

SECTION XII - GENERAL REGULATIONS

Subdivision 1.0 Solid Waste

1. The storage, collection, and disposal of solid waste which includes, but is not limited to garbage, refuse, discarded soil materials resulting from industrial, commercial, agricultural operations, and community activities, except animal waste used as fertilizer shall conform to the solid waste disposal regulations promulgated by the Minnesota Pollution Control Agency.

Subdivision 2.0 Planned Unit Development (PUD)

1. Purpose
The purpose of this Subdivision is to provide the means of designing building complexes containing an internal relationship between building and building, and between building and site that cannot be accomplished through the standard one building - one lot application of this Ordinance. This Subdivision provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract in the URBAN EXPANSION MANAGEMENT DISTRICT and SHORELAND MANAGEMENT DISTRICT, and the MINNESOTA RIVER MANAGEMENT DISTRICT. The Planned Unit Development (hereinafter referred to as "PUD") is intended for use only where the usual application of bulk and density controls: 1) would not provide adequate environmental protection; 2) would allow design standards detrimental to the natural aesthetic and physical characteristics of the site; 3) would not provide an efficient and feasible use of the land.
2. Administrative Procedure
 - a. An applicant for a Planned Unit Development shall follow the procedure as outlined for a Conditional Use Permit in Section XIII, Subdivision 5.0 of this Ordinance.
 - b. The applicant for a PUD shall obtain the application for the Conditional Use Permit at the Office of the Zoning Administrator and simultaneously follow the County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and the County Board.
3. General Regulations
 - a. All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a Planned Unit Development.
 - b. It is the intent of this Subdivision that subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.
 - c. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Unit Development.
 - d. The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the County shall be required.
 - e. No conveyance of property within the Planned Unit Development shall take place

until the property is platted in conformance with the provisions of this Subdivision and applicable to the County Subdivision Ordinance. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the County Attorney and filed with the record plat.

- f. All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the PUD is located.
- g. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirement of Section XII, Subdivision 3.0 of this Ordinance.
- h. Drives, accessways, and common parking areas must be developed to a standard equal to that required for public use by Section XII, Subdivision 3.0, such drives and accessways must be protected by recorded deed covenants assuring their availability to all residents of the project.

4. Site Design

- a. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net acreage of the project area by the required lot areas per unit which is required in the district which the Planned Unit Development is located. The net acres shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
- b. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
- c. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
- d. All planned unit developments shall be served by central sewer and water facilities.

5. Standards for Common or Public Open Space

An open area may not be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:

- a. The location, shape, size, and character of the common open space must be suitable for the PUD.
- b. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
- c. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the

- common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
- d. The development plan must coordinate the improvement of the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Planned Unit Development is located.
 - e. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
 - f. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.
6. Conveyance and Maintenance of Common Open Space
- a. All land shown on the final development plan as common open space must be conveyed under one of the following options:
 1. It may be conveyed to a public agency (State, County or Township) to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees; subject to covenants to be approved by the Planning Commission and the County Attorney which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. Interest in the common open space shall be undivided and such interest shall not be transferable.
 - b. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any permitted use are expressly reserved.
 - c. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 1. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
 2. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
 - d. If the common open space is not conveyed to a public agency, the covenants

governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

7. Required Covenants, Easements and Provisions in Plan. The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of Planned Unit Development and not inconsistent with the best interest of the entire County. The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.
8. Guarantee the Provision of Common Open Space.
The County Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:
 - a. The County Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Control Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.
9. Final Approval.
When the County Board gives final approval, a Certificate of Occupancy shall be issued for the Planned Unit Development even though the size of lots, depth of yards, and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.
10. Final Action by Applicant.
The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, any successors in interest and assigns.
11. Control of Planned Unit Development Following Acceptance.
All changes in use, or re-arrangement of lots, blocks and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be made by the County Board, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.
12. Amendments to the Final Development Plan.
All changes in use, or re-arrangement of lots, block and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Planning Commission. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.

13. Failure to Begin Planned Unit Development.

If no construction has begun or no use established in the Planned Unit Development within one year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect.

In its discretion and for good cause, the County Board may extend for one additional year the period for the beginning of construction.

Subdivision 3.0 Parking and Loading Regulations

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of the County.

- 1. Minimum Size Regulations:
Each space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- 2. Reduction and Use of Parking and Loading Space:
On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
- 3. Computing Requirements:
In computing the number of such parking spaces required, the following rules shall govern:
 - a. Floor space shall mean the gross floor area of the specific use.
 - b. Where fractional space result, the parking spaces required shall be construed to be the nearest whole number.
 - c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.
- 4. Yards:
On-site parking and loading facilities shall not be subject to the front yard, side yard, and rear yard regulations for the use district in which parking is located, except that:
 - a. In a B - BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-

- way, or any SHORELANDS, RURAL PRESERVATION, or URBAN EXPANSION DISTRICT.
- b. In INDUSTRY DISTRICTS, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any SHORELANDS, URBAN EXPANSION, or RURAL PRESERVATION DISTRICT except for railroad loading areas.
5. Buffer Fences and Planting Screens:
On-site parking and loading areas near or abutting SHORELANDS or URBAN EXPANSION DISTRICTS shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.
 6. Access:
 - a. Parking and loading space shall have proper access from a public right-of-way.
 - b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
 - c. Vehicular access to business or industrial uses across property in any URBAN EXPANSION DISTRICT shall be prohibited.
 7. Location of Parking Facilities and Combined Facilities:
Required on-site parking, space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one (1) or more building or uses in a B - BUSINESS DISTRICT and in I - INDUSTRY DISTRICT, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
 8. Construction and Maintenance:
 - a. In B - BUSINESS DISTRICT and I - INDUSTRY DISTRICT, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the County Engineer.
 - b. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
 9. Lighting:
Lighting shall be reflected away from the public right-of-way and nearby or adjacent SHORELAND, RURAL PRESERVATION, or URBAN EXPANSION DISTRICT.
 10. Required Site Plan:
Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.
 11. Required Number of On-Site Parking Spaces:
On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

- a. One family dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
- b. Multiple dwelling or mobile home park - One and one-half (1 2) parking spaces per dwelling unit, apartment unit or mobile home berth.
- c. Churches - One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
- d. Public elementary, junior high school or similar private school - Two (2) parking spaces for each classroom; senior high school, four (4) parking spaces for each classroom plus one (1) space for each four (4) seats in assembly or exhibition hall, auditorium, theater, or sports arena.
- e. Municipal administration buildings, community center, public library, museum, art galleries, post office, and other public service buildings - One (1) parking space for each five hundred (500) square feet of floor area in the principle structure.
- f. Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool - Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principle structure.
- g. Professional office, medical and dental clinics and animal hospital - One (1) parking space for each five hundred (500) square feet of floor area.
- h. Office buildings - One (1) parking space for each five hundred (500) square feet of floor area.
- i. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than three (3) square feet of gross parking area for each one (1) square foot of gross floor area; separate on-site space shall be provided for loading and unloading.
- j. Automobile service station - Four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas.
- k. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair - One (1) parking for each five hundred (500) square feet of floor area.
- l. Bowling alley - Five (5) parking spaces for each bowling lane.
- m. Drive-in restaurant - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- n. Motel or motor hotel - One (1) parking space for each rental room or suite.
- o. Assembly or exhibition hall, auditorium, theater or sports arena - One (1) parking space for each four (4) seats, based upon design capacity.
- p. Restaurant, café, nightclub, tavern or bar - One (1) parking space for each seventy-five (75) square feet of customer floor area.
- q. Retail stores and service establishments - One (1) parking space for each one hundred (100) square feet of floor area.
- r. Research, experimental or testing stations - One (1) parking space for each

employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.

- s. Storage, wholesale, or warehouse establishments - One (1) parking space for each two (2) employees on the major shift or one (1) parking space for each two thousand (2000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.
- t. Manufacturing or processing plant - One (1) off-street parking space for each two (2) employees on the major shift or one (1) off-street parking space for each one thousand (1000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

12. Required Loading Areas.

Loading and unloading areas for goods, supplies, and services shall be sufficient to meet the requirements of each use.

Subdivision 4.0 Performance Standards

It is the intent of this Subdivision to provide that uses of land and buildings in ALL CLASSES OF BUSINESS AND INDUSTRY DISTRICTS shall be established and maintained with proper appearance from streets adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following.

1. Standards:

a. Landscaping and Screening

- 1. All required yards for any structure shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any of the residence districts shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan.
- 2. All junk yards, salvage yards, and open storage yards shall be screened with buffer planting or screen fences. Plans for such screens shall be submitted for approval by the Planning Commission.

Subdivision 5.0 Environmental Review Program

- 1. Purpose. The purpose of the Environmental Review Program Section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statute 116D.04, Subdivision 2 (1974) and Minnesota Statute

116D.01 (1974) as amended to implement the Environmental Review Program in accordance with 6MCAR 3.021 to 3.047, one copy of which is on file in the office of the Zoning Administrator.

2. Review Procedures and Administration.
 - a. The Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program.
 - b. The applicant for a permit for any action for which environmental documents are required by Minnesota Laws or regulations shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
 - c. The Zoning Administrator shall be responsible for determining whether an action for which an EAW or EIS is required. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required, and shall notify the Planning Commission and County Board of these proposed actions.
 - d. All EAWs and EISs shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission, and reviewed and approved by the County Board.
 - e. When reviewing an EAW or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations or other alternatives including no action which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
 - f. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds that an action is major and has potential for significant environmental effects.
 - g. Any EAW petitioned shall require a Conditional Use permit.
3. Enforcement.
 - a. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.

Subdivision 6.0 Solar Access

1. Purpose
The purpose of this Subdivision is to promote the use of solar energy systems, defined as, "a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring or converting solar-generated energy", and to assure access to

solar energy in accordance to Minnesota Statutes 1978, Chapter 786.

2. Variance

The Board of Adjustment may consider the inability to use solar energy system a "hardship" in granting a variance.

3. a. Definition

Solar Easement - a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner or land or solar sky space for the purpose of assurance adequate exposure of a solar energy system.

b. Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easement shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the County in which the easement is granted. Solar easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated therein or pursuant to the provisions of Chapter 786, Section 500.20.

c. General Requirements:

Any deed, will, or other instrument that creates a solar easement shall include, but not limited to:

1. a description of the real property subject to the solar easement and a description of the real property benefited from the solar easement;
2. a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sun light is prohibited or limited;
3. any terms or conditions under which the solar easement is granted or may be terminated;
4. any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement.