

Washington County Development Code

CHAPTER TWO ZONING REGULATIONS

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REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO ZONING REGULATIONS

PART 1 ZONING OVERLAY DISTRICTS

PART 2 PERFORMANCE STANDARDS

**REVISED WASHINGTON COUNTY
DEVELOPMENT CODE**

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

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

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

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

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

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

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 1
ZONING OVERLAY DISTRICTS**

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

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

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

SECTION 1. ZONING OVERLAY DISTRICT MAPS AND DESCRIPTIONS

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

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

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

PART 2
PERFORMANCE STANDARDS

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

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

SECTION 1. DEVELOPMENT STANDARDS

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

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

1.1 General Standards

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

Code Compliance

Buildable Land

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

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

Setbacks from Underground Pipelines

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

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

Setbacks from Unclassified Water Bodies

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

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

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

1.2 Accessory Structures

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

(2) Performance Standards.

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

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

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

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

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

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

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

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

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

*provided they are agricultural structures

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

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

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

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

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

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

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

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

The purpose of these standards is to protect the environment.

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

Above Ground Storage Tanks

1.3 Environmental Regulations

(1) Hazardous Materials.

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

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

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

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

Hazardous Waste

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

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

1.4 Exterior Storage Along Major Highways and County Roads

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

Fence Regulations

(2) Performance Standards.

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

1.5 Fences

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

(2) Performance Standards.

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

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

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

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

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

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

1.6 Land Alteration and Grading

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

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

Land Alteration and Grading Regulations.

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

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

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

Erosion Control

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

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

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

Sediment Control

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

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

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

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

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

Wetland Preservation

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

Preservation of Natural Drainageways/Waterways

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

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

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

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

Land Clearing Regulations.

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

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

1.7 Land Clearing

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

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

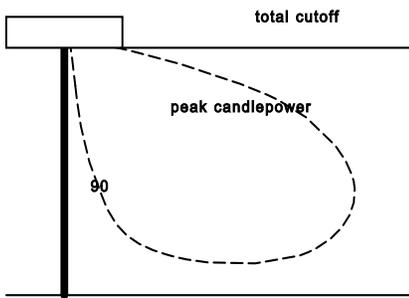
1.8 Lighting

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

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

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

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



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

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

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

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

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

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

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

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

(4) Performance Standards.

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

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

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

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

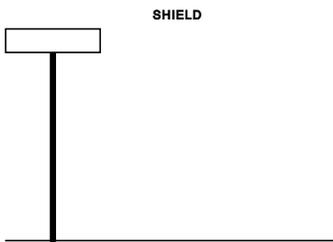
1. Illumination of outdoor recreation facilities whether public or private is prohibited after 11:00 PM unless the lighting conforms to the Development Code.

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

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

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

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



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

Parking Regulations.

Surface & Drainage

Location

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

1.9 Parking

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

provided.

(3) General Provisions.

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

parking period.

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

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

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

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

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

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

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

1.10 Signs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. STANDARDS FOR USES

2.1 Accessory Apartments

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

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

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

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

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

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

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

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

2.2 Agricultural Business - Seasonal

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

2.3 Bed and Breakfast

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

than ten (10) persons.

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

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

2.4 Essential Services - Utility Substation

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

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

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

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

2.5 Golf Courses

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

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

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

2.6 Home Occupations

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

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

Home Occupation is defined as:

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

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

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

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

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

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

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

2.7 Public Recreational Facility

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

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

2.8 Temporary Dwelling Unit/Care Facility

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

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

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

property.

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

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

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

2.9 Temporary Dwelling Unit During Construction

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

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

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

2.10 Temporary Farm Dwelling Unit

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

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

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

SECTION 3. OVERLAY DISTRICTS

3.1 St Croix River Management Overlay District

St. Croix River Management Overlay District

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

3.2 Shoreland Management Overlay District

Shoreland Management Overlay District

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

SECTION 4. OPEN SPACE DEVELOPMENT

4.1 Purpose and Scope

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

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

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

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

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

4.2 Definitions

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

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

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

Applying for an Open Space Development Conditional Use Permit.

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

4.3 Applicability

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

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

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

4.4 Application

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

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

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

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

described by plant community, relative age and condition.

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

4.5 Uses

Uses allowed within open space.

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

4.6 Ownership & Management of Open Space

Ownership and Management of Open Space

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

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

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

4.7 Open Space

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

4.8 Homeowners' Associations

Homeowners' Associations

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

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

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

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

Performance Standards

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

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

4.9 Density Standards

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

4.10 Performance Standards

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

A neighborhood is a contiguous group of residential lots.

natural feature.

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

(3) Neighborhood Siting Standards

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

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

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

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

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

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

(5) Sewage and Water Facilities

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

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

(6) Golf Courses

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

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

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

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

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

Alternatives may include:

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

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

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

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

SECTION 5. SEPARABILITY

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

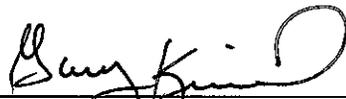
- (1) If any court of competent jurisdiction adjudges any provision of this regulation to be invalid, such judgment does not affect any other provisions of this regulation not specifically included in said judgment.

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

SECTION 6. EFFECTIVE DATE

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

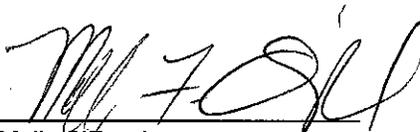
Passed by the Board of County Commissioners of Washington County, Minnesota, this 5th day of June, 2018.



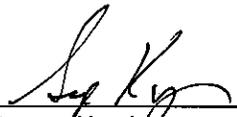
Gary Kriesel, Chair
Board of County Commissioners

Attest:

Approved as to form:



Molly O'Rourke
Washington County Administrator



George Kuprian
Assistant Washington County Attorney

Ordinance prepared by:

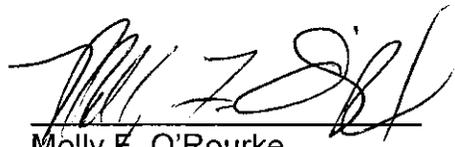
Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON)

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

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





Molly F. O'Rourke
County Administrator

DATE June 5, 2018
MOTION
BY COMMISSIONER Miron

DEPARTMENT Public Works
SECONDED BY
COMMISSIONER Karwoski

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

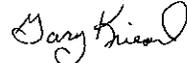
WHEREAS, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

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

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

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

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

ATTEST: 
COUNTY ADMINISTRATOR

COUNTY BOARD CHAIR

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