustment and Appeals: A judicial type body appointed by the County Board to hear administrative appeals, requests for variances, and requests for building permits in Official Map Areas.
- (22) Boarding House: A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.
- (23) Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land.
- (24) Buildable Land: Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured

from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainageway, or drainage easement.

- (25) **Building**: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.
- (26) **Building Code**: The Minnesota State Building Code.
- (27) **Building Height**: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:
- (A) The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- (B) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item A above is more than 10 feet above the lowest grade.
- The height of a stepped or terraced building is the maximum height of any segment of the building.
- (28) **Building Official**: The designated authority charged with the administration and enforcement of the State Building Code.
- (29) **Building Permit**: A permit required from the responsible governmental agency before any site work, construction or alteration to structures can be started.
- (30) **Building Setback Line**: A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluffline or a high water mark or line, behind which buildings or structures must be placed.
- (31) **Building Setback**: The minimum horizontal distance between the building and the lot line.
- (32) **Business**: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

- (33) Car Wash: A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.
- (34) Cellar: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
- (35) Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
- (36) Certificate of Compliance: See Chapter One, Section 10.
- (37) Certificate of Occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.
- (38) Club or Lodge: A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages in compliance with the applicable federal, state and local laws.
- (39) Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.
- (40) Commercial Food Producing Farm Operations: See “Farm” definition.
- (41) Commercial/Light Industrial-Rural: See Chapter Two, Part 1, Section 8. for permitted uses.
- (42) Commercial/Light Industrial-Urban: See Chapter Two, Part 1, Section 9, for permitted uses.
- (43) Commercial Recreation: All uses such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.
- (44) Common Open Space: Land held in common ownership used for agriculture, natural habitat, pedestrian corridors

and/or recreational purposes which is protected from future development.

- (45) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly to consumers through membership in the garden
- (46) Community Residence: A facility licensed by the State of Minnesota which provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.
- (47) Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the unincorporated area of the County.
- (48) Conditional Use: See Chapter One, Section 9.
- (49) Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.
- (50) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (51) Conservation Use: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes and their accessory uses such as interpretive centers and management facilities.
- (52) Contiguous: Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Development Code.
- (53) Conveyance: Conveyances shall have the meaning specified in Minnesota Statute 272.12.

- (54) Cost of Renovation, Repair or Replacement The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
- (55) Crematorium or Crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.
- (56) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and its people.
- (57) Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (58) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- (59) Cutoff Type Luminaire: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- (60) 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 a "Standards on Sound Level Meters of the USA Standards Institute".
- (61) Density: The number of dwelling units permitted per acre of land.
- (62) Density Units: The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this Development Code, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.
- (63) Depth of Lot: The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.
- (64) Depth of Rear Yard: The horizontal distance between the rear building line and the rear lot line.

All Conveyances of land are subject to approval by Washington County.

- (65) Development Agreement An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Development Code.
- (66) Development Code: The official controls adopted by Washington County regulating the physical development of land in the unincorporated areas of the County.
- (67) Dieseling: The running of a railroad diesel engine when the engine is disconnected so that it is not transmitting power to the wheels.
- (68) Disposal Area, On-Site Sewage Treatment: See Chapter Four, Individual Sewage Treatment System Regulations.
- (69) Dredging: The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.
- (70) 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 service to the automobile occupants is offered regardless of whether service is also provided within a building.
- (71) Driveway Access Permit: A permit required from the responsible governmental agency which allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.
- (72) Dwelling: A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, boarding houses. (Also see Dwelling Unit.)
- (73) Dwelling, Duplex or Two Family: A residential building containing two (2) complete dwelling units.
- (74) Dwelling, Multiple Family: A residential building, or portion of a building, containing two (2) or more dwelling units.
- (75) Dwelling, Seasonal: A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.

- (76) Dwelling, Single: A residential building containing one (1) detached dwelling unit.
- (77) Dwelling Unit: A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (78) Emergency Railroad Maintenance: Maintenance to railroad tracks, right-of-way, or rolling stock that could not be routinely anticipated and that is necessary to overcome a condition which prohibits movement of rolling stock over the track.
- (79) Engineer: The County Engineer.
- (80) Environmental Impact Worksheet or Statement: That document that might be required under Minnesota Statute Chapter 116C. and D. See Chapter One, Section 12.
- (81) Equestrian Uses: Those uses commonly associated with the raising, maintaining and training of horses for riding, racing or breeding.
- (82) Essential Services–Governmental Uses, Buildings and Storage: An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.
- (83) Essential Services–Utility Substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size a long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.
- (84) Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (85) Family: An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.
- (86) Farm: Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

- (87) Feedlot: A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.
- (88) Fence: A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.
- (89) Fill: Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting therefrom.
- (90) Final Plat: A drawing or map of an approved subdivision, meeting all requirements of Chapter Three, Subdivision Regulations and in such form as required by the community for purposes of recording.
- (91) Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.
- (92) Flashing Light: A light source which is not constant in intensity or color at all times while in use.
- (93) Floodplain: The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by a regional flood.
- (94) Floor Area: The gross area of the main floor of a residential building measured in square feet and not an attached garage, breezeway or similar attachment.
- (95) Floor Area, Gross: The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.
- (96) 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.
- (97) Floor Plan, General: A graphic representation of the anticipated use of the floor area within a building or structure.
- (98) Foot Print: The length and width of the building's foundation and the building's height.

- (99) Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (100) Frontage: That boundary of a lot which abuts a public street or private road.
- (101) Funeral Home: A building or part thereof used for funeral services. Such buildings may contain space and facilities for a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral supplies; and c) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.
- (102) Garage, Private: A detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.
- (103) Garage, Storage: Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.
- (104) Golf Course: An area of land laid out for golf with a minimum series of nine (9) holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.
- (105) Governing Body: The Board of Commissioners of the County.
- (106) Hazardous Material: Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:
- (A) Is regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - (B) Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

- (107) Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.
- (108) High Power Transmission Line: A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.
- (109) Historic Building and Structure: A structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.
- (110) Home Occupation: Use of a property zoned residential or agricultural for gainful employment which is a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change of the exterior character of appearance of the property; and d) is created and operated by the occupant of the dwelling.

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

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

- (111) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (112) Homesteaded Dwelling: A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statutes § 273.124.
- (113) Horse Show: An event where horses not boarded on the subject property are shown to the general public and guests.

- (114) Horse Training Facility, Commercial: An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.
- (115) Horse Training Facility, Private: An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.
- (116) Hotel: A building having provision for nine (9) or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
- (117) Individual Parcel: A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Development Code.
- (118) Inoperative: Incapable of movement under its own power.
- (119) Kennel, Commercial: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale.
- (120) Kennel, Private: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are owned by any member of the household. Private kennels are accessory to the principal use of the property.
- (121) Land Alteration: The reclaiming of land by depositing or moving material so as to alter the grade or topography.
- (122) Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.
- (123) Landscaping: Planting trees, shrubs and turf covers such as grasses and shrubs.
- (124) Light Duty Maintenance: Railroad maintenance that does not utilize mechanized power sources other than motorized track inspection cars.
- (125) Light Fixture, Outdoor: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to

which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.

- (126) Light Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not limited to, the following lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing, clothing, textiles and used auto parts.
- (127) Light Source: A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- (128) Lighting, Outdoor: Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.
- (129) Livestock: Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.
- (130) Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.
- (131) 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.
- (132) 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 one (1) lodging room.
- (133) Lot: A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the

- Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (134) Lot Area: The area of a horizontal plane within the lot lines.
- (135) Lot Area, Minimum Per Dwelling Unit: The minimum number of square feet or acres of lot area required per dwelling unit.
- (136) Lot, Buildable: A lot which meets or exceeds all requirements of the Washington County Development Code without the necessity of variances.
- (137) Lot, Corner: A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- (138) Lot Coverage: That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.
- (139) Lot Depth: The mean horizontal distance between the front and rear lines of a lot.
- (140) Lot, Interior: A lot other than a corner lot, including through lots.
- (141) 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.
- (142) Lot Line, Front: That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it 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. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.
- (143) Lot Line, Rear: That boundary of a lot which is opposite to 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.
- (144) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

- (145) Lot, Through: Any lot other than a corner lot which abuts more than one (1) street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.
- (146) Lot Width: The horizontal distance between the side lot lines of a lot measured at the setback line.
- (147) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (148) Major Highway: Those highways and/or roadways which are classified as principal and minor arterials and collectors in Figure T-1, Existing Functional Classification System of the Comprehensive Plan.
- (149) Maneuvering Operations: Railroad operations that involve movement of rolling stock to prepare for ordinary travel on a track, or switching of tracks in anticipation of movement of rolling stock.
- (150) Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Minnesota Statutes Chapter 327. 31, Subd. 3. No manufactured dwelling shall be moved into the unincorporated areas of Washington County that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31, Subd. 3.
- (151) Manure: Any solid or liquid containing animal excreta.
- (152) Mausoleum: A structure for the entombment of the dead in crypts or vaults in a placed used, or intended to be used, for cemetery purposes.
- (153) Medical Uses: Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium.

- (154) Mining: The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Development Code, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:
- (A) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
 - (B) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
 - (C) Landscaping purposes on a lot used or to be used as a building site.
 - (D) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.
 - (E) The removal of excess materials in accordance with approved plats or highway construction.
- (155) Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.
- (156) Motor Vehicle Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.
- (157) Motor Vehicle Repair, Minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair, Major".
- (158) Motor Vehicle Service Station: A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.
- (159) Motorized Track Inspection Vehicle: A wheeled vehicle used for track maintenance which is powered by a motor

sized to propel the vehicle only and which is not designed to pull other rolling stock.

- (160) Moving Permit: A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.
- (161) Municipality: A city or township, however organized.
- (162) Natural Drainageway: A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.
- (163) Natural Resources: The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals and water.
- (164) Neighborhood: An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in close proximity to one another.
- (165) 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.
- (166) Nominal Parcel: A parcel not reduced by more than ten percent (10%) of its lot area due to road right-of-way dedication.
- (167) Nonconforming Lot: A separate parcel or lot of record on the effective date of this Development Code, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Development Code or amendments thereto.
- (168) Nonconforming Use: Any legal or lawful use of land or any legal or lawful use of a structure existing on the effective date of this Development Code, or any amendments thereto, which does not conform with the regulations for the district in which it is located after the effective date of this Development Code or such amendment.
- (169) Noxious Matter: Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.

- (170) Nursery, Day: A use where care is provided for three (3) or more children under kindergarten age for periods of four (4) hours or more per day for pay.
- (171) Nursing Home: A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder.
- (172) Office: Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar uses.
- (173) Official Control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by Washington County as the Development Code.
- (174) Official Map: A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.
- (175) Open Sales Lot: Lands devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.
- (176) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.
- (177) Open Space Design Development: A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.
- (178) Open Storage: Storage of any material outside of a building.
- (179) Ordinance: The Washington County Development Code.
- (180) Overlay District: A zoning district shown as an overlay on the zoning map.

- (181) Owner: Includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer.
- (182) Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- (183) Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.
- (184) Pedestrian Way: A public or private right-of-way across or within a block or tract, to be used by pedestrians.
- (185) Performance Standards: The minimum development standards as adopted by the governing body and on file in the office of the zoning administrator.
- (186) Perimeter Road: A road lying outside of and abutting the development parcel.
- (187) Person: Any person, corporation or association, including governmental agencies and political entities.
- (188) Place of Worship: 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 used, is maintained and controlled by a religious body organized to sustain public worship.
- (189) Planned Unit Development: All developments having two or more principal uses on a single parcel of land; and may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments and industrial type developments. See Chapter Two, Part 3, Section 5.
- (190) Planning Advisory Commission: The duly appointed planning and zoning advisory commission of the county.
- (191) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.
- (192) Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the

- culture, display and decoration of lawns gardens and indoor plants.
- (193) Plant Nursery, Commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.
- (194) Plat Commission: An appointed advisory body which makes recommendations to the County Board on the platting and subdivision of land in the unincorporated areas of the County. See Chapter One, Section 7.
- (195) Platted Land: Lands with legal descriptions described as lot, block, plat name.
- (196) Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.
- (197) Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.
- (198) Private Recreational Area: A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.
- (199) Protective or Restrictive Covenant: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (200) Public Land: Land owned and/or operated by a governmental unit, including school districts.
- (201) Public Recreation Facility: An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.
- (202) Public Waters: All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.

- (203) Quarter-Quarter Section: A tract of land legally described as a full quarter-quarter section or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.
- (204) Recreation Equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.
- (205) Recreation Use, Active: All uses, such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters, and similar activities which are used as a commercial enterprise.
- (206) Recreation Use, Passive: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.
- (207) Recreation Vehicle: Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications (a) is not used as the permanent residence of the owner or occupant; (b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles providing living accommodations.
- (208) Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Development Code, these materials are limited to paper, glass, plastics and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Development Code.
- (209) Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- (210) Recycling Center: A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to

- shipment to others who will use those materials to manufacture new products.
- (211) Refuse: Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.
- (212) Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on the average frequency in the magnitude of 100 year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.
- (213) Research: Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Development Code.
- (214) Resort: Any structure or group of structures containing more than two (2) 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.
- (215) Resource Inventory: A survey of the land’s features including it’s natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.
- (216) Restaurant: A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.
- (217) Retail Business: Stores and shops selling personal services or goods over a counter.
- (218) Road, Approved Private: A private road which has been approved by resolution of the Town Board of Supervisors. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.
- (219) Road, Public: A road owned and maintained by a government jurisdiction.

- (220) Roadside Sales Stand: A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.
- (221) Rolling Stock: Wheeled vehicles utilized on a railroad track.
- (222) Runway: A surface of an airport landing strip.
- (223) Runway Instrument: A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
- (224) Scenic Resources: That part of the landscape which provides a picturesque view and may contain outstanding recreational, natural, historic, scientific and manmade values.
- (225) School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools and technical or college instruction.
- (226) Screening: Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.
- (227) Security Lighting: Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
- (228) Self-Service Storage: A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.
- (229) Septic Permit: A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.
- (230) Setback: The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.
- (231) Shielding: A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

- (232) 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.
- (233) Sign: A display, illustration, structure or device which directs attention to an object, product, place, activity, person, institution, organization or business.
- (234) 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.
- (235) Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- (236) 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.
- (237) Sign, Development Identification: A sign that identifies the name of a residential, commercial or industrial development at a street entrance to the development
- (238) Sign, Flashing: An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.
- (239) Sign, Identification: A sign which identifies the inhabitant of the dwelling.
- (240) Sign, Motion: A sign that has revolving parts or signs which produce moving effects through the use of illumination.
- (241) Sign, Nameplate: A sign which states the name and/or address of the business, industry or occupant of the site and is attached to said building or site.
- (242) Sign, Pedestal: A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.
- (243) Sign, Real Estate: A sign offering property (land and/or buildings) for sale, lease or rent.
- (244) Sign, Roof: A sign erected upon or above a roof or parapet of a structure.

- (245) Sign, Shopping Center or Industrial Park: A business sign designating a group of shops or offices.
- (246) Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign a plan parallel to the plane of said wall.
- (247) Special Events: The celebration or recognition of an occasion or activity that typically occurs no more than two times annually and is no longer than 14 consecutive days.
- (248) Spillage: Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.
- (249) Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than 6 feet above the grade as defined in the Building Code for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in the Building Code any point, such usable or unused under-floor space shall be considered as a story.
- (250) Street: A public right-of-way which affords a primary means of access to abutting property.
- (251) 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.
- (252) Street, Intermediate or Minor Arterial: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (253) Street, Local: A street intended to serve primarily as an access to abutting properties.
- (254) Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
- (255) Street Width: The width of the right-of-way measured at right angles to the centerline of the street.
- (256) 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.

- (257) Structure: Something built or constructed; used interchangeably with “building” for purposes of this Development Code.
- (258) Structure, Nonconforming: Any structure lawfully or legally existing on the effective date of this Development Code, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Development Code or amendments thereto.
- (259) Subdivision: The process of dividing land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (260) Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (261) Subdivision, Minor: Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.
- (262) Tavern or Bar: A building with facilities for the serving of beer, liquor, wine, set-ups and short order foods.
- (263) Temporary Dwelling, Care Facility: A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.
- (264) Temporary Dwelling, During Construction: A mobile home which temporarily serves as a residence for the present or potential occupant which the primary single family residence is being constructed, reconstructed or altered.
- (265) Temporary Dwelling, Farm: A mobile home located in an agricultural district which is an accessory dwelling unit

occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Development Code.

- (266) Tower: Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.
- (267) Tower Accessory Structure: A structure located at the base of the tower housing base receiving/transmitting equipment.
- (268) Transportation/Motor Freight Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks are parked or stored.
- (269) Transportation Terminal: Truck, taxi, air, bus, train and mass transit terminal and storage area, including motor freight (solid and liquid) terminal.
- (270) Travel Trailer/RV Campground: An area or premises operated as commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers and tents.
- (271) 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.
- (272) Use: The function for which property can be used.
- (273) Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
- (274) Use, Open Space: The use of land without a structure or including a structure incidental to the open space use.
- (275) Use, Primary: That use which is the normal use for property within a district. Primary uses do not require a certificate of compliance or a conditional use permit.
- (276) Variance: See Chapter One, Section 6.4.
- (277) Vegetation, Natural: Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

- (278) Veterinary: Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.
- (279) Warehousing: The storage, packing and crating of materials or equipment within an enclosed building or structure.
- (280) Warehousing and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
- (281) 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 nonpaying guests.
- (282) Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of the Development Code, wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and c) under normal circumstances, support a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.
- (283) Wholesaling: The selling of goods, equipment and materials by bulk to another person who in turn sells the same to customers.
- (284) Yard: The open space on an occupied lot which is not covered by any structure.
- (285) 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 building line.
- (286) Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
- (287) Yard, Required: A yard area which may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.
- (288) Yard, Side: A yard between the side line of the lot and the nearest building line.

- (289) Yard Waste Facility: Any site used for the composting of garden waste, leaves lawn cuttings, weeds, shrub and tree waste and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.
- (290) Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the Washington County Development Code.
- (291) Zoning District: An area or areas within the county in which the regulations and requirements of this Development Code are applied.

SECTION 3. RULES OF INTERPRETATION

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

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

- 3.1** In the event of conflicting provisions within the Chapters of the Washington County Development Code, statute, resolution or regulation of any kind, the more restrictive provision shall apply.
- 3.2** In the application of this Development Code, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Development Code.
- 3.3** Properties which lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other Chapters of this Development Code.
- 3.4** The words and phrases used in this Development Code shall be construed in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.
- 3.5** Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.
- 3.6** Whenever this Development Code requires an act to be done and when such act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.
- 3.7** The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Development Code.

- 3.8 Nothing contained in this Development Code shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.
- 3.9 Except as provided herein, the provisions of this Development Code are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Development Code.
- 3.10 The explanations contained on the lefthand side of the Development Code are there as interpretive purposes and are not part of the Development Code for the purpose of enforcement and administration.

SECTION 4. COMPLIANCE

- 4.1 Except as this chapter specifically provides:
 - (1) No structure shall be erected, moved, or altered unless in conformity with the regulations specified in this Development Code.
 - (2) No structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with all the regulations contained in this Development Code.

SECTION 5. ADMINISTRATOR

- 5.1 The Department of Health, Environment and Land Management shall be designated as the Zoning Administrator.
The Zoning Administrator shall enforce this Development Code and be responsible to:
 - (1) Issue permits required by this Development Code.
 - (2) Review all matters pertaining to applications and enforcement of this Development Code.
 - (3) Review all building permits issued for structures in the unincorporated areas of the County to ensure compliance with the regulations contained in this Development Code.
 - (4) Conduct inspections of structures and use of land to determine compliance with the terms of this Development Code.

Structures and uses in the unincorporated areas of the County must be in compliance with this Development Code.

The Department of Health, Environment and Land Management is the Administrator of this Development Code.

For questions related to these rules or to apply for zoning permits, please contact the department at 430-6655.

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

- (5) Review and approve all subdivisions created in the unincorporated areas of the County.
- (6) Maintain permanent and current records as required by this chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications therefor.
- (7) Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- (8) Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- (9) Institute, with the advise and consent of the County Attorney, in the name of the County, any appropriate legal actions or proceedings against a violator as provided for in this Development Code.
- (10) Recommend appropriate fees for applications, permits or other matters processed under this Development Code.
- (11) To collect fees, as set by resolution of the County Board, for all applications, permits or other matters covered under the provisions of this Development Code.

SECTION 6. APPEALS AND VARIANCES

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

6.1 Board of Adjustment and Appeals.

There is hereby established the Washington County Board of Adjustment and Appeals which shall have the following powers with respect to the Washington County Development Code.

- (1) Administrative Appeals. The Board shall have the exclusive authority to hear and decide appeals from and review any order, requirement decision or determination made by the Zoning Administrator with respect to the administration of the Washington County Development Code.
- (2) Variances. The Board shall have the exclusive power to order the issuance of variances from the terms of any Official Control, including restrictions placed upon nonconformities.
- (3) Official Map. Where an Official Map has been adopted by the County, the Board shall hear and decide an appeal by the

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

Members are appointed for three year terms and can serve a maximum of nine consecutive years.

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

A quorum of three members is needed to conduct business of the Board; a majority vote of the quorum can decide questions/take action.

owner of land who has been denied a permit to build within the limits of land delineated on an Official Map.

6.2 Board Membership and Meetings.

(1) The Board of Adjustment and Appeals shall consist of five (5) members, the majority of whom shall come from the unincorporated area of the County. Four (4) of the members shall be appointed by the County Board on an at-large basis and one (1) of the members of the Board shall be the Chairman of the Washington County Planning Advisory Commission (or his designee). No elected official of the County, nor any employee of the County shall serve as a member of the Board.

(2) Member Terms.
Each member shall serve for a period of three (3) years and the terms of the members shall be staggered so that no more than two (2) terms expire in any one (1) year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term, provided, however, that any member shall continue to serve after the expiration of their term until a successor is appointed. Members will be limited to three (3) consecutive terms of appointment. Any member who misses three (3) consecutive meetings without a reasonable excuse may be replaced by the County Board.

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

(4) Meetings and Quorum.
The meeting of the Board of Adjustment and Appeals shall be held at the call of the Zoning Administrator. A majority of the Board shall constitute a quorum and a majority vote of that quorum is sufficient to conduct business and take action. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular Board Member from voting thereon shall be decided by a majority vote of all members, except the member being challenged.

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

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

In the event that the disqualification of a member due to conflict of interest results in less than a quorum (three (3) members) of the Board for a meeting, no further action can be taken on that matter before the Board.

- (5) Notice and Hearing.
 - (A) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Board of Adjustment and Appeals and establish a time for hearing thereon by the Board. From the date the Zoning Administrator receives the application containing all required information, the Board of Adjustment and Appeals has sixty (60) days to take action on the request or the request shall be deemed approved. The Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.
 - (B) Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation in any town, municipality or other area concerned and in the official newspaper of the county at least ten (10) days before the hearing of the hearing,
 - (C) Written notice of all public hearings shall be sent to all owners of property of record within 500 feet of the affected property.
 - (D) In the case of Official Map Appeals written notice must be given to owners of record within one-half mile of the affected property,
 - (E) In all cases written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
 - (F) Defects in the notice shall not invalidate any proceedings provided a bonafide attempt to comply with this section has been made.
 - (G) Where applicable, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicants information to the following agencies for review and comment:

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

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

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

- 1. Department of Natural Resources
- 2. Minnesota/Wisconsin Boundary Area Commission

(6) Board Findings.

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

6.3 Administrative Appeals.

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

Variances are defined as a modification or variation to the rules contained in the Zoning Regulations. Variances can be approved under some limited conditions. Requests for a variance are decided by the Board of Adjustment and Appeals.

- (C) The grounds for appeal; and
 - (D) The relief requested by the appellant.
- (2) The Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

6.4 Variances.

A variance is the modification or variation of the Zoning Regulations where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Zoning Regulations would cause unnecessary hardship.

- (1) No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- (2) An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may require for purposes of this Development Code. If the application does not contain all required information, the Zoning Administrator shall send notice within ten (10) business days of receipt of the request, telling the applicant what information is missing.
- (3) Variances shall only be permitted when they are in harmony with the general purpose and intent of the Official Controls in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the Comprehensive Plan.
- (4) "Hardship" as used in connection with the granting of a variance means:
 - (A) The property in question cannot be put to a reasonable use if used under conditions allowed by the Official Controls; and
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
 - (C) The variance, if granted, will not alter the essential character of the locality.

- (D) Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the Development Code.
- (E) The Board may consider the inability to use solar energy systems a "hardship" in the granting of the variance.
- (5) Variances shall be granted for earth sheltered construction as defined in Minnesota Statute 216C.06, Subd. 2 when in harmony with the Official Controls.
- (6) Where, in the opinion of the Board of Adjustment and Appeals, a variance may result in a material adverse effect on the environment, the applicant may be requested by the Board to demonstrate the nature and extent of that effect.
- (7) The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.
- (8) In exercising its power under this Development Code, the Board shall take into consideration the affected town board's recommendations when the Board of Adjustment's decision directly affects land within the township.
- (9) No application for the same variance as ruled upon by the Board of Adjustment and Appeals shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.

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

6.5 Official Map

- (1) Whenever a building permit is denied pursuant to an official mapping regulation enacted by the Washington County Board, the Board of Adjustment and Appeals shall, upon appeal filed by the owner of the land hold a public hearing upon the appeal. After receiving the advice and recommendations of the Zoning Administrator, the Board of Adjustment and Appeals may grant a permit for building in an area designated on an Official Map in any case in which the Board finds, upon the evidence and arguments presented to it:
 - (A) That the entire property of the applicant, of the area designated for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and
 - (B) That balancing the interest of the County in preserving the integrity of the Official Map and of

the Comprehensive Plan and the interest of the property owner in the use of the property and in the benefits of the ownership, the granting of such permit is required by considerations of justice and equity.

- (2) If the Board authorizes issuance of a permit, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted. If the Board authorizes issuance of a permit, the Washington County Board shall have six (6) months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein and if no such proceedings are started within that time, the Zoning Administrator shall issue the permit if the applicant otherwise conforms to the Development Codes.

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

6.6 Judicial Appeals.

All decisions by the Board of Adjustment and Appeals shall be final, except that anyone aggrieved by decision shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the Washington County District Court on questions of law and fact. In order to preserve their right to appeal, a non-party must notify the Zoning Administrator within seven (7) days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision in order to preserve their right to appeal or it is deemed waived.

SECTION 7. PLAT COMMISSION

The Plat Commission makes recommendations on the platting and subdivision of land in the unincorporated areas of the County.

7.1 Washington County Plat Commission

There is hereby created a Washington County Plat Commission whose duties and responsibilities shall consist of the following:

- (1) The Plat Commission shall be an advisory commission who shall make recommendations and give advise to developers, affected townships and the Washington County Board in connection with the platting and subdivision of land located within the unincorporated areas of the County as required by Chapter Three of this Development Code. Each member of the Plat Commission shall review the plat or subdivision and make recommendations to the Plat Commission to ensure that the subdivision is consistent with the Washington County Comprehensive Plan and the provisions of the Washington County Zoning Regulations. No plat shall be acted upon by the Washington County Board without being first reviewed by the Plat Commission and receiving the Plat Commission’s recommendations after the required public hearings.

- (2) Conduct the public hearings required by Minnesota Statute § 394.26 as it relates to the platting of subdivisions in the unincorporated areas of the County prior to the proposed subdivision or plat being presented to the County Board for approval.
- (3) In the event an Environmental Assessment Worksheet is mandatory as a result of a residential subdivision exceeding the threshold contained in Minnesota Rules Part 4410, the Washington County Plat Commission shall prepare the Environmental Assessment Worksheet and make recommendations to the Washington County Board of Commissioners on the need for an Environmental Impact Statement.
- (4) In the event an Environmental Assessment Worksheet is either discretionary or petitioned for in connection with a residential subdivision, the Washington County Plat Commission shall be responsible for making recommendations to the Washington County Board as to the need for an Environmental Assessment Worksheet.

There are seven members of the Plat Commission.

7.2 Commission Membership and Meetings.

- (1) The membership of the Washington County Plat Commission shall consist of:
 - (A) A commissioner appointed by the Washington County Board of Commissioners.
 - (B) The Washington County Attorney or its designee.
 - (C) The Washington County Engineer or its designee.
 - (D) The Washington County Surveyor or its designee.
 - (E) The Washington County Recorder or its designee.
 - (F) The Director of the Washington County Health, Environment and Land Management Department or its designee.
 - (G) A representative from the Washington County Soil and Water Conservation District.
- (2) The Director of the Washington County Health, Environment and Land Management Department or its designee shall conduct the meetings of the Plat Commission and act as secretary.

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

7.3 Notice and Hearing Procedure.

- (1) Upon receipt by the Zoning Administrator of an application that contains all required information, the Zoning Administrator shall refer the matter to the Plat Commission and establish a time frame for hearing on the application as set forth in this Development Code. Notice of the time, place and purpose of public hearings shall be given by publication in the official newspaper of the County and in a newspaper of general circulation in the town, municipality or other area concerned at least ten (10) days before the hearing. Notice shall also be sent to the clerk of the applicable town board not less than ten (10) days in advance of the date of the public hearing. When required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the application information to the Minnesota Department of Natural Resources for review and comment.
- (2) Written notice of all public hearings shall be sent to all owners of property of record within one-half (½) mile of the affected property.
- (3) Written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any Municipality within two (2) miles of the affected property.

SECTION 8. PLANNING ADVISORY COMMISSION

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

8.1 Washington County Planning Advisory Commission

There is hereby created a Washington County Planning Advisory Commission whose duties and responsibilities shall consist of the following:

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

The Commission has eleven members. Ten voting members are appointed by the County Board. The eleventh member is a County Commissioner who is an ex-officio, non-voting member.

Members serve three year terms with a limit of nine consecutive years of service.

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

- (5) Such other duties as the Washington County Board of Commissioners may prescribe.

8.2 Commission Membership and Meetings.

- (1) The Commission shall be composed of eleven (11) members, a majority of whom shall be residents of that portion of the County outside the corporate limits of municipalities) Two (2) members shall be from each Commissioner district and one (1) member shall be a county commissioner, who shall be a non-voting, ex-officio member. No voting member of the commission shall have received, during the two (2) years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban or urban related purposes. Planning Advisory Commission members serve three year terms with a limit of nine consecutive years of service.

(2) Member Terms.

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

(3) Election of Officers and Meeting Proceedings.

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

(4) Meetings and Quorum.

A majority of the members shall constitute a quorum and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times, may vote on any issue and need not confine his/her voting to break ties.

SECTION 9. CONDITIONAL USES

Some uses in zoning districts require a conditional use permit. Please refer to Part 1 in Chapter Two.

Make Application for a Conditional Use Permit to the Zoning Administrator.

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the 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.

9.1 Application.

- (1) Whenever this Development Code requires a conditional use permit, an application therefor in writing shall be filed with the Zoning Administrator.
- (2) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator or by the Planning Advisory Commission.
 - (A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent mylar copy of the final general development plans, should they be approve, shall be filed with the Planning Commission within sixty (60) days of such approval.
 - (B) Certificate of Survey
 - (C) Site plan drawn to scale showing the following information:
 - 1. Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
 - 2. Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements
 - (D) Landscape Plan with the following information:
 - 1. Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.

- (E) Grading and Drainage Plan
- (F) Soil Conditions
- (G) Building Floor Plan
- (H) Building Elevations
- (I) General Location Map
- (J) Principal land uses within 200 feet of the property.
- (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney’s Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.
- (L) Type of business or activity and proposed number of employees.
- (M) Sanitary sewer and water plan (areas without public sewer or water).

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

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

9.2 Notice and Hearing Procedure.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Advisory Commission and establish a time for hearing on the application. From the date the Zoning Administrator receives the application containing all required information, the Planning Advisory Commission has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.
- (2) Notice of the time, place and purpose of all public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the county at least 10 days before the hearing. Notice shall also be sent to the clerk of the applicable town board not less than ten (10) days in advance of the date of the public hearing. The notice shall state the purpose, time and place of the public hearing.

- (3) Written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
- (4) Notice shall also be mailed to each of the owners of all property located within one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property whichever would provide notice to the greatest number of owners.
- (5) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicants information to the Minnesota Department of Natural Resources for review and comment.
- (6) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

The Planning Advisory Commission uses criteria to evaluate the request for a conditional use permit.

9.3 Criteria for Granting Conditional Use Permit.

- (1) The Planning Advisory Commission may grant a conditional use permit in any district, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Development Code will be satisfied and that the use is in harmony with the general purposes and intent of this Development Code and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Development Code and the Comprehensive Plan, the Planning Advisory Commission shall consider:
 - (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Development Code.

The Planning Commission can impose conditions when they grant a conditional use permit.

Costs of monitoring compliance with the permit can be imposed by the PAC.

Violations of conditions imposed by the Planning Advisory Commission

- (G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
- (H) The affects of the proposed use on groundwater, surface water and air quality.
- (I) That the proposed use is allowed with a conditional use permit in the designated zoning district in which it is proposed.

- (2) In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Advisory Commission may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.
- (3) The Planning Commission may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

9.4 Compliance

The use shall conform with the applicable sections of this Development Code.

9.5 Length of Conditional Use.

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

9.6 Expiration of Conditional Use Permit.

A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.

9.7 Revocation.

can cause the conditional use permit to be revoked.

- (1) A violation of any condition set forth in a conditional use permit shall be a violation of this Development Code, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- (2) Revocation shall not occur earlier than ten (10) County working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Planning Commission action has been served on the permittee.
- (3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.
- (4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the Washington County Department of Health, Environment and Land Management by midnight of the tenth County working day following service.
- (5) Following the receipt of a request for hearing, the Washington County Department of Health, Environment and Land Management shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in the Washington County Administrative Ordinance.

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

9.8 Records of Conditional Uses.

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

9.9 Amended Conditional Use Permits.

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

Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.

9.10 Reapplication.

No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

9.11 Planning Commission Decision and Appeal.

A decision of the Planning Advisory Commission as it relates to a conditional 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 to the Washington County Board of Commissioners; if no appeal is made within this time period, the decision will take effect and shall be considered final.

9.12 Phased Developments.

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 conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.

9.13 Existing Uses.

All uses existing at the time of adoption of this Development Code that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this Development Code. The Zoning Administrator may require a conditional use permit for the use. Any enlargement, structural alteration or intensification of use shall require a conditional use permit as provided for above. The Planning Advisory Commission may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 9.2.

SECTION 10. CERTIFICATES OF COMPLIANCE

Some uses in zoning districts require a Certificate of Compliance. Please refer to Part 1 in Chapter Two.

Apply for a Certificate of Compliance from the Zoning Administrator.

Zoning Administrator can issue a certificate of compliance if the use meets the conditions of this Development Code. No public hearing is required for certificates of compliance.

An appeal to a decision by the Zoning Administrator about a certificate of compliance is heard by the Board of Adjustment and Appeals.

The Zoning Administrator shall issue a certificate of compliance in any district for a proposed use listed in Chapter Two, Part 1, if the proposed use will not be contrary to the provisions of this Development Code. The certificate shall be granted for a particular use and not for a particular person or firm.

10.1 Application.

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

10.2 Compliance.

The use shall conform with the regulations specified in this Development Code.

10.3 Issuance and Conditions.

If the Zoning Administrator determines that the use is in compliance with the condition contained in this Development Code then the Zoning Administrator shall issue the certificate. Conditions required by this Development Code shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.

10.4 Record of Certificates of Compliance.

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

10.5 Appeals to Denial of Certificates of Compliance.

If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, 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 of any administrative decision made by the Zoning Administrator.

Violations of conditions imposed by the Zoning Administrator can be cause for revocation of the certificate of compliance.

10.6 Expiration of Certificates of Compliance.

A Certificate of compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.

10.7 Revocation.

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

10.8 Existing Uses.

All uses existing at the time of adoption of this Development Code that now require a certificate of compliance may continue in the same manner of operation as the use did upon the effective date of this Development Code. The Zoning Administrator may require a certificate of compliance for the use. Any enlargement, structural alteration or intensification of use shall require a certificate of compliance as provided for above. The Zoning Administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the Development Code.

SECTION 11. OTHER PERMITS

You need to have a valid building permit before doing any site work or construction/alteration to structures.

11.1 Building Permits.

- (1) No structure shall be erected, moved in or structurally altered until a statement has been issued by the Zoning Administrator, indicating that the existing or proposed structure and the use of the land comply with this Development Code.
- (2) The local building official shall notify the County prior to the issuance of any building permit for a new structure or expansion in square footage of an existing structure. The County Zoning Administrator shall review the building permit application for compliance with standards contained in the Development Code. Construction details will not be reviewed by the Zoning Administrator. The Zoning Administrator shall provide a response to the local building official regarding the Development Code requirements for said project within three (3) business days of notification.
- (3) No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit and other zoning use permits.

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

11.2 On-Site Waste Disposal Permits.

- (1) In areas without public sewer facilities, no building permit for any use requiring on-site waste treatment and disposal shall be issued until a on-site waste disposal permit has first been issued.
- (2) An on-site waste disposal permit shall be issued only after proof is furnished by the applicant that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all of the requirements of the County's On-Site Waste Treatment and Disposal Regulations, including percolation tests and borings.

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

11.3 Driveway Access Permits.

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

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

SECTION 12. ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS

Some land uses will require a mandatory EAW or EIS.

12.1 No use shall be approved prior to review by the Zoning Administrator to determine compliance with Minnesota Statute Chapter 116C. and D. and the regulation promulgated thereunder. The following are common projects which would require a mandatory Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive:

- (1) Development of facility for the extraction or mining of sand, gravel, stone or other non-metallic minerals which will excavate more than 40 acres of land to a mean depth of 10 feet or more during its excavation;
- (2) Residential development consisting of 50 or more unattached units in an unsewered area or 100 unattached units in a sewerred unincorporated area;
- (3) Construction of a new or expansion of an existing industrial, commercial or institutional facility of 100,000 square feet in an unincorporated area.

SECTION 13. NONCONFORMITIES

Upon adoption of these rules, an existing lot, structure or use may not conform to the new regulations. This section details how those nonconforming uses, structures and lots will be treated under this Development Code.

13.1 Nonconforming Situations.

Within the districts established by this Development Code or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Development Code, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Development Code. It is the intent of this Development Code to regulate such nonconforming situations in such a way that they can continue but will ultimately be phased out by prohibiting their enlargement, expansion or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

13.2 Nonconforming Use.

- (1) Any use existing on the effective date of this Development Code which is not in conformity with the regulations contained in this Development Code shall be allowed to continue, subject to the following conditions:

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

of this Development Code or such amendment.

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

The term "Nonconforming Structure" means any structure lawfully or legally existing on the effective date of this Development Code or any amendment thereto which does not conform to the regulations, including the dimensional standards for the district in which it is located after the effective date of this Development Code or amendments thereto.

- (A) No such use shall be expanded, enlarged or altered, including any increase in the volume, intensity, frequency or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.
 - (B) A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This one use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in the Washington County Mining Regulations.
 - (C) A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Development Code.
 - (D) If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Development Code.
- (2) All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.
 - (3) The Planning Advisory Commission or Zoning Administrator may require that a conditional use permit be issued for the nonconforming use.

13.3 Nonconforming Structure.

- (1) Any structure existing on the effective date of this Development Code which is not in conformity with the regulations contained in this Development Code shall be allowed to continue, subject to the following conditions:
 - (A) No such structure shall be expanded, enlarged or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the district in which the structure is located:

1. This enlargement, alteration or expansion itself does not violate any other provisions of this Development Code, other than the provision that made the structure nonconforming in the first place.
2. Long-term sewage disposal needs can be met.

- (B) A nonconforming structure which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired or replaced, except in conformity with this Development Code. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Development Code the term "Appraised Value" shall mean the market value of the property as determined by the current records of the County Assessor for the year in which damage was done.
- (C) Nothing in this Development Code shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
- (D) All construction projects for which a valid building permit was granted before the effective date of this Development Code may be completed although the structure would not meet newly established standards of this Development Code.

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

13.4 Nonconforming Lots.

- (1) Any separate lot or parcel created in accordance with the Washington County Subdivision Regulations and of record in the Washington County Recorder's Office on or before the effective date of this Development Code may be used for the legal use for which it is zoned:
 - (A) Provided it has a minimum of 60% of the required frontage on an improved public road or on a private road approved by a township; to be considered an approved private road, the Township Board of Supervisors must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road; and

- (B) Is at least one (1) acre of buildable land in unserved areas or has a minimum lot area of 9,000 square feet in areas served with public sewer; and
- (C) An on-site waste disposal system can be installed in accordance with Chapter Four of this Development Code; and
- (D) Any such lot or parcel of land which is in the Residential Suburban (RS) district may be used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60%) of the minimum requirements of this Development Code, provided all setback requirements of this Development Code can be maintained; and provided it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such permanent dwelling.
- (E) All other requirements of this Development Code can be met.

(2) If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Development Code, such individual lot or parcel 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 meeting the full requirements of this Development Code.

(3) A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Development Code. A nonconforming parcel shall not be reduced in size.

(4) Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered or expanded without a variance provided:

- (A) The enlargement, alteration or expansion meets all other standards of this Development Code.
- (B) Long term sewage disposal needs can be met.

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

These rules can be amended by the Washington County Board of

14.1 An amendment to this Development Code or the Comprehensive Plan may be initiated by the County Board, the Planning Advisory

Commissioners after a formal public hearing.

Commission or by petition of the affected property owners. A petition by affected property owners shall be presented to the County Board of Commissioners. An amendment not initiated by the Planning Advisory Commission shall be referred to the Planning Advisory Commission for their study, report and recommendation, and may not be acted upon by the Board until it has received the recommendation of the Planning Advisory Commission or sixty (60) days have elapsed from the date of the first meeting of the Planning Advisory Commission following reference of the amendment without a report by the Planning Advisory Commission.

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

14.2 In connection with the adoption by ordinance of any Comprehensive Plan amendment or adoption or amendment of any Official Control in addition to any notice required by this Development Code notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes 394.26 and 375.51.

14.3 No application for an amendment to the County Comprehensive Plan or amendment of the official controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION 15. ENFORCEMENT

15.1 Violations. The violation of any provision of this Development Code or the violation of the conditions or provisions of any permit issued pursuant to this Development Code shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment or both; plus in either case, the cost of prosecution.

15.2 Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues, constitutes a separate offense.

15.3 Application to County Personnel. The failures of any officer or employee of the County to perform any official duty imposed by this Development Code shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

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

SECTION 16. SEPARABILITY

16.1 It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

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

SECTION 17. EFFECTIVE DATE

17.1 The regulations contained in this chapter shall become effective from and after October 20, 1997, after their publication according to law.