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STATE OF MINNESOTA

County of Wabasha

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STATE OF MINNESOTA

County of Wabasha

Office of County Recorder

This is to certify that the within
instrument was filed for record
in this office at Wabasha, on the
26th day of July A.D. 2001
at 10:15 o'clock A.m. and
that the same was duly recorded
in Wabasha County Records.

JEFFERY R. AITKEN

County Recorder

By J.R. Aitken

Wabasha County Zoning Ordinance

Adopted July 17, 2001

Effective September 1, 2001

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ARTICLE 1 GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known as the Wabasha County Zoning Ordinance, and will be referred to herein as "this Ordinance."

SECTION 2. PURPOSE

The purpose of this Ordinance is to promote, preserve and protect the public health, safety and general welfare of the citizens of Wabasha County, along with the integrity of the land and water resources of the County, by adopting the following policies:

- Subd. 1. **To Promote and Protect the Health, Safety and General Welfare.** To implement policies and standards that protect the public health, safety, comfort, convenience and general welfare.
- Subd. 2. **To Preserve Agricultural Land.** To implement policies and standards that conserve prime agricultural land, limit the density of residential development in prime agricultural areas, and discourage the premature and unnecessary conversion of prime agricultural land to urban uses.
- Subd. 3. **To Provide for the Orderly Development of the County.** To implement policies and standards that protect and conserve the social and economic stability of the County by providing a basis for reasonable and orderly agricultural, residential, commercial, industrial and recreational land uses.
- Subd. 4. **To Limit Incompatible Land Uses.** To implement policies and standards that limit land use conflicts by prohibiting the development of new land uses in incompatible areas.
- Subd. 5. **To Assure Adequate Public Facilities, Utilities and Transportation.** To provide for the general location of public facilities and to facilitate adequate and economical provision of transportation, water supply and sewage disposal.
- Subd. 6. **To Protect and Conserve the Natural Resources of the County.** To implement policies and standards that protect and conserve natural resources in the county, including but not limited to bluffland, shoreland, wetland and woodland.
- Subd. 7. **To Conserve the Scenic Beauty of the County.** To implement policies and standards that conserve the natural and scenic beauty and attractiveness of the County.

Subd. 8. **To Prevent Pollution.** To implement policies and standards that minimize environmental pollution, including but not limited to that of ground, water and air.

SECTION 3. JURISDICTION

This Ordinance shall be in effect in all areas of Wabasha County lying outside the limits of incorporated municipalities or outside those areas that fall under a municipality's extraterritorial zoning jurisdiction.

SECTION 4. SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and/or area, added to or relocated, and every use within a building or use accessory thereto in Wabasha County shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed, subject to Article 20 of this Ordinance regulating nonconforming uses.

SECTION 5. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of that statute, other ordinance, or regulation shall be controlling.

SECTION 6. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

ARTICLE 2 RULES AND DEFINITIONS

SECTION 1. RULES

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd. 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- Subd. 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd. 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd. 4. The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- Subd. 5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, certain words and terms are defined as follows:

- Subd. 1. **ACCESSORY BUILDING.** *A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.*
- Subd. 2. **ACCESSORY USE.** *A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.*
- Subd. 3. **ADVERTISING DEVICE.** Any billboard, sign, notice, poster, display or other device in view of the general public which directs attention to a product, place, activity, person, institution or business.
- Subd. 4. **AGRICULTURAL LAND.** Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years.

- Subd. 5. **AGRICULTURAL OPERATION.** A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.
- Subd. 6. **AGRICULTURAL USE.** The use of land for agricultural purposes, including but not limited to farming, dairying, pasturage agricultural, forestry, horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Subd. 7. **ALLEY.** A public right-of-way, other than a street, providing an additional means of access to abutting property.
- Subd. 8. **ANIMAL FEEDLOT.** *A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this Ordinance.*
- Subd. 9. **ANIMAL FEEDLOT, NEW.** *An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.*
- Subd. 10. **ANIMAL MANURE.** *Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation or other materials.*
- Subd. 11. **ANIMAL UNIT.** *A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer, as listed in accordance with Minnesota Rules 7020.0300 Subp. 5.*
- Subd. 12. **ANTENNA.** Equipment used for transmitting or receiving telecommunication, television, or radio signals, which is located on the exterior of, or attached to any building or structure, but not including "satellite dish antennas".
- Subd. 13. **ANTENNA-COMMERCIAL:** Any pole, spire or structure, or any combination, to which an antenna is, or could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces erected for the commercial use of information.

- Subd. 14. **ANTENNA-PRIVATE:** Any antenna erected for the non-commercial use of information.
- Subd. 15. **BASEMENT.** *Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level), on all four sides, regardless of the depth of excavation below ground level.*
- Subd. 16. **BEDROCK.** A general term for the rock, usually solid, that underlies soil or other unconsolidated superficial material.
- Subd. 17. **BLUFF.** *A high bank or bold headland with a broad, precipitous, sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff, that rises or drops fifty (50) feet from the horizontal and the slope averages eighteen (18) percent or greater. It shall include a topographic feature such as a hill, cliff, or embankment having the following characteristics:*
- A. Part or the entire feature is located in a Shoreland or Bluffland area.*
 - B. The slope rises at least twenty-five (25) feet above the plain or ordinary high water level of the waterbody.*
 - C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level or a plain averages thirty (30) percent or greater;*
 - D. The slope drains toward the waterbody or plain.*
- Subd. 18. **BLUFF IMPACT ZONE.** *The bluff and land located within 20 ft. from the top of the bluff and the toe of the bluff.*
- Subd. 19. **BLUFFLAND AREAS.** Any land formation in Wabasha County where the geomorphic features of the land conform to the definition of “Bluff” as found in this section.
- Subd. 20. **BOARD OF ADJUSTMENT.** *A quasi-judicial body, created by the Board of County Commissioners pursuant to Minnesota State Statute 394.27, whose responsibility is to hear appeals from decisions of any order, requirement, decision or determination of any administrative official and to consider requests for variances permissible under the terms of this Ordinance.*
- Subd. 21. **BOATHOUSE.** *A structure designed and used solely for the storage of boats or boating equipment.*
- Subd. 22. **BUILDING.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind.

- Subd. 23. **BUILDING, PRINCIPAL.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
- Subd. 24. **BUILDING HEIGHT.** The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
- Subd. 25. ***BUILDING LINE.*** *A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.*
- Subd. 26. **CABIN.** A dwelling that may be exempt from the requirement for enclosed bathrooms and complete kitchen facilities.
- Subd. 27. **CARPORT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.
- Subd. 28. **CHILD DAY CARE FACILITY.** The provision of child day care provided in family day care homes, group day care homes, child day care centers, nursery schools, day nurseries, head start and extended school age care programs in or out of the child's home.
- Subd. 29. ***CHILDREN'S CAMP.*** *A parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarter where food and lodging or the facilities thereof are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of Minnesota Statutes Chapter 257.*
- Subd. 30. **CLEARCUTTING.** An area in which all of the trees have been or will be felled, bucked and skidded in one operation and/or the indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for development purposes.
- Subd. 31. **CLUSTER DEVELOPMENT.** A pattern of subdivision development that places housing units into compact groupings while providing a preserved area of agricultural land for agricultural uses or a network of commonly owned or dedicated open space.
- Subd. 32. ***COMMERCIAL USE.*** *The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.*

- Subd. 33. **COMMUNICATION TOWER.** Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus, 35 feet or greater in height, above grade.
- Subd. 34. **COMMUNITY BUILDING.** Any structure intended for use as educational, recreational, social, service or governmental purposes by the general public.
- Subd. 35. **CONDITIONAL USE.** *A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official controls or building codes and upon a finding that: 1) certain conditions as detailed in the Zoning Ordinance exist, and 2) the structure and/or land use conform to the Comprehensive Land Use Plan, if one exists, and 3) the structure and/or land use is compatible with the existing neighborhood.*
- Subd. 36. **CONTIGUOUS PARCEL.** Two or more parcels of land that share a touching edge, property line or boundary.
- Subd. 37. **COUNTY BOARD.** Includes the County Commissioners, the Board of County Commissioners, or any other word or words meaning the Wabasha County Board of Commissioners.
- Subd. 38. **CROPLAND.** Land that could be used primarily for the production of adapted, cultivated, close growing crops and trees for harvest, as determined by the Department of Environmental Services.
- Subd. 39. **DAY CARE.** The care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day.
- Subd. 40. **DAY CARE, FAMILY.** The day care for no more than ten children at one time of which no more than six are under school age, the total number of which includes all children of any caregiver when the children are present in the residence.
- Subd. 41. **DAY CARE, GROUP FAMILY.** The day care for no more than 14 children at any one time, the total number of which includes all children of any caregiver when the children are present in the residence.
- Subd. 42. **DECK.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.
- Subd. 43. **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

Subd. 44. **DREDGING.** A method for deepening streams, swamps, or coastal waters by removing solids from the bottom.

Subd. 45. **DWELLING.** A structure that is arranged, designed or used as living quarters for one (1) family only. Enclosed bathrooms and complete kitchen facilities shall be included for each dwelling. A manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A camper trailer, camper bus, or tent shall not be considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.

A. **Dwelling, Farm.** A dwelling located on a farm, which the residents of said dwelling either operates or is employed in agricultural activities thereon.

B. **Dwelling, Non-Farm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed in agricultural activities thereon.

C. **Dwelling, Single Family.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.

D. **Dwelling, Two-Family or Duplex.** A dwelling structure on a single lot, having two units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

E. **Dwelling, Multiple Family.** A building used or intended to be used as a dwelling by three (3) or more families.

Subd. 46. ***EQUAL DEGREE OF ENCROACHMENT.*** *A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.*

Subd. 47. **ESSENTIAL SERVICES.** These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting, distributing or regulating facilities of a public utility.

Subd. 48. ***EXTRACTIVE USE.*** *The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.*

- Subd. 49. **FAMILY.** A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.
- Subd. 50. **FARM.** A parcel of land containing at least forty (40) acres (or quarter quarter section), or 2 or more abutting parcels under the same ownership having an area of at least forty (40) acres (or quarter quarter section), with a minimum of at least twenty (20) acres cropland. Smaller acreage may qualify as a farm if the principal use of the property is for agricultural production. A tree farm would qualify if registered with the State of Minnesota and has forty (40) acres of tree coverage. This definition shall not automatically be applied to any other code or ordinance. This definition as applies to this Zoning Ordinance shall be used only to determine if a property qualifies for a second farm dwelling.
- Subd. 51. **FARMYARD.** The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.
- Subd. 52. **FLOOD.** *A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.*
- Subd. 53. **FLOOD FREQUENCY.** *The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.*
- Subd. 54. **FLOOD FRINGE.** *That portion of the floodplain outside of the floodway. Flood Fringe is synonymous with the term "Floodway Fringe" used in the Flood Insurance Study for Wabasha County.*
- Subd. 55. **FLOODPLAIN.** *The beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.*
- Subd. 56. **FLOOD-PROOFING.** *The combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.*
- Subd. 57. **FLOODWAY.** *The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining floodplain that are reasonably required to carry or store the regional flood discharge.*

- Subd. 58. **FLOOR AREA, GROUND.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages, or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
- Subd. 59. **FOREST LAND CONVERSION.** *The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.*
- Subd. 60. **FORESTRY.** The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.
- Subd. 61. **GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is accessory.
- Subd. 62. **GASOLINE SERVICE STATION.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.
- Subd. 63. **GUEST COTTAGE.** *A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.*
- Subd. 64. **HARDSHIP.** *The same as that term is defined in Minnesota Statutes, Chapter 394.*
- Subd. 65. **HOME OCCUPATION.** Any occupation, activity or profession carried out for financial gain engaged in by a resident of a home, which is clearly secondary to the principal use of the premises and retains the exterior character normally associated with a residential dwelling unit.
- Subd. 66. **HOTEL OR MOTEL.** Any building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure for sleeping accommodations are furnished to the public and furnishing accommodations for period of less than one week.
- Subd. 67. **HYDRIC SOILS.** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- Subd. 68. **HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

- Subd. 69. **INDUSTRIAL USE.** *The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.*
- Subd. 70. **INTENSIVE VEGETATION CLEARING.** *The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.*
- Subd. 71. **JUNK/SALVAGE YARD.** A place maintained for keeping or storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of three (3) or more inoperable motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. See also the definition for "Automobile Salvage Yard."
- Subd. 72. **KENNEL.** Animal - Any place where four (4) or more of any type of domestic or exotic pets over four (4) months of age are for profit boarded, bred, or offered for sale.
- Subd. 73. **LIVESTOCK.** Any beef or dairy cattle, swine, sheep, poultry, horses, ponies, deer, elk, emus, ostrich or other exotic animal, or other domesticated farm animal.
- Subd. 74. **LODGING ESTABLISHMENT.** *A hotel, motel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public.*
- Subd. 75. **LODGING HOUSE.** *Every building or structure or any part thereof, kept, used, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and have five or more beds to let to the public.*
- Subd. 76. **LOGGING OPERATION.** Operations associated with felling and moving trees and logs from the stump to the point of delivery, such as, but not limited to, marking dangerous trees and trees/logs to be cut to length, felling, limbing, bucking, debarking, chipping, yarding, loading, unloading, storing, and transporting machines, equipment and personnel to, from and between logging sites.
- Subd. 77. **LOT.** *A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.*
- Subd. 78. **LOT, CORNER.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angles of the intersection does not exceed one hundred thirty-five (135) degrees.

- Subd. 79. **LOT AREA.** The area of a lot on a horizontal plane bounded by the lot lines.
- Subd. 80. **LOT AREA, BUILDABLE.** That portion of the lot remaining after the deletion of any floodplain, road rights-of-way, building setbacks, wetlands or slopes of twelve (12) percent or greater; conversely, a lot capable of meeting the requirements of this Ordinance including the provision of adequate area for the installation and maintenance of on-site sewer and water facilities.
- Subd. 81. **LOT COVERAGE.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.
- Subd. 82. **LOT DEPTH.** The perpendicular distance between the front and rear lot lines.
- Subd. 83. **LOT FRONTAGE.** The lot line separating the lot from the road right-of-way.
- Subd. 84. **LOT LINES.** The lines bounding a lot as defined in this Ordinance.
- Subd. 85. **LOT OF RECORD.** Any lot which is one unit of a plat heretofore duly approved and filed, or a Registered Land Survey that has been recorded in the office of the County Recorder for Wabasha County, Minnesota prior to the effective date of this Ordinance.
- Subd. 86. **LOT WIDTH.** The shortest distance between side lot lines.*
- Subd. 87. **MANUFACTURED HOME.** A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Building Code.*
- Subd. 88. **MANUFACTURED HOME PARK.** Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.*
- Subd. 89. **MINI-WAREHOUSE.** Also referred to as a self-service storage facility. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

- Subd. 90. **MINING/EXCAVATION OPERATION.** The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.
- Subd. 91. **MOTOR VEHICLE.** Every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include a vehicle moved solely by human power.
- Subd. 92. **MOTOR VEHICLE, INOPERABLE.** Motor vehicles as defined in Subd. 91 of this Section which are not able to operate due to mechanical, other functional problems, or do not have affixed thereto a valid current motor vehicle license if of a type requiring a license to operate on the public highways.
- Subd. 93. **NONCONFORMITY.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.*
- Subd. 94. **NON-CONFORMING LOT OF RECORD.** Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.
- Subd. 95. **NON-CONFORMING STRUCTURE.** A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- Subd. 96. **NON-CONFORMING USE.** A use or activity which was lawful prior to the adoption of this Zoning Ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.
- Subd. 97. **OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.*

- Subd. 98. **ORDINARY HIGH WATER LEVEL.** *The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.*
- Subd. 99. **OWNER.** *Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.*
- Subd. 100. **PLAIN.** *Land having an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more.*
- Subd. 101. **PLANNING COMMISSION.** *The Wabasha County Planning Commission.*
- Subd. 102. **PRINCIPAL USE OR STRUCTURE.** *All uses or structures that are not accessory uses or structures.*
- Subd. 103. **PUBLIC WATERS.** *All waters as defined in Minnesota Statutes, Section 645.44, Subdivision 8a.*
- Subd. 104. **REACH.** *A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a Reach.*
- Subd. 105. **RECREATIONAL CAMPING AREA.** *Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.*
- Subd. 106. **RECREATIONAL CAMPING VEHICLE.** *When used in this Ordinance includes the following:*
- A. *Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;*
 - B. *Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;*
 - C. *Any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and*
 - D. *Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.*

- Subd. 107. **REGIONAL FLOOD.** *A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 years recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.*
- Subd. 108. **REGULATORY FLOOD PROTECTION ELEVATION.** *An elevation no lower than one (1) foot above the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of floodway.*
- Subd. 109. **RESORT.** Any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.
- Subd. 110. **RIGHT-OF-WAY.** *A strip of land acquired by purchase reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.*
- Subd. 111. **RIGHT-OF-WAY LINES.** *The lines that form the boundaries of a right-of-way.*
- Subd. 112. **SANITARY LANDFILL.** A disposal site employing methods of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest practical volume and applying cover material over all exposed wastes at the end of each operating day.
- Subd. 113. **SEASONAL LABOR CAMP.** Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.
- Subd. 114. **SELECTIVE CUTTING.** The removal of single scattered trees, provided a continuous tree cover is maintained within the structure setback areas.
- Subd. 115. **SEMIPUBLIC USE.** *The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.*
- Subd. 116. **SENSITIVE RESOURCE MANAGEMENT.** *The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.*

- Subd. 117. **SETBACK.** *The minimum horizontal distance between a structure or sewage treatment system, or other facility and the ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other items as stated throughout this Ordinance.*
- Subd. 118. **SEWAGE TREATMENT SYSTEM.** *A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the Wabasha County Individual Sewage Treatment Ordinance.*
- Subd. 119. **SEWER SYSTEM.** *Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.*
- Subd. 120. **SHORELAND.** *Land located within the following distances from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage, and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.*
- Subd. 121. **SHORE IMPACT ZONE.** *Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.*
- Subd. 122. **SIGN.** *The use of any words, numerals, pictures, figures, devices, or trademarks by which any information is made known, such as are used to show an individual, firm, profession, or business, and are visible to the general public.*
- Subd. 123. **SIGNIFICANT HISTORIC SITE.** *Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.*
- Subd. 124. **SINK HOLE.** *A depression in the earth's surface caused by dissolving of underlying limestone, salt, or gypsum. Drainage is provided through underground channels that may be enlarged by the collapse of a cavern roof.*

- Subd. 125. **STEEP SLOPE.** *Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.*
- Subd. 126. **STREET.** Any right-of-way that affords primary means of access by pedestrians and vehicles to abutting properties.
- Subd. 127. **STRUCTURE.** *Anything constructed or erected on the ground, or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting any exemption criteria specified in this Ordinance, and other similar items.*
- Subd. 128. **STRUCTURAL ALTERATION.** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.
- Subd. 129. **SUBDIVISION.** *Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.*
- Subd. 130. **SURFACE WATER ORIENTED COMMERCIAL USE.** *The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.*
- Subd. 131. **TIMBER.** Standing trees that because of their size, quality and number are marketable.
- Subd. 132. **TIMBER HARVESTING.** The removal of timber from a woodland for commercial purposes including, but not limited to, paper or wood products.
- Subd. 133. **TOE OF THE BLUFF.** *The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.*
- Subd. 134. **TOP OF THE BLUFF.** *The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest fifty (50) foot segment, measured from the ground, with an average slope exceeding eighteen (18) percent slope.*

- Subd. 135. **USE.** The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.
- Subd. 136. **VARIANCE.** *A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in a community's respective planning and zoning enabling legislation.*
- Subd. 137. **VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.
- Subd. 138. **WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY.** *A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, placement needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.*
- Subd. 139. **WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE.** A dam, flood wall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.
- Subd. 140. **WETLAND.** *Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have hydric soils, predominantly hydric vegetation, and display wetland hydrology.*
- Subd. 141. **WETLAND ON AGRICULTURAL LAND.** Wetland where greater than fifty (50) percent of its basin is located on agricultural land.
- Subd. 142. **WOODED OR WOODLAND.** An area of at least one acre in size with a stand of trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50) percent, having a minimum width of at least one hundred (100) feet.
- Subd. 143. **WOODY VEGETATION.** Includes trees that are not timber.

- Subd. 144. **YARD.** An open space at the grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the principal building.
- A. **Yard, Front.** A yard extending across the full width of the lot between the front line and the nearest line of the principal building.
 - B. **Yard, Rear.** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
 - C. **Yard, Side.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.
- Subd. 145. **ZONING ADMINISTRATOR.** *The person(s) employed by the Board of County Commissioners to carry out the provisions of this Ordinance.*
- Subd. 146. **ZONING DISTRICT.** The sections of the County for which the regulations governing the height, area, and use of buildings, and/or use of premises are the same as delineated by this Ordinance.
- Subd. 147. **ZONING MAP.** The areas comprising those zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as County of Wabasha Official Zoning Map, with all proper notations, references, and other information shown thereon.

ARTICLE 3 PERFORMANCE STANDARDS

SECTION 1. PURPOSE AND INTENT

The performance standards established in this Article are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are also designed to prevent and eliminate those conditions that cause blight. Those standards shall include protection of significant or unique natural features whose loss could diminish the scenic, ecological or economic benefits to the County. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated.

Before any building permit or use permit is approved, the Department of Environmental Services shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

SECTION 2. NUISANCE STANDARDS

- Subd. 1. Noise. Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.
- Subd. 2. Vibration. Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- Subd. 3. Glare. In all districts, any lighting used for exterior illumination shall be arranged as to deflect light away from any adjoining property or from public roads.
- Subd. 4. Heat. Any use producing intense heat shall be performed with the necessary shielding to prevent such heat from being detectable at the lot line of the site on which the use is located.
- Subd. 5. Smoke and Particulate Matter. Any use established, enlarged or remodeled after the effective date of this Ordinance shall be so operated as to limit the adverse effect of smoke or particulate matter on adjacent properties.

- Subd. 6. Toxic or Noxious Matter. All uses shall be operated so as not to discharge toxic, or noxious matter in such concentration as to be detrimental to the use and enjoyment of adjacent property. Discharge means movement of toxic or noxious matter across the surface of the ground, or through volatilization into the atmosphere, or percolation through the subsoil, to nearby property beyond the boundaries of the lot wherein such use is located.

SECTION 3. BUILDING REGULATIONS

- Subd. 1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered without complying with the provisions of this Ordinance.
- Subd. 2. No building or structure shall exceed the height or bulk herein established for the district in which the building is located.
- Subd. 3. *Building Permits shall be required and issued by the County in accordance with its adoption of the Minnesota State Building Code.*

SECTION 4. LOT AREA REQUIREMENTS

No lot area shall be so reduced or diminished that the required yard or structure setbacks shall be smaller than prescribed herein, nor shall the area of any lot be reduced below the minimum requirement herein established.

SECTION 5. TEMPORARY DWELLINGS

It shall be unlawful for any person to erect or occupy a temporary dwelling on any lot, except for a temporary second farm dwelling as conditionally permitted in Articles 9, 10 and 11 of this Ordinance; provided, however, that a garage or a manufactured home may be occupied as a temporary dwelling for a period of not more than six (6) months if construction of a permanent dwelling is actually underway and in active progress during occupancy of the temporary dwelling. Said garage shall be provided and equipped with garage doors. In the event that any person shall reside in any such temporary garage home or manufactured home for a period exceeding six (6) months, the County may proceed to have such extended use abated as a nuisance.

SECTION 6. ACCESSORY BUILDINGS

- Subd. 1. In the case where an accessory building is attached to the principal building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. An accessory building, unless attached to and made apart of the main building as provided, shall not be closer than eight (8) feet to any portion of the principal building except as otherwise provided in this Ordinance.

- Subd. 2. A detached accessory building shall not be located in any required front or side yard.
- Subd. 3. In any district, a detached accessory building which is accessory to a residential use shall be limited in size to eight hundred (800) square feet in area on lots twelve thousand (12,000) square feet to one (1) acre and one thousand two hundred (1,200) square feet on lots in excess of one (1) acre.
- Subd. 4. Freestanding accessory structures, including but not limited to, communication towers or antennas shall be limited to a height of ten (10) feet less than distance to the nearest property line or shall be designed and engineered to collapse progressively within the distance between the tower and the property line.

SECTION 7. ACCESS DRIVES AND ACCESS

- Subd. 1. *Access drives onto County roads shall require a review and a permit from the County. The County Engineer shall determine the appropriate location, size and design and turn lane requirements of such access in the interest of public safety and efficient traffic flow. Access onto township roads shall be approved by the appropriate township board. Access onto State Highways shall be approved by the Minnesota Department of Transportation.*
- Subd. 2. Access driveways to principal structures shall be constructed and maintained with a driving surface of at least twelve (12) feet in width, with 4:1 side slopes, and base material depth sufficient to support access by emergency vehicles.
- Subd. 3. Access driveways two hundred (200) feet in length or more shall be constructed with a driving surface of at least sixteen (16) feet in width.
- Subd. 4. Access drives cannot exceed fourteen (14) percent grade over any portion of the drive.
- Subd. 5. Access drives cannot traverse any slope exceeding thirty (30) percent.
- Subd. 6. Access driveways shall have a fifty (50) foot long flat grade measured from the centerline of the roadway directly adjacent to the road that driveway accesses.
- Subd. 7. All driveway curves shall have a minimum fifty (50) foot centerline radius.

SECTION 8. SEWAGE TREATMENT PROVISIONS

All sewage facilities shall conform to the Wabasha County Individual Sewage Treatment Ordinance. No permits, variances or final plats shall be granted unless the sewage system is conforming to the County's requirements.

SECTION 9. DUMPING AND DISPOSAL OF RUBBISH

- Subd. 1. The use of land for the dumping, disposal, or storage of scrap iron, metal, glass, unused appliances or machinery, manufactured homes, junk, garbage, rubbish, or any other refuse, or of ashes, slag, or other industrial wastes or by-products is not permitted in any zoning district. All exterior storage not included as a part of a conditional use permit, or otherwise permitted by provisions of this Ordinance, shall be considered as rubbish.
- Subd. 2. *The use of land for the dumping, disposal, or storage of demolition debris or construction materials is not permitted in any district unless the appropriate permits have been granted in accordance with the provisions of this Ordinance and the provisions required for the issuance of a demolition permit from the Minnesota Pollution Control Agency.*
- Subd. 3. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any non-residential district except where adjacent to land that is residentially zoned or residentially developed unless authorized by the Zoning Administrator, provided the surface of such material is graded within a single construction season, unless a longer time is authorized by the Zoning Administrator, in a manner preventing the collection of stagnant water and which leaves the ground surface condition suitable for growing of turf or for other land uses permitted in the district.

SECTION 10. JUNK AND/OR SALVAGE RECLAMATION YARD

- Subd. 1. Salvage and junk yards are considered conditional uses in the A-1, A-2 and A-3 zoning districts and shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit contained in Article 18. Salvage and junk yards shall meet the following standards:
- A. All reasonable means shall be taken to screen the use from adjacent properties and roads. Natural vegetation and earth forms shall be the preferred method of screening, with the actual design of screening to be determined by the Planning Commission as part of their review of the Conditional Use application.
 - B. Hours of outside operations for salvage and junk yards shall be considered as part of the Conditional Use Permit process, as may be found to be appropriate on a case by case basis.
 - C. Any new junk and/or salvage reclamation yard site shall not border on a residential zoned area, nor shall it border on any shoreland area. In addition, any new salvage or junkyard shall be located a minimum of 1,000 feet from any existing dwelling.

Subd. 2. Motor Vehicle Storage.

- A. All vehicles shall remain upright unless the motor and running gear has been removed.
- B. No stacking of vehicles is permitted until all fluids are properly removed. All automobile bodies or chassis or major portions thereof, shall be stored in rows not more than two (2) rows deep, with a space of at least twelve (12) feet between rows for purposes of providing a fire lane.

Subd. 3. Setbacks. All structures will conform to yard setbacks as established in this Ordinance. However, no fencing is permitted in the front yard nor is the storage of any autos or other salvage or junk. Additionally, all autos, salvage or junk shall be setback at least ten (10) feet from the rear and side property lines.

Subd. 4. No portion of the business operation of a new junk and/or salvage reclamation yard is permitted in any floodplain area, wetland, or in areas where groundwater is less than three (3) feet from the ground surface. Existing junk and/or salvage reclamation yards may not expand in any floodplain, wetland, or in areas where groundwater is less than three (3) feet from the ground surface.

Subd. 5. The Conditional Use Permit Application shall be accompanied by the following information:

- A. Site plan that includes the location of buildings and storage areas and all applicable linear dimensions.
- B. Screening plans.
- C. A hazardous waste plan that conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
 - 1. Motor oil and fuel
 - 2. CFCs (chlorofluoro carbons)
 - 3. Auto or other motorized vehicle batteries,
 - 4. Antifreeze,
 - 5. Mercury Components, and
 - 6. Any other substance as requested by the Zoning Administrator, Planning Commission or County Board.
- D. *A copy of the EPA ID Number Notification and a copy of the Hazardous Waste License, if applicable.*
- E. Any other additional information as contained in the application and requested by the Planning Commission.

- Subd. 6. The Conditional Use Permit for such a business will be subject to periodic review as established by the Planning Commission during the review of the conditional use permit application.
- Subd. 7. Any existing salvage or junkyard shall comply with this section within three (3) years of the adoption of this Ordinance, except for those subdivisions from which they are explicitly listed as exempt.

SECTION 11. ENVIRONMENTAL HAZARD ABATEMENT

- Subd. 1. Environmental hazards are a threat to the health, safety and general welfare of the public.
- Subd. 2. Development permits, variances and final plats shall not be approved until all known environmental hazards situated on the subject property have been abated in a manner prescribed by law. Environmental hazards include, but not limited to, the following:
- A. Unused or improperly sealed wells, cisterns, pits, tanks, and similar hazards.
 - B. Unapproved sites where manmade articles are stored, abandoned or discarded.
 - C. Improperly discarded appliances.
 - D. Inoperative or unlicensed motor vehicles, combustion engines and parts.
 - E. Any man-made product that is hazardous to life forms, or that has a hazardous by-product.
 - F. Abandoned, dilapidated, or burned out structures.
 - G. Other uses similar to those listed above.

SECTION 12. COMMERCIAL RECREATION FACILITIES, INDOOR OR OUTDOOR

- Subd. 1. Commercial indoor or outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, paintball courses, recreational trails and park facilities, are conditional uses in the A-1, A-2, A-3 and R-1 zoning districts and shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit contained in Article 18.

- Subd. 2. The following information shall be submitted with all applications for a conditional use permit for commercial indoor or outdoor recreation facilities and meet the approval of the Planning Commission:
- A. Hours of operation.
 - B. Distance to residences.
 - C. Explanation of soil erosion control measures.
 - D. Site plan showing adjacent land uses.
 - E. A plan for reclamation once the use is discontinued.
- Subd. 3. *A special event camping or recreational camping license shall be obtained if overnight camping is available as part of the recreational facility.*
- Subd. 4. *Sanitary facilities shall be provided in accordance with all applicable County regulations.*
- Subd. 5. *Solid waste disposal shall be provided for in accordance with all applicable County regulations.*
- Subd. 6. The use shall not result in the degradation of any water feature or sensitive resource area that is located on site or adjacent to the subject property.
- Subd. 7. The access driveway(s) to the commercial recreation facility shall be approved by the County Engineer.
- Subd. 8. Any existing commercial recreation facility that expands, increases in area, adds any other different use that is more intensive or not similar to the original use shall comply with this Section.

SECTION 13. COMMUNICATION TOWERS

Communication towers such as those used to mount commercial antennas are conditional uses in the A-1, A-2, A-3 and R-1 zoning districts. Communication towers shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit contained in Article 18. Amateur radio, television towers and antennas, and exempted satellite dishes are exempt from this section and shall not require a conditional use permit.

- Subd. 1. The purpose of this section is to accommodate the communication needs of residents and businesses while protecting public health, safety and general welfare of the community; facilitating the provision of wireless communication services to residents and businesses; minimizing adverse visual effects of towers through siting standards, avoiding potential damage to adjacent properties from tower failure, and maximizing the use of existing and approved towers in order to reduce the number of towers needed to serve the community.

Subd. 2. The construction and maintenance of a commercial tower shall be permitted within the A-1, A-2, or A-3 zoning classification, pursuant to a conditional use permit granted in accordance with the Article 18 of this Ordinance. Amateur radio, television towers and exempted dishes shall not require a conditional use permit. Applications for towers shall include the following supplemental information:

- A. The name and address of the operator and owner of land.
- B. Legal description indicating extent of property and acreage. With a survey and/or general site plan of the tower and related facilities, as determined by the Department of Environmental Services.
- C. A narrative outlining the type of tower, life expectancy of the tower, and other pertinent information to explain the request in detail.
- D. A report from a qualified and licensed engineer including a description of the tower height and design, including a cross section and elevation. It must also demonstrate the tower's compliance with all applicable structural and electrical standards. Describes the towers capacity, including the number and type of antennas it can accommodate, how the applicant will take action to avoid interference with established public safety communication, and lighting to be placed on the tower if such lighting is required by the FCC or FAA.
- E. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration.
- F. The following maps of the entire site and to include areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of 1 inch to one hundred (100) feet.

Map A - Existing Conditions to include:

Contour lines at ten (10) foot intervals.

Existing vegetation.

Existing drainage and permanent water features.

Existing structures.

Existing access.

Map B - Proposed Operations to include:

Location of structures to be erected.

Any proposed changes to landforms

Subd. 3. The applicant shall submit detailed information, as required, prepared by a qualified radio frequency analysis, showing that the proposed tower site is necessary to meet the needs of the system, and that the tower cannot be located in a less restrictive district, or be accommodated by co-location on an existing tower or structure.

- Subd. 4. All towers shall meet the following performance standards:
- A. Applications for communications towers shall not be approved unless the County finds that the telecommunications equipment plans for the proposed tower cannot be accommodated by an existing structure within a one-half mile search radius of the proposed tower.
 - B. Any proposed commercial wireless telecommunication service tower shall be designed (structurally and electronically) in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. The tower shall be designed to allow for future re-arrangement of antennas upon the tower and to accept antennas mounted at various heights.
 - C. The tower location shall provide full screening for the base for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - D. All towers shall be constructed and maintained in accordance with the Electronic Industry Association Standards and all applicable building codes.
 - E. Minimum spacing between commercial tower locations is one-fourth (1/4) mile; except antennas wholly contained within a building or other structure and not visible to the general public shall be exempt from this spacing regulation.
- Subd. 5. Tower Setbacks.
- A. Setbacks from property lines shall be equal to the height of the tower plus twenty (20) additional feet from the property line.
 - B. Buildings accessory to a tower shall comply with the setback requirements of the zone in which the tower is located.
 - C. Commercial towers shall be setback a minimum of one thousand (1,000) feet from schools or structures used as dwellings and a minimum of six hundred (600) feet from property zoned for residential use.
 - D. Towers and accessory structures shall be situated in the rear yard when located with another principal residential use, unless the Planning Commission finds that another location on the parcel is more appropriate.
- Subd. 6. A tower shall not be illuminated except as required by the Federal Aviation Administration or other state or federal authority for a particular tower. As an exception, when incorporated into the design standards of the tower, light fixtures to illuminate ball fields, parking lots or similar areas may be attached to the tower.

- Subd.7. Abandoned, unused telecommunications towers or portions of telecommunications towers shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the County. As part of any Conditional Use approval, the applicant shall be required to post a bond or other financial guaranty in a form acceptable to the County to guarantee the removal of the tower.
- Subd. 8. No new or existing telecommunication service shall interfere with public safety communications.
- Subd. 9. The following uses shall be prohibited:
- A. No tower or accessory structure shall be erected in any public or private drainage easements.
 - B. No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Zoning Administrator. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours, use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator.
 - C. Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

SECTION 14. ADULT USES

- Subd. 1. For the purposes of this section, the following definitions shall apply:
- A. **ADULT USES.** Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.
 - B. **ADULT BOOKSTORE.** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, "Substantial or significant portion of items," for purposes of this ordinance, shall mean more than fifteen (15) percent of usable floor area.

- C. **ADULT CABARET.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. **ADULT CONVERSATION/RAP PARLOR.** A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- E. **ADULT HEALTH/SPORTS CLUB.** A health/sports club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- F. **ADULT MASSAGE PARLOR.** A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- G. **ADULT MINI-MOTION PICTURE THEATER.** A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- H. **ADULT MOTION PICTURE THEATER.** A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- I. **ADULT STEAM ROOM/BATHHOUSE FACILITY.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

J. SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covered:
 - (a) Human genitals;
 - (b) Pubic region;
 - (c) Buttocks; and
 - (d) Female breast below a point immediately above the top of the areola
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

K. SPECIFIED SEXUAL ACTIVITIES.

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Subd. 2. Location Requirements

- A. Adult uses shall only be permitted in the A-1 and A-2 zoning districts provided that no adult use shall be located within five hundred (500) feet of:
 1. Any area zoned R-1 or A-3.
 2. Any land that has been or is approved for development for residential purposes, which shall include farm residences, rural residences, and non-farm residences.
 2. Any school, as defined in Minnesota Statutes 120A.05.
 3. Any church or house of worship.
 4. Any child day care facility, as defined in this Ordinance, or any residential or nonresidential program, as defined in Minnesota Statutes 245A.02.
 5. Any hotel or motel.
 6. Any public park.
- B. Adult uses shall not be established or maintained as a permitted, conditional or accessory use in any area other than those described in paragraph (A) above.

- Subd. 3. Amortization of Nonconforming Uses. Adult uses established prior to the enactment of this Zoning Ordinance shall be permitted and regulated as nonconforming uses until two years from the date of adoption of this Ordinance, at which time such uses shall become unlawful, unless they conform to the requirements of this Section.
- Subd. 4. Additional Building Placement Restrictions. The standards set forth in this Section are in addition to those set forth in other sections of the Zoning Ordinance. Minimum setbacks from roads, building bulk limitations, as well as minimum lot and building dimensions, shall be determined by referring to the specific standards set forth in the underlying zoning district. In the event of a conflict between the setbacks listed in this chapter and those listed in other appropriate sections of the Development Code, the most restrictive setback shall apply.

SECTION 15. OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Loading spaces shall be provided for all residences with more than two dwelling units, commercial, recreational, institutional, public/governmental and industrial uses in a quantity and manner as determined by the Wabasha County Planning Commission.

SECTION 16. OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage of licensed, self-propelled motor vehicles, trailered vehicles, or recreational vehicles, for the use of occupants, employees, and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

- Subd. 1. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby commercial establishments.
- Subd. 2. Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for sale or for rent.
- Subd. 3. Required off-street parking spaces for residences with more than two dwelling units, commercial, recreational, institutional, public/governmental and industrial uses shall be provided as determined by the Wabasha County Planning Commission.
- Subd. 4. Location Requirements. All off-street parking facilities required herein shall be located in respect to the following:
- A. There shall be no off-street parking space within five (5) feet of any road right-of-way.

- B. No off-street open parking area containing more than 4 parking spaces shall be located closer than 15 feet from an adjacent lot zoned or used for residential purposes.
 - C. Commercial and Industrial off-street parking spaces shall not be less than 15 feet from a property line.
- Subd. 5. Design Requirements. The following design standards shall be applied to off-street parking spaces for residences with more than two dwelling units, commercial, recreational, institutional, public/governmental and industrial uses.
- A. Each parking stall shall be not less than ten (10) feet wide or twenty (20) feet in length, except as may be authorized by the Planning Commission, exclusive of access drives. All outside parking spaces shall be clearly marked.
 - B. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed 30 feet in width.
 - C. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material that controls dust and drainage. Plans for surfacing and drainage shall be subject to approval by the County Engineer. Parking areas for four parking spaces or less shall be exempt from this requirement.
 - D. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and right-of-way.
 - E. All open off-street parking areas shall provide a curb or a guard of normal bumper height to ensure that no portion of a vehicle encroaches into the required setback.
 - F. The governing roadway authority shall determine the access location and requirements.

SECTION 17. ADVERTISING DEVICES

- Subd. 1. The purpose of this section is to allow Advertising Devices while protecting and maintaining the natural and scenic beauty of the roadsides throughout the County. This balance will be achieved by regulating the size, number and location of allowed signage.
- Subd. 2. No County permit shall be required to erect, construct, alter, rebuild or relocate a sign. However, advertising devices erected, constructed, altered, rebuilt or relocated shall be subject to the provisions contained in this Section.

- Subd. 3. *Except as provided in Subd. 5 of this Section, advertising devices that are subject to Minnesota Statute Chapter 173 shall be regulated by the State.*
- Subd. 4. Except as provided in Subd. 5 of this Section, the County shall regulate advertising devices that are not subject to Minnesota Statute Chapter 173 as follows:
- A. No advertising device shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents entrance or exit from any door, window or fire escape, that tends to accumulate debris as a fire hazard, or that is attached to a stand pipe or fire escape.
 - B. No advertising device may be erected that by reason of position, shape, movement, color or any other characteristics interferes with the property functioning of traffic signs or signals or otherwise constitute a traffic hazard. No advertising device shall be permitted that would interfere with traffic control.
 - C. Any advertising device which becomes structurally unsafe or endangers the safety of a building or premise or endangers the public safety shall be repaired or removed by the owner, agent or person having beneficial use of the building, structure or land upon which the advertising device is located.
 - D. Any advertising device that is no longer being used to advertise shall be taken down and removed by the owner or person having the beneficial use of the property on which the device is located.
 - E. Illuminated advertising devices are permitted but flashing advertising devices, except ones giving time, date, temperature, weather or similar public service information, shall be prohibited. Advertising devices giving off an intermittent or rotating beam or ray of light shall also be prohibited. Illuminated advertising devices shall be constructed and maintained so as to not direct light onto adjacent property or onto the public right-of-ways. All advertising devices and displays using electrical power shall have a cut-off switch outside of the building or structure on which the device is attached.
 - F. Private advertising devices are prohibited within the public right-of-way of any road.
 - G. The owner or lessee of any advertising device shall be required to have such device property maintained.
 - H. No advertising device shall exceed thirty-two (32) square feet including border and trim, but excluding base, apron supports and other structural elements.

Subd. 5. *In areas designated by the State of Minnesota as scenic byways, advertising devices shall be regulated by Minnesota State Statutes Chapters 173 if applicable, but shall also be regulated by the County. However, no new advertising devices shall be erected along scenic byways except the following:*

A. On-Premise Advertising Devices.

1. Real Estate Signs, not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premise upon which the sign is temporarily located.
2. Name, Occupation and Warning Signs, not to exceed eight (8) square feet in area.
3. Official Signs, such as traffic control, parking restrictions, information and notices, when erected and maintained by public agencies.
4. Construction Signs during construction, not exceeding thirty-two (32) square feet in area. Such signs shall be removed when the project is complete.
5. Any sign not exceeding thirty-two (32) square feet in size (per face) including border, trim or other embellishments, excluding base, apron supports and other structural elements, which advertises a business conducted or services rendered within 100 feet in either direction of travel (as measured along the edge of a road bed) from the advertising device.

B. Off-Premise Advertising Devices.

1. Political Signs are allowed on private property with the consent of the property owner. Such signs must be removed within seven (7) days following the date of the election(s) to which they apply.
2. Official Signs, such as traffic control, parking restrictions, information and notices are allowed when erected and maintained by public agencies.

SECTION 18. ADDITIONAL REQUIREMENTS, EXCEPTIONS, & MODIFICATIONS

Subd. 1. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:

- A. Monuments.
- B. Flag poles.
- C. Cooling towers.

- Subd. 2. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
- A. Church spires, belfries or domes that do not contain usable space.
 - B. Water towers.
 - C. Chimneys or smokestacks.
 - D. Radio or television transmitting towers.
 - E. Essential service structures.
 - F. Wind generators when located in A-1, A-2 or A-3 district.
- Subd. 3. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:
- A. Essential service lines.
 - B. Essential service structures when required to be on line to ensure the proper functioning of the line.
- Subd. 4. Yard requirements set forth elsewhere in this Ordinance may be reduced as follows, provided that there shall remain 10 ft. separation between structures for fire, safety and drainage purposes:
- A. Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to:
 - 1. One (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than twelve (12) inches into the allowable yard space;
 - 2. Cornices not exceeding sixteen (16) inches in width nor to platforms;
 - 3. Terraced steps below the first floor level; or
 - 4. Unenclosed projections not over one (1) story in height that may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.
- Subd. 5. Sight Triangle. The required front yard of any lot shall not contain any wall, fence, or structure, tree or shrub, or other growth which may cause danger to traffic on the road or public road by obscuring the view; except, that this Subdivision shall not apply to agricultural crops, provided no agricultural crops shall be planted on public right-of-way or otherwise create a safety hazard.

ARTICLE 4 BLUFFLAND AREA PROTECTION

SECTION 1. INTENT AND PURPOSE

Wabasha County recognizes the historic, environmental and economic values of the bluffs that line the rivers, creeks, and valleys of the County. These standards set out to protect and preserve the sensitive physical features of the bluffland areas by regulating development, preventing erosion and maintaining vegetative cover on the slopes and tops of the bluffs.

SECTION 2. SCOPE

These standards shall regulate the setback of structures, sanitary waste treatment facilities and row crops from bluff impact zones to protect the existing and/or natural scenic values, significant historic sites, vegetation, soils, water and bedrock from disruption by man-made structures or facilities. These standards will also regulate alterations of the natural vegetation and topography.

SECTION 3. GENERAL REGULATIONS

- Subd. 1. Structures and accessory facilities (except stairways, lifts and landings) shall not be placed within bluff impact zones.
- Subd. 2. Setback from the top and toe of bluff to any structure in any district shall be no less than thirty (30) feet.
- Subd. 3. No person shall begin a new mining or quarrying activity within three hundred (300) feet of the toe or top of a bluff without a conditional use permit.
- Subd. 4. No towers, with the exception of emergency towers, shall be located within one-quarter (1/4) mile of the bluff impact zone.
- Subd. 5. Stairways and lifts may be allowed to achieve access up and down bluffs and steep slopes to shore areas or plains. All stairways and lifts on bluffs and in shoreland areas shall be visually inconspicuous, and meet the following design requirements:
 - A. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
 - B. Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.

- C. Canopies or roofs are not allowed on stairways, lifts, or landings.
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - E. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water and lower areas assuming Summer, leaf-on conditions, whenever practical.
 - F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore and lower areas, provided that the dimensional and performance standards of sub-items A-E are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- Subd. 6. No grading, excavating or filling within the bluff impact zones, except for approved erosion control measures. Erosion control projects within the bluff impact zone shall comply with A. and B. below:
- A. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Wabasha Soil and Water Conservation District and the USDA, Natural Resources Conservation Service.
 - B. Plans to place fill or excavated materials in bluff impact zones shall be prepared by a qualified professional for continued slope stability, and approved by the Department of Environmental Services. All costs to be born by the applicant.
- Subd. 7. The top or toe of bluffs shall be certified by a registered land surveyor or Zoning Administrator.
- Subd. 8. Vegetation Alterations. Vegetation alterations shall be subject to the standards found in Article 13 of the Wabasha County Zoning Ordinance.

ARTICLE 5 CONFINED FEEDLOT REGULATIONS

SECTION 1. INTENT

The following regulations for the control of livestock, poultry, and other animal feedlot and manure application has been promulgated to provide protection against pollution caused by manure from domesticated animals. However, these rules recognize that animal manure provides beneficial qualities to the soil and to the production of agriculture crops.

SECTION 2. ADOPTION BY REFERENCE OF STATE REGULATIONS

Subd. 1 *Pursuant to M.S.A. 394.25, Subdivision 8, the Wabasha County Board of Commissioners hereby adopts by reference Minnesota Rules, Chapter 7020, Rules for the Control of Pollution from Animal Feedlots. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.*

SECTION 3. EXEMPT FROM REGULATION

- Subd. 1. *Any confined feeding operation of ten (10) animal units or less in the shoreland district and less than 50 animal units outside the shoreland district when in conformance with all provisions of this Ordinance shall be exempt from this Article.*
- Subd. 2. *Nothing in this Article shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.*

SECTION 4. APPLICATION PROCEDURE

Applications for locating any confined feeding operation in Wabasha County shall be governed by the following procedures:

- Subd. 1. *The owner of a proposed or existing animal feedlot for greater than ten (10) animal units in the shoreland district or 50 or greater animal units outside the shoreland district shall make application to the Minnesota Pollution Control Agency for a permit.*
- Subd. 2. *Feedlot application forms may be obtained at the Wabasha County Department of Environmental Services.*
- Subd. 3. *Feedlot permit applications shall be required when any of the following conditions exist:*
- A. A new animal feedlot is proposed.*
 - B. A change in operation of an existing animal feedlot is proposed.*
 - C. Ownership of an existing animal feedlot is changed.*

- D. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.*
- E. Feedlots that have been abandoned for five (5) or more years and are to be restocked.*
- F. An inspection by Minnesota Pollution Control Agency (MPCA) staff or County feedlot officer reveals that the animal feedlot creates or maintains a potential pollution hazard.*
- G. Any expansion of an existing feedlot or animal facility (increased animal numbers).*

SECTION 5. REQUIRED SETBACKS FOR NEW FEEDLOTS

New feedlots shall meet the following setback requirements set forth in this Ordinance:

- Subd. 1. All new feedlot shall be prohibited within 100-year floodplain and Shoreland areas.*
- Subd. 2. No new feedlot shall be situated closer than 100 feet from any private well; this includes existing unused, unsealed wells.*
- Subd. 3. No new feedlot shall be situated closer than 1,000 feet from any community water supply well.*
- Subd. 4. No new feedlot shall be within 300 feet of any sinkhole.*
- Subd. 5. No new feedlot or portions thereof shall be constructed within 200 feet of an adjoining property line or road right of way.*
- Subd. 6. No new feedlot shall be located within 1,000 feet of any incorporated city limit, school, church, platted subdivision and/or public park.*
- Subd. 7. No new feedlot shall be allowed within 1,000 feet from any existing residence (dwelling) other than the feedlot operator's.*
- Subd. 8. The setback requirements are measured from the outermost boundaries of the feedlot to the nearest existing dwelling. In the case of public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.*

SECTION 6. REQUIRED SETBACKS FOR NEW RESIDENCES FROM EXISTING FEEDLOTS

In accordance with Minnesota State Statutes Section 394.25, Subd. 3C, Part d, new residences (dwellings) shall not be allowed within 1,000 feet from any existing feedlot, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under Minnesota State Statutes Section 394.27, Subd. 7.

ARTICLE 6 EXCAVATION OF MINERAL MATERIALS

SECTION 1. PURPOSE

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform to the provisions of this Article.

SECTION 2. DEFINITION

Excavations, as used in this Article, shall mean any artificial excavation of the earth, within the unincorporated portion of the County, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other matter or made by tunneling or breaking or undermining the surface of the earth or undermining the surface of the earth involving the total amount of 500 cubic yards or more during the life of the operation. Excavations incidental to work which requires a building permit shall be exempted, if the building or installation shall be completed immediately following such excavation. Excavations for the purpose of impounding water for agricultural purposes are also exempted.

SECTION 3. PERMIT REQUIRED

Subd. 1. Conditional Use Permits.

Owners and operators of any extraction pits and land alteration operations commencing on or after the adoption of this ordinance shall obtain a conditional use permit.

Subd. 2. Land Use Permits.

Persons, firms, partnerships, association, corporations, or other entities that commenced mining prior to the enactment of this ordinance shall not be required to obtain a conditional use permit for said mining operations, but rather shall obtain a land use permit from the Zoning Administrator. Applicants must provide all information as required by Section 4 of this Article and once they have done so a land use permit shall be issued. The crushing, washing, refining or processing other than the initial removal of material shall require a land use permit.

Subd. 3. Small Scale Mining Operations.

- A. In lieu of a conditional use permit, persons, firms, partnerships, associations, corporations or other entities may secure a land use permit from the Zoning Administrator providing that a maximum of 10,000 cubic yards of material shall be removed from, and/or processed in the mining operation.

SECTION 4. APPLICATION

- Subd. 1. The application for a Conditional Use Permit for a mining facility shall be filed with the Wabasha County Zoning Administrator. The application shall be made in the name(s) of the operator of the mine and owner of the land to be mined.
- Subd. 2. Information Required:
- A. The name and address of the operator and owner of land.
 - B. Legal description indicating extent of property and acreage.
 - C. A narrative outlining the type of material to be excavated, mode of operation, estimate of amount of material to be removed, plans for blasting, adequate description of phases, life expectancy of the mine, dust and noise control plan, and other pertinent information to explain the request in detail.
 - D. The following maps of the entire site and to include areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of 1 inch to one hundred (100) feet.
 - Map A - Existing Conditions to include:
 - Contour lines at ten (10) foot intervals.
 - Existing vegetation.
 - Existing drainage and permanent water features.
 - Existing structures.
 - Existing wells.
 - Existing access.
 - Map B - Proposed Operations to include:
 - Structures to be erected.
 - Location of sites to be excavated showing maximum depth of proposed excavation.
 - Location of excavated deposits showing maximum height of deposits.
 - Location of storage of excavated materials, showing the heights of storage deposits.
 - Location of vehicle parking.
 - Location of storage of explosives.
 - Erosion and sediment control structures.
 - E. The applicant shall submit grading plans and reclamation plans with the application, to be approved by the Wabasha County Soil and Water Conservation District.
 - F. Any other information or reports the Zoning Administrator or Planning Commission deems necessary for purposes of evaluating environmental or aesthetic impacts.

SECTION 5. PERFORMANCE STANDARDS

- Subd. 1. Operating Conditions. The following operating conditions and standards shall be met for all mining facilities.

- A. Excavation Setbacks: No excavation shall take place within:
1. Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured and a copy submitted to the Zoning Administrator;
 2. Five hundred (500) feet of any existing occupied structures not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured and a copy submitted to the Zoning Administrator;
 3. Fifty (50) feet to the boundary of any zone where such operations are not permitted;
 4. One hundred (100) feet of any road right-of-way of any existing or platted street, road or highway, unless written consent by the local road authority;
 5. If two (2) or more mining operations are contiguous to one another, the common boundary may be mined if the County Board approves the respective reclamation plans.
- B. Stockpiling Setbacks: No stockpiling shall take place within:
1. Fifty (50) feet of adjoining property lines, unless written consent of the owner of the adjoining property is first secured and a copy submitted to the Zoning Administrator;
 2. Fifty (50) feet of any road right-of-way of any existing or platted street, road or highway, unless written consent by the local road authority.
- C. Safety Fencing: Any operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:
- a. Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence of at least four (4) feet in height.
 - b. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similar effective barrier such as a snow fence at least four (4) feet in height.
- D. The local road authority shall approve all accesses to public roads.
- E. *All equipment and other sources of noise shall operate so as to be in accordance with Federal, State and County noise standards.*
- F. *Any waste generated from the mining operation, including sewage, hazardous waste or waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and County requirements.*

- G. *If monitoring wells are required by the Pollution Control Agency or for any other reason, water from monitoring wells and water collected or discharged from the mining area shall be analyzed one year after reclamation is completed and until the site is determined to be uncontaminated by nitrates, pesticides, herbicides, and volatile organic compounds. Monitoring wells shall be sealed one year after reclamation efforts are complete if the site is determined to be uncontaminated. Any other wells no longer in use shall be sealed or a well maintenance permit must be obtained for each well no longer in use.*
- H. *Permits from the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources may be required for a mining operation in relation to air and water quality. As a condition of any permit issued pursuant to this Ordinance, no mining shall be allowed until evidence is shown the operator has obtained these permits or none are necessary.*
- I. *All on-site storage of fuel shall meet Federal, State and local standards.*

SECTION 6. RECLAMATION

- Subd. 1. Reclamation shall proceed in a continuous manner and shall be subject to review and approval.
- Subd. 2. *All groundwater lakes or wetlands created as part of the end use plan for a mined area shall be subject to the Shoreland Regulations as contained in Article 13. Such lakes and wetlands shall be classified by the Department of Natural Resources and guidelines for surface water creation shall be closely followed.*
- Subd. 3. Excavations not resulting in water areas after reclamation but which will be graded or backfilled, shall meet the following requirements:
 - A. The graded or backfilled area shall not collect or permit stagnant water to remain therein;
 - B. The topographic nature of the area shall be reduced to conform to the surrounding area and in a manner that will minimize erosion due to rainfall;
 - C. Such graded or backfilled area shall be surfaced with soil of a quality at least equal to the topsoil of the original site, and to a depth of at least four (4) inches.
 - D. Slopes on reclaimed areas shall not be steeper than three (3) feet horizontal on one (1) foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
 - E. All reclamation areas that are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems shall be considered. If the area is backfilled

for purposes of future development, the soil shall be compacted, and subsequently tested by a registered soils engineer and approved.

- Subd. 4. Reclamation shall proceed in such a way that natural waterways are maintained. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
- Subd. 5. The reclamation area shall be planted with grass, trees, shrubs, or other native vegetation to prevent erosion.
- Subd. 6. When topsoil is stripped or removed, it shall be reserved on the site for re-spreading over the excavated area. These overburden stockpiles shall be used to minimize the effects of erosion of wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
- Subd. 7. Within a period of twelve (12) months after the termination of a mining operation or within twelve (12) months after expiration of a conditional use permit, all buildings and other structures not otherwise allowed under the Zoning Ordinance shall be removed from the property and the property restored in conformance with the reclamation plan.

SECTION 7. FINANCIAL GUARANTEES, FEES & INSPECTIONS

- Subd. 1. An operator shall post a bond, cash deposits or other security, in such form and sum as the County Board may require to cover the cost of reclamation of the property. The bond amount shall not exceed \$10,000 per acre of ground to be stripped of overburden. Bonds shall be for a minimum of one (1) year, and shall include a provision for notification to the County at least 30 days prior to cancellation or non-renewal.
- Subd. 2. As a condition of approval of a conditional use permit, Wabasha County staff has the right to access the subject property after providing reasonable notice to the operator.

ARTICLE 7 ESSENTIAL SERVICES

SECTION 1. PURPOSE AND INTENT

It shall be the intent of this Article to encourage the coordination and communication between utility owners and the County before the placement of essential services within the County road right-of-way. This effort should benefit the convenience and general welfare of the County and the utility owners.

SECTION 2. SCOPE OF REGULATIONS

For the purpose of this Ordinance, essential service facilities in all zoning districts shall be regulated according to the procedure described in this Article.

SECTION 3. EXEMPT FROM REGULATIONS

- Subd. 1. Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the regulations of this Article.*
- Subd. 2. Ordinary service extension that services one parcel of land only.*

SECTION 4. ESSENTIAL SERVICE FACILITIES PROCEDURE

- Subd. 1. The owner shall obtain a utility permit from the County Engineer indicating the location and type of service proposed.*
- Subd. 2. The utility permit must be approved by the County Board prior to the start of any work unless approved by the County Engineer as an emergency condition.*

ARTICLE 8 ZONING DISTRICTS AND DISTRICT PROVISIONS

SECTION 1. ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map and defined within this Ordinance and applicable state or federal regulations. Three types of zoning districts are utilized. All lands under jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

PRIMARY DISTRICTS

A-1, Agricultural Protection
A-2, Agriculture/Urban Fringe
A-3, Agriculture/Low-Density Residential
R-1, Rural Residential District

OVERLAY DISTRICTS

FP, Floodplain
S, Shoreland

SECTION 2. ZONING MAP

The location and boundaries of the districts established by this Ordinance are set forth on the zoning maps which are hereby incorporated as a part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update the maps and amendments.

SECTION 3. DISTRICT BOUNDARIES

The boundaries of zoning districts, as shown on the County of Wabasha Official Zoning Map accompanying and made a part of this Ordinance, unless otherwise shown, are the centerline of streets, alleys or the subdividing or boundary lines of recorded plats or the extension thereof, railroad rights-of-way lines, and the corporate limits of cities within Wabasha County.

SECTION 4. ZONING BOUNDARY INTERPRETATION

Appeals from the Commissioners or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

Where interpretation is needed as to the exact location of the boundaries of the Floodplain, FP District, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Board of Adjustment shall make the necessary interpretation based on a recommendation from the DNR Area Hydrologist, elevations of the regional (100 year) flood profile and other available technical data.

SECTION 5. PERMITTED USES

No structures, building or tract of land shall be devoted to any use other than a permitted use in the zoning district in which such structure, or tract of land shall be located, with the following exceptions:

- Subd. 1. Conditional uses allowed in accordance with the provisions of this Ordinance.
- Subd. 2. Any structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted or which otherwise lawfully existed prior to the effective date of this Ordinance and continues to completion within one year after the effective date of this Ordinance, shall be a non-conforming structure.
- Subd. 3. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

SECTION 6. USES NOT PROVIDED FOR IN ZONING DISTRICT

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the Board or the Planning Commission, on their own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The County Board or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

ARTICLE 9 A-1, AGRICULTURAL PROTECTION DISTRICT

SECTION 1. PURPOSE

The purpose of this district is to maintain, conserve and enhance agricultural lands that have been historically valuable for crop production, pastureland, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses; preserve prime or productive agricultural farmland, forest lands and natural resources; and stabilizing public expenditures for public services by restricting the location and density of non-farm dwellings and other non-farm land uses. Residential development may be allowed in this District at an overall density not to exceed 1 dwelling per 80 acres (or half quarter section).

SECTION 2. PERMITTED USES

- Subd. 1. Single-family farm and non-farm dwellings, in accordance with Section 4 of this Article.
- Subd. 2. A maximum of one additional farm dwelling, which may be permanent or temporary, located in the farmyard to accommodate any of the following purposes; any temporary structure shall be removed when the need is terminated:
 - A. Full-time farm labor, individual or family
 - B. Property owner's family members
 - C. Property owner, retired from operation of farm
 - D. Person(s) that provides supportive care to the property owner due to health, age or infirmity.
- Subd. 3. Any agriculture operation including tree farms.
- Subd. 4. Feedlots as regulated in Article 5 of this Ordinance.
- Subd. 5. Any one temporary building for the sale of on-site farm produce provided that such building shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time, and further provided that adequate off-street parking shall be available.
- Subd. 6. Plant nurseries and sales.
- Subd. 7. Child Day Care Facility, in conformance with Minnesota State Statutes and Rules.
- Subd. 8. Mining, quarrying, excavating, or filling of land existing prior to the adoption of this ordinance, subject to standards of Article 6 of this Ordinance.

- Subd. 9. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 3. CONDITIONAL USES

In the A-1, Agricultural Protection District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 18 of this Ordinance.

- Subd. 1. Non-Farm Dwellings that meet the following criteria:
- A. Dwellings that do not have direct access onto a State, County, Township or other public road but do meet the lot access requirements of Section 4, Subd. 6 of this Article.
 - B. The development of two or more dwellings as a result of entitlement transfers as authorized through Section 5, Subd. 2 of this Article.
 - C. The development of two or more dwellings in accordance with Section 6 of this Article.
- Subd. 2. Lodging Establishments in accordance with the Wabasha County Lodging Ordinance.
- Subd. 3. Recreational Campground Areas in accordance with the Wabasha County Manufactured Home Park and Recreational Camp Area Ordinance.
- Subd. 4. Recreational residence, hunting cabin, camping cabin or similar use.
- Subd. 5. Any seasonal labor camp.
- Subd. 6. Any park or recreational area operated by a governmental agency.
- Subd. 7. Hunting club or shooting preserve.
- Subd. 8. Any commercial indoor or outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, recreational trail and park facilities, in conformance with the provisions of Article 3 Section 12 of this Ordinance.
- Subd. 9. Any community building, church, cemetery or memorial garden.
- Subd. 10. Government buildings and structures.

- Subd. 11. Any public or private school.
- Subd. 12. Family restaurants without drive through facilities.
- Subd. 13. A private aircraft landing field and associated facilities.
- Subd. 14. Any commercial radio and television towers and transmitters, in accordance with Article 3 Section 13 of this Ordinance.
- Subd. 15. Any veterinary clinic, public stable, commercial kennel for the raising of fur bearing animals or commercial kennel.
- Subd. 16. Any sanitary landfills and sewage disposal works including any non-agricultural lagoon provided that the operation is in accordance with Minnesota Pollution Control Agency regulations.
- Subd. 17. Commercial and industrial uses primarily intended to serve the agricultural community, including the following and similar uses:
- Commercial Fishing.
 - Contractors and Builders.
 - Farm implement Service, Supplies and Sales.
 - Fishing Service, Supplies and Sales.
 - Light Manufacturing.
 - Marine Service, Supplies and Sales, small scale.
 - Mini-Warehouse, Warehousing and Storage.
 - Vehicle Service, Supply and Sales, small scale.
 - Welders.
- Subd. 18. Ethanol Plants.
- Subd. 19. Junk/salvage reclamation yards in accordance with Article 3 Section 12 of this Ordinance.
- Subd. 20. Any new mining, quarrying, excavating, or filling of land commencing on or after the adoption of this ordinance subject to the standards in Article 6 of this Ordinance.
- Subd. 21. Temporary or seasonal off-site roadside produce stands.
- Subd. 22. Advertising devices in accordance with Article 3 Section 17 of this Ordinance.
- Subd. 23. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

SECTION 4. GENERAL DISTRICT REGULATIONS

Any lot in the A-1, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subd. 1. Density.

- A. One dwelling unit per 80 acres (or half quarter section) unless a parcel meets the definition of Farm in Article 2 of this Ordinance and an additional dwelling is permitted by Section 3 of this Article.
- B. Subdivisions to create lots for non-farm, single family dwellings shall be permitted subject to the following requirements:
 - 1. The tract of land involved comprises at least eighty (80) contiguous acres, or one half quarter section, in common ownership.
 - 2. The number of single family dwellings allowed shall be calculated as follows:
 - (a) The total acreage of the tract shall be calculated.
 - (b) Eighty (80) acres, or one half quarter section, shall be subtracted from this total for each existing dwelling unit.
 - (c) The result from (a) and (b) above shall be divided by eighty (80) acres, or the number of remaining half quarter sections on the tract. This shall be the number of dwellings allowed on the entire tract.
 - 3. Lot Size: Each new dwelling is to be retained on a separate lot, configured as follows:
 - (a) The lot shall contain a minimum of two (2) dry, buildable acres.
 - (b) The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
- C. If the lot is less than 80 acres the property owner(s) shall:
 - 1. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**

2. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels.

The purpose of these requirements is to ensure that land may only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.

- D. Any subdivision resulting in a lot that is less than one half quarter section shall require a survey. The survey shall be filed with the Wabasha County Surveyor prior to recording the deed in the Wabasha County Recorder's Office.

Subd. 2. Yard and Setback Requirements. Every permitted, conditionally permitted dwelling, or accessory structure shall meet the following yard and/or setback requirements:

- A. All yards and setbacks shall conform to the established setbacks of this Article and other County Ordinances for Wabasha County Roads, Township Roads, Public Easements, Shoreland Areas, Floodplain Areas, Bluffland Areas, Subdivisions and all other items for which setbacks are regulated.
- B. Each lot shall have a minimum width of two hundred (200) feet at the building setback line and said width shall extend to an existing public road right-of-way line.
- C. Front Yard of all Structures.
 1. All setbacks shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time.
 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
- D. Side and Rear Yard.
 1. Side and rear yard setbacks shall be a minimum of fifty (50) feet.
- E. Any building in which the keeping of livestock or fur bearing animals or any kennels (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.

- F. New feedlots shall not be allowed within 1,000 feet from any existing residence (dwelling) other than the feedlot operator's, except farmyards that existed prior to the adoption of this ordinance.
 - G. In accordance with Minnesota State Statutes Section 394.25, Subd. 3C, Part d, new residences (dwellings) shall not be allowed within 1,000 feet from any existing feedlot, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under Minnesota State Statutes Section 394.27, Subd. 7.
- Subd. 3. Bluff Setback. For any use or structure in the A-1 District, the setback from the top and toe of bluff shall be no less than thirty (30) feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. Agricultural buildings shall be exempt from the height requirements.
 - B. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.
- Subd. 5. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 18.
- Subd. 6. Lot Access Requirements. Every lot or plot of land on which a non-farm single family dwelling is constructed shall abut and have direct vehicular access to a State, County, Township or other public road. A private access strip no less than thirty three (33) feet wide abutting a public road may be approved by the Planning Commission, upon recommendation by the County Engineer, as a conditional use in lieu of the standard road frontage requirement, if the intent is to preserve active agricultural land or practices, forest land or other natural resources. If the access strip will serve or has the potential to serve three (3) or more dwellings, it shall be sixty six (66) feet in width and abut a public road as approved by the Planning Commission, upon recommendation by the County Engineer. The strip shall not be an easement, but owned in fee with the division. Maintenance shall be the complete responsibility of the property owner(s).
- Subd. 7. No parcel created after the adoption of this Ordinance shall be less than two hundred feet in width.
- Subd. 8. Each dwelling shall be sited on a separately surveyed or described parcel.

SECTION 5. FARM DENSITY ENTITLEMENTS

- Subd. 1. Property in the A-1 District may be subdivided into lots to contain non-farm residences at an overall maximum density of 1 unit per 80 acres (or half quarter section). Such requirements include, but are not limited to, the platting of a parcel to contain the non-farm dwelling, the parcel having a certain minimum frontage on a public road, and the parcel meeting certain minimum lot access requirements. The non-farm dwelling may be allowed as a conditional use in accordance with the requirements of this Article if it does not meet the frontage and access requirements.
- Subd. 2. Entitlements for residential density may be transferred to contiguous property under common ownership provided that any resulting residential development meets the minimum requirements of this Ordinance, the Subdivision Ordinance and all other applicable codes and ordinances. The purpose of allowing such transfers is to preserve productive farmlands, forest lands and other natural resources and to minimize the effects of residences on the environment and nearby farm operations. In no case shall the use of entitlement transfers be used to increase the residential density in the A-1 district. Any transfer that results in the development of two (2) or more residential lots from one parcel shall require the issuance of a Conditional Use Permit.
- Subd. 3. The owner(s) of the eligible parcel must sign and record a deed restriction or plat the entire tract, as described below, to apply to the remaining portion of the property that is not being used for residential development. The purpose of these requirements is to ensure that land may only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.
- A. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**
 - B. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels.

SECTION 6. CONDITIONAL USE - 2 OR MORE RESIDENTIAL LOTS

- Subd. 1. The approval of a conditional use by the Planning Commission shall consider the following criteria:

- A. Whether there are portions of the land that are capable of supporting long-term agricultural activities or have a CER rating of 65 or greater as shown on a CER ratings map to be maintained by Wabasha County.
 - B. Whether the development is sited and designed not to impact adjacent agricultural uses, forestland, natural resources, or similar environmentally sensitive features, and so as to not impede the orderly development of incorporated areas or the expansion of existing unincorporated residential areas.
- Subd. 2. Through the conditional use process, the Planning Commission may authorize the following modifications from the requirements of this Ordinance:
 - A. Lot area of less than 2 acres dry buildable land, but in no instance less than the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
 - B. Less than 200 ft. frontage on a State, County, Township, or Public Road.
 - C. A reduction in side or rear yard setbacks.
 - D. Other design standards determined to be applicable by the Planning Commission and that the Planning Commission would otherwise have the authority to vary in accordance with Article 19 of this Ordinance.

SECTION 7. NON-CONFORMING RESIDENCES

- Subd. 1. Residential structures that exist on lots of record outside the Shoreland District as of the adoption of this Ordinance, which do not meet the minimum district regulations of this Article, shall be allowed to be maintained or rebuilt in the event of fire or emergency.
- Subd. 2. *If any residential non-conforming use or structure is destroyed by floods to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. The applicable provisions for establishing new uses or new structures in Article 14 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.*

ARTICLE 10 A-2, AGRICULTURE/URBAN FRINGE DISTRICT

SECTION 1. PURPOSE

The intent of the A-2 District is to provide for agricultural use and urban expansion in close proximity to existing incorporated urban centers within Wabasha County by conserving agricultural land, forest lands and natural resources, and stabilizing public expenditures for public services, until such time as urban services may become available. It is not the intent of this district to promote more urban development, but rather to promote sustainable agriculture by closely coordinating the use of land between agricultural and urban land uses.

It is the intent that urban development be deferred in this District until an orderly transition from farm to urban uses can be achieved by either the annexation of areas adjacent to the incorporated limits of existing urban centers or the extension of public or other centralized sewage collection and treatment systems. Urban development should be directed to those areas not considered to be prime agricultural land.

It is intended that the status of all areas in this district be reviewed jointly by the appropriate planning bodies who shall determine whether there should be a transfer of all or any part of such area to some other appropriate land use, or to indicate any changes in the existing Land Use Plan for the particular political entity or change in the Capital Program of the community affecting this district.

SECTION 2. PERMITTED USES

- Subd. 1. Single family farm dwellings and non-farm dwellings in accordance with Section 4 of this Article.
- Subd. 2. A maximum of one additional farm dwelling, which may be permanent or temporary, located in the farmyard to accommodate any of the following purposes:
 - A. Full-time farm labor, individual or family
 - B. Property owner's family members
 - C. Property owner, retired from operation of farm
 - D. Person(s) that provides supportive care to the property owner due to health, age or infirmity.

Any temporary structure shall be removed when the need is terminated.

- Subd. 3. Any agriculture operation including tree farms.
- Subd. 4. Feedlots as regulated in Article 5 of this Ordinance.

- Subd. 5. Any one temporary building for the sale of on-site farm produce provided that such building shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time, and further provided that adequate off-street parking shall be available.
- Subd. 6. Plant nurseries and sales.
- Subd. 7. Child day care facility, in conformance with Minnesota State Statutes and Rules.
- Subd. 8. Mining, quarrying, excavating, or filling of land existing prior to the adoption of this ordinance, subject to standards of Article 6 of this Ordinance.
- Subd. 9. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 3. CONDITIONAL USES

In the A-2, Agriculture/Urban Fringe District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 18 of this Ordinance.

- Subd. 1. Non-Farm Dwellings that meet the following criteria:
 - A. Dwellings that do not have direct access onto a State, County, Township or other public road but do meet the lot access requirements of Section 4, Subd. 6 of this Article.
 - B. The development of two or more dwellings as a result of entitlement transfers as authorized through Section 6, Subd. 2 of this Article.
 - C. The development of two or more dwelling as a cluster development in accordance with Section 7 of this Article.
- Subd. 2. Lodging Establishments in accordance with the Wabasha County Lodging Ordinance.
- Subd. 3. Recreational Residence, Hunting Cabin or Camping Cabin.
- Subd. 4. Recreational Campground Areas in accordance with the Wabasha County Manufactured Home Park and Recreational Camp Area Ordinance.
- Subd. 5. Any commercial indoor or outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, paintball, recreational trails and park facilities in accordance with Article 3 Section 12 of this Ordinance.

- Subd. 6. Any new mining, quarrying, excavating, or filling of land commencing on or after the adoption of this Ordinance, subject to the standards in Article 6 of this Ordinance.
- Subd. 7. Any community building, church, cemetery or memorial garden.
- Subd. 8. Government buildings and structures.
- Subd. 9. Any public or private school.
- Subd. 10. Any veterinary clinic, public stable, commercial kennel for the raising of fur bearing animals or commercial kennel.
- Subd. 11. Hospitals, sanitariums, convalescent homes, or homes for the aged.
- Subd. 12. Family restaurants without drive through facilities.
- Subd. 13. A private aircraft landing field and associated facilities.
- Subd. 14. Any commercial radio and television towers and transmitters in accordance with Article 3 Section 13 of this Ordinance.
- Subd. 15. Commercial and industrial uses primarily intended to serve the agricultural community, including the following and similar uses:
- Commercial Fishing.
 - Contractors and Builders.
 - Farm implement Service, Supplies and Sales.
 - Fishing Service, Supplies and Sales.
 - Marine Service, Supplies and Sales, small scale.
 - Mini-Warehouse, Warehousing and Storage.
 - Light Manufacturing.
 - Vehicle Service, Supply and Sales, small scale.
 - Welders.
- Subd. 16. Ethanol Plants.
- Subd. 17. Temporary or seasonal off-site roadside produce stands.
- Subd. 18. Advertising signs (billboards) in accordance with Article 3 Section 17 of this Ordinance.
- Subd. 19. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

SECTION 4. GENERAL DISTRICT REGULATIONS

Any lot in the A-2, Agriculture/Urban Fringe District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

Subd. 1. Density.

- A. One dwelling unit per 40 acres (or quarter quarter section) unless a parcel meets the definition of Farm in Article 2 of this Ordinance and an additional dwelling is permitted by Section 3 of this Article.
- B. Subdivisions to create lots for non-farm, single family dwellings shall be permitted subject to the following requirements:
 - 1. The tract of land involved comprises at least forty (40) contiguous acres, or one quarter quarter section, in common ownership.
 - 2. The number of single family dwellings allowed shall be calculated as follows:
 - (a) The total acreage of the tract shall be calculated.
 - (b) Forty (40) acres, or one quarter quarter section, shall be subtracted from this total for each existing dwelling unit.
 - (c) The result from (a) and (b) above shall be divided by forty (40) acres, or the number of remaining quarter quarter sections on the tract. This shall be the number of dwellings allowed on the entire tract.
 - 3. Lot Size: Each new dwelling is to be retained on a separate lot, configured as follows:
 - (a) The lot shall contain a minimum of two (2) dry, buildable acres.
 - (b) The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
- C. If the lot is less than 40 acres the property owner(s) shall:
 - 1. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**

2. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and shall not be eligible for further subdivision to create additional buildable parcels.

The purpose of these requirements is to ensure that the land shall only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.

- D. Any subdivision resulting in a lot that is less than one quarter quarter section shall require a survey. The survey shall be filed with the Wabasha County Surveyor prior to recording the deed in the Wabasha County Recorder's Office.

Subd. 2. Yard and Setback Requirements. Every permitted, conditionally permitted dwelling, or accessory structure shall meet the following yard and/or setback requirements:

- A. All yards and setbacks shall conform to the established setbacks of this Article and other County Ordinances for Wabasha County Roads, Township Roads, Public Easements, Shoreland Areas, Floodplain Areas, Bluffland Areas, Subdivisions and all other items for which setbacks are regulated.
- B. Each lot shall have a minimum width of two hundred (200) feet at the building setback line and said width shall extend to an existing public road right-of-way line.
- C. Front Yard of all Structures.
 1. All setbacks shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time.
 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
- D. Side and Rear Yard.
 1. Side and rear yard setbacks shall be a minimum of fifty (50) feet.
- E. Any building in which the keeping of livestock or fur bearing animals or any kennel (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.

- F. New feedlots shall not be allowed within 1,000 feet from any existing residence (dwelling) other than the feedlot operator's, except farmyards that existed prior to the adoption of this ordinance.
 - G. In accordance with Minnesota State Statutes Section 394.25, Subd. 3C, Part d, new residences (dwellings) shall not be allowed within 1,000 feet from any existing feedlot, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under Minnesota State Statutes Section 394.27, Subd. 7.
- Subd. 3. Bluff Setback. For any use or structure in the A-2 District, the setback from the top and toe of bluff shall be no less than thirty (30) feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. Agricultural buildings shall be exempt from the height requirements.
 - B. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.
- Subd. 5. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 18.
- Subd. 6. Lot Access Requirements. Every lot or plot of land on which a second farm residence or non-farm single family dwelling is constructed shall abut and have direct vehicular access to a State, County, Township or other public road. A private access strip no less than thirty three (33) feet wide abutting a public road may be approved by the Planning Commission, upon recommendation by the County Engineer, in lieu of the standard road frontage requirement, if the intent is to preserve active agricultural land or practices, forest land or other natural resources. If the access strip will serve or has the potential to serve four (4) or more dwellings, it shall be sixty-six (66) feet in width and abut a public road as approved by the Planning Commission, upon recommendation by the County Engineer. The strip shall not be an easement, but owned in fee with the division. Maintenance shall be the complete responsibility of the property owner(s).
- Subd. 7. No parcel created after the adoption of this Ordinance shall be less than two hundred (200) feet in width.
- Subd. 8. Each dwelling shall be sited on a separately surveyed or described parcel.

SECTION 5. ORDERLY REDEVELOPMENT

- Subd. 1. All dwellings shall be so located on each lot as to permit re-subdivision or redevelopment, the orderly extension of streets and other infrastructure, and the efficient provision of public services if and when central sewer and water systems become available.
- Subd. 2. The County may require, at its option, any subdivision within the A-2 Agriculture/Urban Fringe District to provide an urban overlay plat which shall show in concept the following:
- A. How the land within the subdivision will be subdivided into urban lots in the future.
 - B. The layout of future streets or extensions.
 - C. Easements for the extension of municipal sewer and water, and drainage and utility easements.

SECTION 6. FARM DENSITY ENTITLEMENTS

- Subd. 1. Property in the A-2 District may be subdivided into lots to contain non-farm residences at an overall maximum density of 1 unit per 40 acres (or quarter quarter section). Such requirements include, but are not limited to, the platting of a parcel to contain the non-farm dwelling, the parcel having a certain minimum frontage on a public road, and the parcel meeting certain minimum lot access requirements. The non-farm dwelling may be allowed as a conditional use in accordance with the requirements of this Article if it does not meet the frontage and access requirements.
- Subd. 2. Entitlements for residential density may be transferred to contiguous property under common ownership provided that any resulting residential development meets the minimum requirements of this Ordinance, the Subdivision Ordinance and all other applicable codes and ordinances. The purpose of allowing such transfers is to preserve productive farmlands, forest lands and other natural resources and to minimize the effects of residences on the environment and nearby farm operations. In no case shall the use of entitlement transfers be used to increase the residential density in the A-2 district. Any transfer that results in the development of two (2) or more residential lots from one parcel shall require the issuance of a Conditional Use Permit and to the extent feasible be developed as a cluster development.

- Subd. 3. The owner(s) of the eligible parcel shall sign and record a deed restriction or plat the entire tract, as described below, to apply to the remaining portion of the property that is not being used for residential development. The purpose of these requirements is to ensure that land shall only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for a additional residential development purposes.
- A. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**
 - B. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and shall not be eligible for further subdivision to create additional buildable parcels.

SECTION 7. CONDITIONAL USE - CLUSTER DEVELOPMENTS

- Subd. 1. Any residential development that results in two or more dwelling units shall be developed in accordance with Sections 4 and 5 of this Article and to the extent feasible, as a cluster development. All cluster developments shall require the approval of a conditional use by the Planning Commission, which shall consider the following criteria.
- A. Whether there are portions of the land that are capable of supporting long-term agricultural activities or have a CER rating of 65 or greater, as shown on a CER ratings map to be maintained by Wabasha County.
 - B. Whether the development is sited and designed to not impact adjacent agricultural uses, forestland, natural resources, or similar environmentally sensitive features, and so as to not impede the orderly development of incorporated areas or the expansion of existing unincorporated residential areas.
 - C. A cluster development shall be considered infeasible if it cannot meet the requirements of Sections 4 and 5 of this Article to ensure orderly re-subdivision and redevelopment if and when central sewer and water systems become available.
- Subd. 2. Through the conditional use process, the Planning Commission may authorize the following modifications from the requirements of this Ordinance:

- A. Lot area of less than 2 acres dry buildable land, but in no instance less than the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
- B. Less than 200 ft. frontage on a State, County, Township, or Public Road.
- C. A reduction in side or rear yard setbacks.
- D. Other design standards determined to be applicable by the Planning Commission and that the Planning Commission would otherwise have the authority to vary in accordance with Article 18 of this Ordinance.

SECTION 8. JOINT REVIEW BY AFFECTED PUBLIC ENTITIES

All proposed Subdivisions, variances, or conditional uses within this district shall be submitted to the incorporated community and appropriate township for review and comment. The proposal shall be submitted to the affected public entity at least ten (10) days prior to the scheduled appearance before the Planning Commission. All review and comments by the affected entity shall be submitted in writing to the Wabasha County Planning Commission.

SECTION 9. NON-CONFORMING RESIDENCES

- Subd. 1 Residential structures that exist on lots of record outside of the Shoreland District as of the adoption of this Ordinance, which do not meet the minimum district regulations of this Article, shall be allowed to be maintained or rebuilt in the event of fire or emergency.
- Subd. 2 *If any residential non-conforming use or structure is destroyed by floods to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. The applicable provisions for establishing new uses or new structures in Article 14 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.*

ARTICLE 11 A-3, AGRICULTURE/LOW DENSITY DISTRICT

SECTION 1. PURPOSE

The intent of the A-3 District is to provide for agricultural use and low density residential in areas where there is less prime agricultural land and where large farms and feedlot operations are more scattered than in the A-1 or A-2 Districts, while maintaining the rural character of the County. Urban development should be directed to those areas not considered to be prime agricultural land or forest land areas nor is it meant to increase public expenditures for public services. Any land zoned as the A-3 Agriculture/Low Density District shall currently have access to public roads, infrastructure and other such services as are necessary to support residential lots.

SECTION 2. PERMITTED USES

Subd. 1. Single family farm dwellings and non-farm dwellings in accordance with Section 4 of this Article.

Subd. 2. A maximum of one additional farm dwelling, which may be permanent or temporary, located in the farmyard to accommodate any of the following purposes:

- A. Full-time farm labor, individual or family
- B. Property owner's family members
- C. Property owner, retired from operation of farm
- D. Person(s) that provides supportive care to the property owner due to health, age or infirmity.

Any temporary structure shall be removed when the need is terminated.

Subd. 3. Any agriculture operation including tree farms.

Subd. 4. Feedlots as regulated in Article 5 of this Ordinance.

Subd. 5. Any one temporary building for the sale of on-site farm produce provided that such building shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time, and further provided that adequate off-street parking shall be available.

Subd. 6. Plant nurseries and sales.

Subd. 7. Child day care facility, in conformance with Minnesota State Statutes and Rules.

Subd. 8. Mining, quarrying, excavating or filling of land existing prior to adoption of this ordinance, subject to standards of Article 6 of this Ordinance.

- Subd. 9. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

SECTION 3. CONDITIONAL USES

In the A-3 Agriculture/Low Density Residential Zoning District, the following uses may be allowed subject to obtaining a conditional use permit in accordance with the provisions of Article 18 of this Ordinance.

- Subd. 1. Non-Farm Dwellings that meet the following criteria:

- A. Dwellings that do not have direct access onto a State, County, Township or other public road but do meet the lot access requirements of Section 4, Subd. 7 of this Article.
- B. The development of two or more dwellings as a result of entitlement transfers as authorized through Section 6, Subd. 2 of this Article.
- C. The development of two or more dwelling as a cluster development in accordance with Section 7 of this Article.

- Subd. 2. Lodging Establishments in accordance with the Wabasha County Lodging Ordinance.

- Subd. 3. Recreational Campground Areas in accordance with the Wabasha County Manufactured Home Park and Recreational Camp Area Ordinance.

- Subd. 4. Recreational Residence, Hunting Cabin or Camping Cabin.

- Subd. 5. Any commercial indoor or outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, paintball, recreational trails and park facilities in accordance with Article 3 Section 12 of this Ordinance.

- Subd. 6. Any new mining, quarrying, excavating, or filling of land commencing on or after the adoption of this ordinance, subject to the standards in Article 6 of this Ordinance.

- Subd. 7. Any community building, church, cemetery or memorial garden.

- Subd. 8. Government buildings and structures.

- Subd. 9. Any public or private school.

- Subd. 10. Any veterinary clinic, public stable, commercial kennel for the raising of fur bearing animals or commercial kennel.
- Subd. 11. Hospitals, sanitariums, convalescent homes, or homes for the aged.
- Subd. 12. Family restaurants without drive through facilities.
- Subd. 13. A private aircraft landing field and associated facilities.
- Subd. 14. Any commercial radio and television towers and transmitters in accordance with Article 3 Section 13 of this Ordinance.
- Subd. 15. Commercial and industrial uses primarily intended to serve the agricultural community, including the following and similar uses:
- Commercial Fishing.
 - Contractors and Builders.
 - Farm implement Service, Supplies and Sales.
 - Fishing Service, Supplies and Sales.
 - Marine Service, Supplies and Sales, small scale.
 - Mini-Warehouse, Warehousing and Storage.
 - Light Manufacturing.
 - Vehicle Service, Supply and Sales, small scale.
 - Welders.
- Subd. 16. Temporary or seasonal off-site roadside produce stands.
- Subd. 17. Advertising signs (billboards) in accordance with Article 3 Section 17 of this Ordinance.
- Subd. 18. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

SECTION 4. GENERAL DISTRICT REGULATIONS

Any lot in the A-3 Agriculture/Low Density Residential Zoning District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- Subd. 1. Density.
- A. One dwelling unit per 10 acres unless a parcel meets the definition of Farm in Article 2 of this Ordinance and an additional dwelling is permitted by Section 3 of this Article.

- B. Subdivisions to create lots for non-farm, single family dwellings shall be permitted subject to the following requirements:
1. The tract of land involved comprises at least ten (10) contiguous acres, as defined in this ordinance, in common ownership.
 2. The number of single family dwellings allowed shall be calculated as follows:
 - (a) The total acreage of the tract shall be calculated.
 - (b) Ten (10) acres shall be subtracted from this total for each existing dwelling unit.
 - (c) The result from (a) and (b) above shall be divided by ten (10) acres. This shall be the number of dwellings allowed on the entire tract.
 3. Lot Size: Each new dwelling is to be retained on a separate lot, configured as follows:
 - (a) The lot shall contain a minimum of two (2) dry, buildable acres.
 - (b) The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
- C. If the lot is less than 10 acres the property owner(s) shall:
1. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**
 2. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and shall not be eligible for further subdivision to create additional buildable parcels.

The purpose of these requirements is to ensure that the land shall only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.

- D. Any subdivision resulting in a lot that is less than ten acres shall require a survey. The survey shall be filed with the Wabasha County Surveyor prior to recording the deed in the Wabasha County Recorder's Office.

Subd. 2. Yard and Setback Requirements. Every permitted, conditionally permitted dwelling, or accessory structure shall meet the following yard and/or setback requirements:

- A. All yards and setbacks shall conform to the established setbacks of this Article and other County Ordinances for Wabasha County Roads, Township Roads, Public Easements, Shoreland Areas, Floodplain Areas, Bluffland Areas, Subdivisions and all other items for which setbacks are regulated.
- B. Each lot shall have a minimum width of two hundred (200) feet at the building setback line and said width shall extend to an existing public road right-of-way line.
- C. Front Yard of all Structures.
 - 1. All setbacks shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
- D. Side and Rear Yard.
 - 1. Side and rear yard setbacks shall be a minimum of 20 feet.
- E. Any building in which the keeping of livestock or fur bearing animals or any kennel (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.
- F. New feedlots shall not be allowed within 1,000 feet from any existing residence (dwelling) other than the feedlot operator's, except farmyards that existed prior to the adoption of this ordinance.
- G. In accordance with Minnesota State Statutes Section 394.25, Subd. 3C, Part d, new residences (dwellings) shall not be allowed within 1,000 feet from any existing feedlot, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under Minnesota State Statutes Section 394.27, Subd. 7.

- Subd. 3. Bluff Setback. For any use or structure in the A-3 District, the setback from the top and toe of bluff shall be no less than thirty (30) feet.
- Subd. 4. Height Requirements. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
- A. Agricultural buildings shall be exempt from the height requirements.
 - B. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.
- Subd. 5. Exceptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 18.
- Subd. 6. Lot Access Requirements. Every lot or plot of land on which a second farm residence or non-farm single family dwelling is constructed shall abut and have direct vehicular access to a State, County, Township or other public road. A private access strip no less than thirty three (33) feet wide abutting a public road may be approved by the Planning Commission, upon recommendation by the County Engineer, in lieu of the standard road frontage requirement, if the intent is to preserve active agricultural land or practices, forest land or other natural resources. If the access strip will serve or has the potential to serve four (4) or more dwellings, it shall be sixty-six (66) feet in width and abut a public road as approved by the Planning Commission, upon recommendation by the County Engineer. The strip shall not be an easement, but owned in fee with the division. Maintenance shall be the complete responsibility of the property owner(s).
- Subd. 7. No parcel created after the adoption of this Ordinance shall be less than two hundred (200) feet in width.
- Subd. 8. Each dwelling shall be sited on a separately surveyed or described parcel.

SECTION 5. MINIMUM CRITERIA AND FINDINGS FOR REZONING LAND TO THE A-3 DISTRICT

- Subd. 1. Land for which an application is made for a rezoning to the A-3 Agriculture/Low Density Residential Zoning District shall be found by the Planning Commission to have a CER rating of less than 65 as shown on a CER ratings map to be maintained by Wabasha County.
- Subd. 2. Land for which an application is made for a rezoning to the A-3 Agriculture/Low Density Residential Zoning District shall be found by the Planning Commission to be able to support the proposed low residential density. The applicant must provide the following information as part of the rezoning application:

- A. An explanation of soil erosion and sedimentation control measures, that are consistent with the Wabasha County Soil Conservation District guidelines or other applicable technical materials.
 - B. An explanation of how sewage facilities will conform to the Wabasha County Individual Sewage Treatment Ordinance.
 - C. An explanation of how the provision of water will conform to the Wabasha County Water Quality Ordinance.
 - D. Acknowledgement that utility permits for essential services must be approved in accordance with Article 7 Essential Services.
- Subd. 3. Land for which an application is made for a rezoning to the A-3 Agriculture/Low Density Residential Zoning District shall be found by the Planning Commission to be sited and designed so as not to conflict with adjacent agricultural uses, the orderly development of incorporated areas, or the expansion of existing unincorporated residential areas, and so that it may efficiently receive county or municipal services.
- Subd. 4. Any application for a rezoning of land to the A-3 Agriculture/Low Density Residential Zoning District shall be accompanied by an application for preliminary plat so that the Planning Commission may determine that the development of the land for which rezoning is being considered would conform with the regulations set forth for the A-3 District in this Ordinance.

SECTION 6. FARM DENSITY ENTITLEMENTS

- Subd. 1. Property in the A-3 District may be subdivided into lots to contain non-farm residences at an overall maximum density of 1 unit per 10 acres. Such requirements include, but are not limited to, the platting of a parcel to contain the non-farm dwelling, the parcel having a certain minimum frontage on a public road, and the parcel meeting certain minimum lot access requirements. The non-farm dwelling may be allowed as a conditional use in accordance with the requirements of this Article if it does not meet the frontage and access requirements.
- Subd. 2. Entitlements for residential density may be transferred to contiguous property under common ownership provided that any resulting residential development meets the minimum requirements of this Ordinance, the Subdivision Ordinance and all other applicable codes and ordinances. The purpose of allowing such transfers is to preserve productive farmlands, forest lands and other natural resources and to minimize the effects of residences on the environment and nearby farm operations. In no case shall the use of entitlement transfers be used to increase the residential density in the A-3 district. Any transfer that results in the development of two (2) or more residential lots from one parcel shall require the issuance of a Conditional Use Permit and to the extent feasible be developed as a cluster development.

- Subd. 3. The owner(s) of the eligible parcel shall sign and record a deed restriction or plat the entire tract, as described below, to apply to the remaining portion of the property that is not being used for residential development. The purpose of these requirements is to ensure that land shall only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for a additional residential development purposes.
- A. Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, **OR**
 - B. Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and shall not be eligible for further subdivision to create additional buildable parcels.

SECTION 7. CONDITIONAL USE - CLUSTER DEVELOPMENTS

- Subd. 1. Any residential development that results in two or more dwelling units shall be developed in accordance with Section 4 of this Article and to the extent feasible, as a cluster development. All cluster developments shall require the approval of a conditional use by the Planning Commission, which shall consider the following criteria.
- A. Whether there are portions of the land that are capable of supporting long-term agricultural activities or have a CER rating of 65 or greater, as shown on a CER ratings map to be maintained by Wabasha County.
 - B. Whether the development is sited and designed to not impact adjacent agricultural uses, forestland, natural resources, or similar environmentally sensitive features, and so as to not impede the orderly development of incorporated areas or the expansion of existing unincorporated residential areas.
- Subd. 2. Through the conditional use process, the Planning Commission may authorize the following modifications from the requirements of this Ordinance:
- A. Lot area of less than 2 acres dry buildable land, but in no instance less than the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).
 - B. Less than 200 ft. frontage on a State, County, Township, or Public Road.

- C. A reduction in side or rear yard setbacks.
- D. Other design standards determined to be applicable by the Planning Commission and that the Planning Commission would otherwise have the authority to vary in accordance with Article 19 of this Ordinance.

SECTION 8. NON-CONFORMING RESIDENCES

- Subd. 1 Residential structures that exist on lots of record outside of the Shoreland District as of the adoption of this Ordinance, which do not meet the minimum district regulations of this Article, shall be allowed to be maintained or rebuilt in the event of fire or emergency.
- Subd. 2 *If any residential non-conforming use or structure is destroyed by floods to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. The applicable provisions for establishing new uses or new structures in Article 14 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.*

ARTICLE 12 R-1, RURAL RESIDENTIAL

SECTION 1. PURPOSE

The purpose of this District is providing areas for rural low-density housing in agricultural areas on land that is not capable of supporting long-term agricultural activities and to allow the continuation and limited expansion of existing residential development in the small unincorporated urban communities of the County.

The intent of this District is to retain the rural character of the County, and the District is not meant to be applied to productive farmland or forest land areas nor is it meant to increase public expenditures for public services. Any land zoned as the R-1 Rural Residential District shall currently have access to public roads, infrastructure and other such services as are necessary to support residential lots.

SECTION 2. PERMITTED USES

- Subd. 1. Single Family Residence.
- Subd. 2. Recreational Residence.
- Subd. 3. Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- Subd. 4. Child day care facilities, in conformance with Minnesota State Statutes and Rules.

SECTION 3. CONDITIONAL USES

- Subd. 1. Duplex Residents (max. 2 dwellings per building and 2 dwellings per 2 acres, unless developed as a Planned Residential Development in accordance with Article 13 of this Ordinance and greater density is thereby authorized).
- Subd. 2. Manufactured home parks, pursuant to Minnesota Statutes 394.25, Subd. 3b.
- Subd. 3. Lodging Establishments in accordance with the Wabasha County Lodging Ordinance.
- Subd. 4. Recreational Campground Areas in accordance with the Wabasha County Manufactured Home Park and Recreational Camp Area Ordinance.
- Subd. 6. Community retail (bait shop, restaurant, personal service, etc.).
- Subd. 7. Plant nurseries and sales.

- Subd. 8. Any commercial outdoor recreation facilities including, but not limited to, golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, paintball, recreational trails and park facilities in accordance with Article 3 Section 12 of this Ordinance.
- Subd. 9. Any community building, church, cemetery or memorial garden.
- Subd. 10. Public parks.
- Subd. 11. Government buildings and structures.
- Subd. 12. Any public or private school.
- Subd. 13. Hospitals, sanitariums, convalescent homes, or homes for the aged.
- Subd. 14. Any commercial radio and television towers and transmitters, in accordance with Article 3 Section 13 of this Ordinance.
- Subd. 16. Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

SECTION 4. MINIMUM CRITERIA AND FINDINGS FOR REZONING LAND TO THE R-1 DISTRICT

- Subd. 1. Land for which an application is made for a rezoning to the R-1 Rural Residential Zoning District shall be found by the Planning Commission of not being capable of supporting long-term agricultural activities.
- Subd. 2. Land for which an application is made for a rezoning to the R-1 Rural Residential Zoning District shall be found by the Planning Commission to have a CER rating of less than 65 as shown on a CER ratings map to be maintained by Wabasha County.
- Subd. 3. Land for which an application is made for a rezoning to the R-1 Rural Residential Zoning District shall be found by the Planning Commission to not be incompatible with adjacent agricultural uses, forest land, natural resources, or similar environmentally sensitive features.
- Subd. 4. Land for which an application is made for a rezoning to the R-1 Rural Residential Zoning District shall be found by the Planning Commission to be able to support the proposed density.
- Subd. 5. Land for which an application is made for a rezoning to the R-1 Rural Residential Zoning District shall be found by the Planning Commission to be sited and designed so as not to impede the orderly development of incorporated areas or the expansion of existing unincorporated residential areas, and so that it may efficiently receive county or municipal services.

- Subd. 6. Any application for a rezoning of land to the R-1 Rural Residential District shall be accompanied by an application for preliminary plat so that the Planning Commission may determine that the development of the land for which rezoning is being considered would conform with the regulations set forth for the R-1 zoning district in this Ordinance.

SECTION 5. GENERAL DISTRICT REGULATIONS

Any lot in the R-1, Rural Residential District on which any permitted or conditionally permitted use is erected shall meet the minimum standards listed below. However, if any property falls under the Shoreland and/or Floodplain regulations of this Ordinance then those Articles shall apply.

Subd. 1. Lot Area.

- A. Lots with Individual Sewage Treatment Systems and Water Wells: Minimum Lot size shall be 2 acres or more dictated by the minimum lot size necessary to satisfy Minnesota Rules 7080.
- B. Lots with Central Sewage Treatment and Water Systems: 15,000 sq. ft.

Subd. 2. Lot Width.

- A. Lots with Individual Sewage Treatment Systems and Water Wells: Minimum Lot width shall be dictated by the minimum width size necessary to satisfy Minnesota Rules 7080, but in no instance less than 100 ft.
- B. Lots with Central Sewage Treatment and Water Systems: 75 ft. width

Subd. 3. Front Yard Setbacks and Setbacks from Roads.

- A. All setbacks shall conform to Wabasha County Highway Setback Distances, as may be amended from time to time.
- B. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.

Subd. 4. Side and Rear Yard Setbacks.

- A. Lots with Individual Sewage Treatment Systems and Water Wells: Minimum setbacks shall be dictated by the minimum setback necessary to satisfy Minnesota Rules 7080, but in no instance less than a 15 ft. side yard setback or a 40 ft. rear yard setback.

- B. Lots with Central Sewage Treatment and Water Systems: Minimum 15 ft. side yard setback and 40 ft. rear yard setback.
- Subd. 5. Any building in which the keeping of livestock, fur bearing animals, or kennels is carried on (when such keeping results in the accumulation of animal wastes) shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property.
- Subd. 6. Setbacks from Wilderness Areas, Wildlife Refuges, State Parks, Nature Preserves, Conservancy District. No new principal or accessory structure on property in the R-1 District that abuts a wilderness area, wildlife refuge, state park or nature preserve shall be located closer than 100 feet from such area.
- Subd. 7. Bluff Setback. For any use or structure in the R-1 District, the setback from the top and toe of bluff shall be no less than thirty feet.
- Subd. 8. Height. Maximum height of all structures shall be 35 ft.
- Subd. 9. Exemptions. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Article 3, Section 18.
- Subd. 10. Lot Access Requirements. Every lot on which a new single family or duplex dwelling is constructed shall abut and have direct vehicular access to a State, County, Township or other public road.
- Subd. 11. There shall be no more than one principal structure located on a lot in the R-1 District unless otherwise authorized in Article 13 of this Ordinance for the development of more than one duplex as part of a Planned Residential Development.
- Subd. 12. Each dwelling shall be sited on a separately subdivided and platted lot.

SECTION 6. NON-CONFORMING RESIDENCES

- Subd. 1. Residential structures that exist on lots of record outside of the Shoreland District as of the adoption of this Ordinance, which do not meet the minimum district regulations of this Article, shall be allowed to be maintained or rebuilt in the event of fire or emergency.
- Subd. 2. *If any residential non-conforming use or structure is destroyed by floods to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. The applicable provisions for establishing new uses or new structures in Article 14 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.*

ARTICLE 13

SHORELAND REGULATIONS

The shoreland ordinance was adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201, Minnesota Regulations, Parts 6120.2500-6120.3900, and the county planning and zoning enabling legislation, Minnesota Statutes, Chapter 394.

The regulations contained in this article are just incorporating the regulations from the existing Wabasha County Shoreland Management Ordinance that was originally adopted in 1992 as mandated by the Minnesota Department of Natural Resources.

ARTICLE 13 SHORELAND REGULATIONS

SECTION 1. PURPOSE

These shoreland standards are adopted for the purpose of:

- Subd. 1. Regulating suitable uses of land surrounding protected waters.*
- Subd. 2. Regulating the size of parcels, length of water frontage and alteration of shorelands of protected waters.*
- Subd. 3. Regulating the location of sanitary facilities adjacent to protected waters, topography, and other natural resources to insure a high standard of environmental quality.*

SECTION 2. STATUTORY AUTHORIZATION

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201, Minnesota Regulations, Parts 6120.2500-6120.3900, and the county planning and zoning enabling legislation, Minnesota Statutes, Chapter 394.

SECTION 3. POLICY

The uncontrolled use of shorelands of Wabasha County, Minnesota affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. The Legislature of Minnesota has delegated this responsibility to local governments. The responsibility is hereby recognized by Wabasha County.

SECTION 4. DEFINITIONS

The following definitions apply to this Article. All other definitions contained in Article 2 of this Ordinance shall apply here, except as they may be in conflict with those found in this Section, in which the definitions found in this Section shall apply.

- Subd. 1. Accessory structure or facility means, any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.*

- Subd. 2. Commercial planned unit developments are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example hotel/motel accommodations, resorts, recreational vehicles and camping parks, and other primarily service-oriented activities are commercial planned unit developments.*
- Subd. 3. Commissioner as referred to in this Article only shall mean the Commissioner of the Department of Natural Resources.*
- Subd. 4. Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.*
- Subd. 5. Dwelling unit means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.*
- Subd. 6. Planned unit development means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.*
- Subd. 7. Residential planned unit development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least 5 dwelling units or sites.*
- Subd. 8. Screened means when a structure is built or placed on a lot or vegetation is planted such that when the structure is built, it is visually inconspicuous as viewed from the river or valley during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.*

SECTION 5. SHORELAND DISTRICTS

The shorelands within Wabasha County are hereby designated as shoreland districts and the requirements set forth in this Section shall govern development and other activities within these districts. The classification of the shoreland districts shall govern the use, alteration, and development of these areas according to said classification as per Minnesota Regulations Part 6120.3000.

SECTION 6. DISTRICT APPLICATION

The Shoreland District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and official Zoning Map. The regulations and requirements imposed by the Shoreland District shall be in addition to those established for districts that jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

SECTION 7. SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

The public waters of Wabasha County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Wabasha County, Minnesota.

The shoreland district for the waterbodies listed in 1 and 2 shall be as defined in Article 2 and as shown on the Official Zoning Map.

Subd. 1 Lakes.

<i>Lakes</i>	<i>Protected Waters Inventory I.D. #</i>
<i>A. Natural Environment Lakes</i>	
<i>Half Moon</i>	<i>79002</i>
<i>Maloney</i>	<i>79004</i>
<i>McCarthy</i>	<i>79006</i>
<i>B. Recreational Development Lakes</i>	
<i>Prichards</i>	<i>79003</i>
<i>Zumbro</i>	<i>55004</i>
<i>C. General Development Lakes</i>	
<i>U.S. Lock & Dam #5 Pool</i>	<i>79001</i>
<i>U.S. Lock & Dam #4 Pool</i>	<i>79005</i>
<i>Pepin</i>	<i>25001</i>

Subd. 2 *Rivers and Streams*

<i>Rivers and Streams</i>		<i>Legal Description</i>
<i>A. Transition Rivers</i>		<i>Border of Wabasha & Winona Counties</i>
<i>Whitewater</i>	<i>From:</i>	<i>Confluence with U. S. Lock & Dam #5 Pool in T 109N, R9W, Section 33</i>
	<i>To:</i>	
<i>Zumbro</i>	<i>From:</i>	<i>Outlet of Zumbro Lake in T109N, R14W, Sec. 27</i>
	<i>To:</i>	<i>East section line of Sec. 9, T109N, R12W; and</i>
	<i>From:</i>	<i>Co. Rd. 86 bridge in T110N, R11W, Sec. 22</i>
	<i>To:</i>	<i>East section line of Sec. 19, T110N, R10W</i>
<i>B. Agricultural Rivers</i>		
<i>North Fork, Whitewater</i>	<i>From:</i>	<i>Border of Wabasha & Olmsted Counties</i>
	<i>To:</i>	<i>Border of Wabasha & Olmsted Counties</i>
<i>Zumbro</i>	<i>From:</i>	<i>West section line of Sec.10, T109N, R12W</i>
	<i>To:</i>	<i>Co. Rd. 86 bridge in T110N, R11W, Sec, 22; and</i>
	<i>From:</i>	<i>West section line of Sec. 20, T110N, R10W</i>
	<i>To:</i>	<i>Confluence with U.S. Lock & Dam #5 Pool in T110N, R9W, Section 32</i>
<i>North Fork, Zumbro</i>	<i>From:</i>	<i>Border of Wabasha and Goodhue Counties</i>
	<i>To:</i>	<i>Confluence with Zumbro R. in T109, R14W, Section 10</i>
<i>C. Tributary Streams*</i>		
<i>* All protected watercourses in Wabasha County shown on the Protected Waters Inventory map for Wabasha County, a copy of which is hereby adopted by reference, not given a classification in Items A & B above shall be considered "Tributary".</i>		

SECTION 8. ZONING PROVISIONS

Lot Area and Width Standards. The lot area (in square feet) and lot width (in feet) standards for single and duplex residential lots created after the date of enactment of this Article for the lake and river/stream classifications are the following:

Subd. 1. Unsewered Lakes

A. Natural Environment:

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
<i>Single</i>	80,000	200	80,000	200
<i>Duplex</i>	120,000	300	120,000	400

B. Recreational Development:

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
<i>Single</i>	40,000	150	40,000	150
<i>Duplex</i>	80,000	225	80,000	265

C. General Development:

	<i>Riparian Lots</i>		<i>Nonriparian Lots</i>	
	<i>Area</i>	<i>Width</i>	<i>Area</i>	<i>Width</i>
<i>Single</i>	20,000	100	40,000	150
<i>Duplex</i>	40,000	180	80,000	265

Subd. 2. River/Stream Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards for single and duplex residential developments for the six river/stream classifications are:

	<i>Transition</i>	<i>Agriculture</i>	<i>Unsewered Tributary</i>
<i>Single</i>	250	150	100
<i>Duplex</i>	375	225	150

Subd. 3. Additional Special Provisions.

- A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subd. 1 and 2 can only be allowed if designed and approved as residential planned unit developments under Section 16 of this Article. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.*
- B. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subd. 1 and 2, provided the following standards are met:*
- 1. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage shall be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;*
 - 2. A guest cottage shall not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and*
 - 3. A guest cottage shall be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by use of vegetation, topography, increased setbacks, or color (assuming summer leaf-on conditions).*
- C. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and shall meet or exceed the following standards:*
- 1. They shall meet the width and size requirements of residential lots, and be suitable for their intended uses.*
 - 2. If docking, mooring, or over-water storage of more than 6 watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) shall be increased by the percent of the requirements for riparian residential lots for each watercraft beyond 6, consistent with the following table:*

Controlled Access Lot Frontage Requirements

<i>Ratio of lake size to shore length (acres/mile)</i>	<i>Required increase in frontage (percent)</i>
<i>Less than 100</i>	<i>25</i>
<i>100 – 200</i>	<i>20</i>
<i>201 – 300</i>	<i>15</i>
<i>301 – 400</i>	<i>10</i>
<i>greater than 400</i>	<i>5</i>

3. *They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and*
4. *Covenants or other equally effective legal instruments shall be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They shall also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage building, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.*

Subd. 4. Placement and Design of Structures.

A. Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

*B. Structure and Sewage Treatment System Setbacks
(in feet from ordinary high water level)*

<i>Classes of Public Waters</i>	<i>Structure</i>	<i>Sewage Treatment System</i>
<i><u>Lakes</u></i>		
<i>Natural Environment</i>	<i>150</i>	<i>150</i>
<i>Recreational Development</i>	<i>100</i>	<i>75</i>
<i>General Development</i>	<i>75</i>	<i>50</i>
<i><u>Rivers</u></i>		
<i>Transition</i>	<i>150</i>	<i>100</i>
<i>Agriculture and Tributary</i>	<i>100</i>	<i>75</i>

**One water-oriented accessory structure per residential lot designed in accordance with Subd. 5 of this Section may be set back a minimum distance of 10 feet from the ordinary high water level in all classes.*

- C. *Additional Structure setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:*

	<i>Setback From:</i>	<i>Setback (in feet)</i>
1.	<i>top and toe of bluff:</i>	<i>30</i>
2.	<i>unplatted cemetery:</i>	<i>50</i>
3.	<i>right-of-way line of federal, state, or county highway; and</i>	<i>50</i>
4.	<i>right-of-way line of town road, public street, or other roads or streets</i>	<i>30</i>

- D. *Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.*

- E. *Uses Without Water-oriented Needs. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.*

Subd. 5. Design Criteria for Structures.

- A. *High Water Elevations. Structures shall be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed shall be determined as follows:*

- 1. For lakes, by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher;*
- 2. For rivers and streams, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluation shall be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities; and*

3. *Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.*
- B. *Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 8 Subd. 4 of this Article if this water-oriented accessory structure complies with the following provisions:*
1. *The structure or facility shall not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks shall not exceed 8 feet above grade at any point;*
 2. *The setback of the structure or facility from the ordinary high water level shall be at least 10 feet;*
 3. *The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by use of vegetation, topography, increased setbacks, or color (assuming summer, leaf-on conditions);*
 4. *The roof may be used as a deck with safety rails, but shall not be enclosed or used as storage area;*
 5. *The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities; and*
 6. *As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.*

- C. *Stairways, Lifts, and Landings.* Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:
1. *Stairways and lifts shall not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;*
 2. *Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;*
 3. *Canopies or roofs are not allowed on stairways, lifts, or landings;*
 4. *Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;*
 5. *Stairways, lifts, and landings shall be located, whenever practical, in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and*
 6. *Facilities such as ramps, lifts, or mobility paths for physically handicapped person are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.*
- D. *Significant Historic Sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- E. *Steep Slopes.* The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

SECTION 9. SHORELAND ALTERATIONS

Subd. 1. Vegetation Alterations

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 9 Subd. 3 of this Article are exempt for the vegetation alteration standards that follow.*
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 10 Subd. 2 and 3 of this Article, respectively, is allowed subject to the following standards:*
 - 1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district.*
 - 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:*
 - (a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;*
 - (b) along rivers, existing shading of water surfaces is preserved;*
 - (c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.*
- C. Use of fertilizers and pesticides in all districts shall minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.*

Subd. 2. Topographic Alterations/Grading and Filling

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section shall be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.*
- B. Public roads and parking areas are regulated by Section 9 Subd. 3 of this Article.*
- C. Notwithstanding items A. and B. above, a grading and filling permit shall be required for:*
 - 1. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and*
 - 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.*
- D. The following considerations and conditions shall be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:*
 - 1. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland shall be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:**
 - (a) sediment and pollutant trapping and retention;*
 - (b) storage of surface runoff to prevent or reduce flood damage;*
 - (c) fish and wildlife habitat;*
 - (d) recreational use;*
 - (e) shoreline or bank stabilization; and*
 - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.*

**This evaluation shall also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.*

2. *Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;*
3. *Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible;*
4. *Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;*
5. *Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;*
6. *Fill or excavated material shall not be placed in a manner that creates an unstable slope;*
7. *Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of 30 percent or greater;*
8. *Fill or excavated material shall not be placed in bluff impact zones;*
9. *Any alterations below the ordinary high water level of public waters shall first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245;*
10. *Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and*
11. *Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.*

E. *Permits for excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, may be issued only after the Commissioner has approved the proposed connection to public waters.*

Subd. 3. Placement and Design of Roads, Driveways, and Parking Areas

- A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.*
- B. Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.*
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 9 Subd. 2 of this Article shall be met.*

Subd. 4. Stormwater Management – General and Specific Standards

- A. General Standards:*
 - 1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.*
- B. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.*
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.*

Subd. 5. Specific Standards:

- A. Impervious surface coverage of lots shall not exceed 25 percent of the lot area.*
- B. When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district.*
- C. New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.*

SECTION 10. OTHER PROVISIONS FOR VARIOUS USES

Subd. 1. Standards for Commercial, Industrial, Public, and Semipublic Uses. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:

- A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures:*
- B. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need: and*
- C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:*
 - 1. no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.*
 - 2. signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not contain other detailed information such as product brands and prices, shall not be located higher than 10 feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and*

3. *other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.*

Subd. 2. Agricultural Use Standards

- A. *General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone boundary for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.*
- B. *Animal feedlots shall meet the following standards:*
 1. *New feedlots shall not be located in the shoreland of watercourses or in bluff impact zones and shall meet a minimum setback of 300 feet from the ordinary high water level of all public water basins: and*
 2. *Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or bluff impact zone.*

Subd. 3. Forest Management Standards. The harvesting of timber and associated restoration shall be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment - Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

Subd. 4 Extractive Use Standards

- A. *Site Development and Restoration Plan. An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and shall clearly explain how the site shall be rehabilitated after extractive activities end.*

- B. *Setbacks for Processing Machinery. Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.*

SECTION 11. CONDITIONAL USES

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as found in Article 18 of this Ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas:

- Subd. 1 *Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site shall be made to ensure:*
 - A. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction;*
 - B. *The visibility of structures and other facilities as viewed from public waters is limited.*
 - C. *The site is adequate for water supply and on-site sewage treatment; and*
 - D. *The types, uses, and numbers of watercraft that the project will generate are compatible to in relation to the suitability of public waters to safely accommodate these watercraft.*
- Subd. 2. *Stipulations Attached to Conditional Use Permits. The County Board, upon consideration of the criteria listed above and the purposes of this Article, shall attach such stipulations to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance and Article. Such stipulations may include, but are not limited to, the following:*
 - A. *Increased setbacks from the ordinary high water level;*
 - B. *Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and*
 - C. *Special provisions for the location, design, and use of structures, watercraft launching and docking areas, and vehicle parking areas.*

SECTION 12. VARIANCES

- Subd. 1. *Provisions. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394 and Article 19 of this Ordinance.*

- A. *A variance shall not circumvent the general purposes and intent of this Article. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment shall also consider whether the property owner has reasonable use of the land without the variance, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development an adjacent properties.*
- B. *For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.*

SECTION 13. NONCONFORMITIES

All legally established nonconformities as of the date of this ordinance may continue, but they shall be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards shall also apply in shoreland areas:

Subd. 1. Construction on Nonconforming Lots of Record

- A. *Lots of record in the office of the County Recorder on the date of initial enactment of County Shoreland controls that do not meet the requirements of Section 8 of this Article may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Article are met.*
- B. *A variance from setback requirements, if necessary, shall be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.*
- C. *If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 8 of this Article the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 8 of this Article as much as possible.*

Subd. 2. Deck Additions to Nonconforming Structures. A deck addition to a structure not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:

- A. The structure existed on the date the structure setbacks were established;*
- B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;*
- C. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and*
- D. The deck is constructed primarily of wood, and is not roofed or screened.*

Subd. 3. Nonconforming Sewage Treatment Systems

- A. A sewage treatment system not meeting the requirements of Section 14 of this Article shall be upgraded, when a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is its improper setback from the ordinary high water level.*
- B. Sewage systems installed according to County shoreland management standards adopted under Minnesota Statutes, section 103F.201, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with insufficient separation from groundwater shall be considered nonconforming.*

SECTION 14. WATER SUPPLY AND SEWAGE TREATMENT

Subd. 1. Water Supply. Any public or private supply of water for domestic purposes shall meet or exceed standards for water quality of the Minnesota Department of Health and the Wabasha County Water Quality Ordinance.

Subd. 2. Sewage Treatment. Any premises used for human occupancy shall be provided with a sewage treatment system meeting or exceeding the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Article.

SECTION 15. SUBDIVISION / PLATTING PROVISIONS

- Subd. 1. Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 16 of this Article, shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.*
- Subd. 2. Consistency With Other Controls. Subdivisions shall conform to all official controls of the County. A subdivision shall not be approved where later variances from one or more standards in official controls would be needed to use the lots for their intended purpose. A Subdivision shall not be approved unless domestic water supply is available and a sewage treatment system consistent with Section 8 Subd. 4 and Section 14 of this Article can be provided for every lot. Each lot shall meet the minimum lot size requirements of Section 8 Subd. 1 of this Article, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks shall not be approved.*
- Subd. 3. Information Requirements. Sufficient information shall be submitted by the applicant to make a determination of land suitability. The information shall include at least the following:*
- A. Topographic contours at 10 foot intervals or less from United States Geographical Survey maps or more accurate sources, showing limiting site characteristics;*
 - B. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geographical Survey quadrangle topographic maps or more accurate sources;*
 - C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests or other methods;*

- D. *Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.*
- E. *Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and*
- F. *Lines or contours representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.*

Subd. 4. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval shall provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

Subd. 5. Platting. Any subdivision that creates five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

SECTION 16. PLANNED UNIT DEVELOPMENTS (PUD'S)

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

Subd. 1 Processing of PUDs. PUDs shall be processed as conditional uses, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subd. 4 of this Section. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

Subd. 2. Application for a PUD. The applicant for a PUD shall submit the following documents prior to final action being taken on the application request:

- A. *A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten foot intervals or less. When a PUD is a combined commercial and recreational development, the site plan and/or plat shall indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.*

- B. *A property owners association agreement (for residential PUDs) with mandatory membership, and all in accordance with the requirements of Subd. 5 of this Section.*
- C. *Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs and 2) ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. 5 of this Section.*
- D. *When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.*
- E. *Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.*

Subd. 3. Site "Suitable Area" Evaluations. Proposed new or expansions to existing planned unit developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subd. 4.

- A. *The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.*

Shoreland Tier Dimensions

	<i>Unsewered (feet)</i>	<i>Sewered (feet)</i>
<i>General Development Lakes- First Tier</i>	<i>200</i>	<i>200</i>
<i>General Development Lakes- Second and Additional Tiers</i>	<i>267</i>	<i>267</i>
<i>Recreational Development Lakes</i>	<i>267</i>	<i>267</i>
<i>Natural Environment Lakes</i>	<i>400</i>	<i>320</i>
<i>All River Classes</i>	<i>300</i>	<i>300</i>

- B. *The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are the subject to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.*

Subd. 4. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and a density increase multipliers as follows. Allowable densities may be transferred from any tier to any other tier further from the water body, but shall not be transferred to any other tier closer.

- A. *Residential PUD "Base" Density Evaluation.*

1. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in Subd. 5.

B. Commercial PUD “Base” Density Evaluation.

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

Commercial PUD Floor Area Ratios
Public Waters Classes*

<i>Average Unit floor Area (sq. ft.)</i>	<i>Sewered general development lakes; first tier on unsewered general development lakes agricultural, tributary river segments</i>	<i>Second and additional tiers on unsewered general development lakes; recreational development lakes; transition river segments</i>	<i>Natural environment lakes</i>
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

**For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.*

3. *Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.*
4. *Divide the total floor area by tier computed in Item 3. above by the average inside living area size determined in Item 1. above. This yields a base number of units and sites for each tier.*
5. *Proposed locations and numbers of dwelling units or sites for the commercial planed unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subd. 5.*

C. Density Increase Multipliers.

1. *Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 8 are met or exceeded and the design criteria in Subd. 5 are satisfied. The allowable density increases in Item 2 below shall only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback.*
2. *Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial PUDs:*

*Maximum Density Increase by Tier
(percent)*

<i>First</i>	<i>50</i>
<i>Second</i>	<i>100</i>
<i>Third</i>	<i>200</i>
<i>Fourth</i>	<i>200</i>
<i>Fifth</i>	<i>200</i>

Subd. 5. Maintenance and Design Criteria.

A. Maintenance and Administration Requirements.

- 1. Before final approval of a planned unit development, adequate provisions shall be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.*

B. Open Space Criteria. PUD'S shall contain open space meeting all of the following criteria.

- 1. at least 50 percent of the total project area shall be preserved as open space;*
- 2. dwelling units or sites, road right-of-way, or land covered by road surfaces, parking area, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;*
- 3. open space shall include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;*
- 4. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests in commercial PUDs, and by the general public;*
- 5. open space may include sewage treatment systems if the use of the space is restricted to avoid adverse impacts of the systems;*
- 6. open space may contain water-oriented accessory structures or facilities if they meet or exceed design standards of Section 8 Subd. 4 of this Article and are centralized;*
- 7. the shore impact zone, based on normal structure setbacks, shall be included as open space. For residential PUDs, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the area of new developments shall be preserved in its natural or existing state. For commercial PUDs, at least 50 percent of the shore impact zone shall be preserved in its natural state.*

- C. *Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means shall be provided to ensure long-term preservation and maintenance of open space. The instruments shall include all of the following protections:*
1. *commercial uses prohibited (for residential PUDs);*
 2. *vegetation and topographic alterations other than routine maintenance prohibited;*
 3. *construction of additional buildings or storage of vehicles and other materials prohibited; and*
 4. *uncontrolled beaching of watercraft prohibited.*
- D. *Development organization and functioning. Unless an equally effective alternative community framework is established, all residential PUDs shall use an owners association with the following features:*
1. *membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;*
 2. *each member shall pay a pro-rata share of the association's expenses, and unpaid assessments can become liens on units or sites;*
 3. *assessments shall be adjustable to accommodate changing conditions; and*
 4. *the association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.*
- E. *Erosion Control and Storm Water Management. Erosion control and storm water management plans shall be developed and the PUD must:*
1. *Be designed, and the construction managed, to minimize the likelihood of serious occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and*

2. *PUDs shall be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier shall not exceed 25 percent of the tier area, except that for commercial PUDs 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 9 of this Article.*

F. Centralization and Design of Facilities. Centralization and design of facilities and structures shall be done according to the following standards:

1. *Planned unit developments shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 8 and 14 of this Article. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient law area free of limiting factors shall be provided for a replacement soil treatment system for each sewage system;*
2. *Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification; setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with Section 16 Subd. 4 of this Article for developments with density increases.*

SECTION 17. NOTIFICATION TO THE DEPARTMENT OF NATURAL RESOURCES

- Subd. 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses resulting from controls of Articles 18, 19, 20, and 21 shall be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plans shall include copies of the subdivision/plat.*
- Subd. 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Shoreland Article shall be sent to the Commissioner or the Commissioner's designated representative and postmarked within - ten (10) days of final action.*

ARTICLE 14

FLOODPLAIN MANAGEMENT REGULATIONS

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Minnesota Statutes Section 394.25, Subdivision 7, 1968, as amended, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

The regulations contained in this article are just incorporating the regulations from the **existing** Wabasha County Floodplain Management Ordinance that was originally adopted in 1991 (amended in 2000) as mandated by the State of Minnesota.

ARTICLE 14 FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- Subd. 1. Statutory Authorization. The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Minnesota Statutes Section 394.25, Subdivision 7, 1968, as amended, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners, Wabasha County, Minnesota, does ordain as follows:*
- Subd. 2. Findings of Fact.*
- A. The flood hazard areas of Wabasha County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
 - B. Methods Used to Analyze Flood Hazards: This Article is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.*
- Subd. 3. Statement of Purpose. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 1 Subd. 2 by provisions contained herein.*

SECTION 2. GENERAL PROVISIONS

- Subd. 1. Lands to Which Article Applies. This Article shall apply to all lands within the jurisdiction of Wabasha County shown on the Official Zoning Map as being located within the boundaries of the FP, Floodplain District.*
- Subd. 2. Establishment of Official Zoning Map. The official Zoning Map, together with all materials attached thereto, is hereby adopted by reference and declared to be part of this Ordinance. The attached material shall include the Flood Insurance Study for Wabasha County, Minnesota and Incorporated Areas, prepared by the Federal Emergency Management Agency and dated June 20, 2000, all Flood Insurance Rate Map panels therein dated June 20, 2000, and the West Newton Special Use District Map and Description dated October 15, 1991, therein.*
- Subd. 3. Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus the floodplain that results from designation of a floodway.*

Subd. 4. Interpretation.

- A. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by the State Statutes.*
- B. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal to the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.*

Subd. 5 Abrogation and Greater Restrictions: It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

Subd. 6 Warning and Disclaimer of Liability: This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Wabasha County, or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICT

Subd. 1. Floodplain Districts.

- A. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.*
- B. Flood Fringe District. The Flood Fringe District shall include those areas designated as Zone AE on the Flood Insurance Rate Map adopted in Section 2 that are located outside the floodway.*
- C. General Flood Plain District. The General Flood Plain District shall include the following areas shown on the Flood Insurance Rate Map adopted in Section 2: Zone A areas and the Zone AE areas where a floodway has not been delineated.*

- D. *West Newton Special Use District. The West Newton Special Use District shall include those areas designated on the West Newton Special Use District Map and description adopted in Section 2.*

Subd. 2. *Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article and other applicable regulations that apply to uses within the jurisdiction of the Article. Within the Floodway, Flood Fringe and General Floodplain areas, all uses not listed as permitted uses or conditional uses in Sections 4, 5, and 6, that follow, respectively, shall be prohibited. In addition, a caution is provided here that:*

- A. *New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 10 of this Article.*
- B. *Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Article 19.*
- C. *As-built elevations for elevated or flood-proofed structures shall be certified by ground surveys and flood-proofing techniques shall be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 11 of this Article.*

SECTION 4. FLOODWAY AREA (FW)

Subd. 1. *Permitted Uses.*

- A. *General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.*
- B. *Industrial-commercial loading areas, parking areas, and airport landing strips.*
- C. *Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.*
- D. *Residential lawns, gardens, parking areas, and play areas.*

Subd. 2. Standards for Floodway Permitted Uses.

- A. The use shall have a low flood damage potential.*
- B. The use shall be permissible in the underlying zoning district if one exists.*
- C. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.*

Subd. 3. Conditional Uses.

- A. Structures accessory to the uses listed in Section 4, Subd. 1 above and the uses listed in B through H.*
- B. Extraction and storage of sand, gravel, and other materials.*
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.*
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.*
- E. Storage yards for equipment, machinery or materials.*
- F. Placement of fill.*
- G. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 10, Subd. 3 of this Article.*
- H. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten year frequency flood event.*

Subd. 4. Standards for Floodway Conditional Uses.

- A. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100 year or regional flood or cause an increase in flood damages in the reach or reaches affected.*
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Article 18 of this Ordinance.*

C. *The conditional use shall be permissible in the underlying zoning district if one exists.*

D. *Fill.*

1. *Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.*
2. *Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/ sedimentation prevention element to the plan.*
3. *As an alternative, and consistent with Sub-section 2 above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which could have caused an increase to the stage of the 100 year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.*

E. *Accessory Structures.*

1. *Accessory structures shall not be designed for human habitation.*
2. *Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.*
 - (a) *Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.*
 - (b) *So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.*
3. *Accessory structures shall be elevated on fill or structurally dry flood-proofed in accordance with the FP-1 or FP-2 flood-proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 flood-proofing classifications in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage shall be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures shall meet the following additional standards, as appropriate:*

- (a) *The structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.*
 - (b) *Any mechanical and utility equipment in a structure shall be elevated to or above the Regulatory Flood Protection or properly flood-proofed.*
- F. *Storage of Materials and Equipment.*
 - 1. *The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal, or plant life is prohibited.*
 - 2. *Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.*
- G. *Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.*
- H. *A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100 year or regional flood and the technical analysis shall assume equal conveyance or storage loss on both sides of a stream.*

SECTION 5. FLOOD FRINGE AREA (FF)

- Subd. 1. *Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing underlying zoning use district exists, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "permitted uses" listed in Section 5, Subd. 2 and the standards for all Flood Fringe "permitted and conditional uses" listed in Section 5, Subd. 5.*
- Subd. 2. *Standards for Flood Fringe Permitted Uses.*
 - A. *All structures, including accessory structures, shall be elevated on fill so that the lowest floor including basement floor is at or above The Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) beyond the outside limits of the structure erected thereon.*

- B. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subd. 4.A of this Section.*
- C. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 5 of this Article.*
- D. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.*
- E. The provisions of Section 5, Subd. 3 of this Article shall apply.*

Subd. 3. Conditional Uses. Any structure that is not elevated on fill or flood-proofed in accordance with Section 5, Subd. 2.A; Section 5, Subd. 2.B; or any use of land that does not comply with the standards in Section 5, Subd. 2.C and Section 5, Subd. 2.D shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Section 5, Subd. 4.A and B and Article 18 of this Ordinance.

Subd. 4. Standards for Flood Fringe Conditional Use.

- A. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above grade enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if:*
 - 1. If the enclosed area is above grade on at least one side of the structure.*
 - 2. Is designed to internally flood and is constructed with flood-resistant materials.*
 - 3. Is used solely for parking of vehicles, building access or storage.*

The above noted alternative elevation methods are subject to the following additional standards:

- (a) Design and Certification. The structure's design and as-built condition shall be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.*

- (b) Specific Standards for Above Grade, Enclosed Areas. Above grade fully enclosed areas such as crawl spaces or tuck under garages shall be designed to internally flood and the design plans shall stipulate:*
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, vales or other coverings or devices provided that they permit the automatic entry and exit of flood waters.*
 - (2) That the enclosed area shall be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.*

B. Basements, as defined by Article 2 of this Ordinance, shall be subject to the following:

- 1. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.*
- 2. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood-proofed in accordance with Section 5, Subd. 4.C of this Article.*

C. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the State Building Code and this shall require making the structure water tight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.

D. *When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/ sedimentation control plan shall be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan shall clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan shall be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.*

E. *Storage of Materials and Equipment.*

1. *The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.*
2. *Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.*

F. *The provisions of Section 5, Subd. 5 of this Article shall also apply.*

Subd. 5. *Standards for All Flood Fringe Uses.*

- A. *All new principal structures shall have vehicular access at or above the elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment shall specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.*
- B. *Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.*

- C. *Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5, Subd. 5.B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.*
- D. *Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards shall be investigated prior to the initiation of site preparation if a change of special flood hazard area designation shall be requested.*
- E. *Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified in the Official Zoning Map.*
- F. *Standards for travel trailers and travel vehicles are contained in Section 10.*
- G. *All manufactured homes shall be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.*

SECTION 6. GENERAL FLOODPLAIN AREA

Subd. 1. Permissible Uses.

- A. *The uses listed in Section 4, Subd. 1 of this Article shall be permitted uses.*
- B. *All other uses shall be subject to the floodway/ flood fringe evaluation criteria pursuant to Section 6, Subd. 2. Section 4 shall apply if the proposed use is in the Floodway area and Section 5 shall apply if the proposed use is in the Flood Fringe area.*

Subd. 2. Procedures for Floodway and Flood Fringe Determinations Within the General Floodplain Area.

- A. Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe area.*
 - 1. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.*
 - 2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations; size, location and spatial arrangements of all proposed and existing structures on the site; locations and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.*
 - 3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.*
- B. The applicant shall be responsible to submit one (1) copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe area and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective DNR area hydrologist prior to commencing the analysis. The designated engineer or expert shall:*
 - 1. Estimate the peak discharge of the regional flood.*
 - 2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.*
 - 3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.*

- C. *The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body shall formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe area boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analysis to FEMA, the DNR, or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the governing body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 4 and 5 of this Article.*

SECTION 7 WEST NEWTON SPECIAL USE DISTRICT

Subd. 1 *There shall be no additional primary or accessory structures after the date of adoption of this Ordinance [look up adoption date of original floodplain ordinance].*

Subd. 2 *Permitted Uses: The uses listed in Section 4 of this Article shall be permitted uses.*

Subd. 3 *Conditional Uses:*

- A. *An existing structure can be replaced only by elevating the whole structure on flood-proofed pilings so that the lowest floor is at or above the Regulatory Flood Protection Elevation. An existing structure can be expanded only by elevating the addition or the whole structure, as set forth in Section 11, on flood-proofed pilings so that the lowest floor is at or above the Regulatory Flood Protection Elevation.*
- B. *The flood proofed pilings and the structures design and as-built condition shall be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be at or above Regulatory Flood Protection Elevation. The pilings shall be designed to minimize obstructions to flood flows.*
- C. *No fill shall be allowed that will cause any increase in the stage of the regional or 100 year flood. Fillings shall only be allowed by conditional use and only after Section 10 has been thoroughly addressed.*
- D. *An emergency evacuation plan shall be developed which shall require evacuation of the structures during periods of threatened flooding. The evacuation plan shall be updated annually and filed with the Wabasha County Sheriff and the Emergency Management Director.*

- E. All of these requirements shall be registered on the deed of each of the properties so that future property owners shall be aware of the restrictions on development.*
- Subd. 4. Other flood-plain development or zoning matters not specifically addressed in this Special Use District shall be considered under Section 4 of this Article.*

SECTION 8. SUBDIVISIONS

- Subd. 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the Floodplain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.*
- Subd. 2. Floodway/Flood Fringe Determinations in the General Floodplain Area. In the General Floodplain area, applicants shall provide the information required in Section 6, Subd. 2 of this Article to determine the 100 year flood elevation, the Floodway and Flood Fringe area boundaries, and the Regulatory Flood Protection Elevation for the subdivision site.*
- Subd. 3. Removal of Special Flood Hazard Area Designation. FEMA has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards shall be investigated prior to the initiation of site preparation if a change of special flood hazard area designation shall be requested.*

SECTION 9. PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

- Subd. 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.*

- Subd. 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 4 and 5 of this Article. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.*
- Subd. 3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided:*
- A. On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
 - B. New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current state-wide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.*

SECTION 10. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

- Subd. 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 8 of this Article.*
- Subd. 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain areas shall be treated as a new structure and may be placed only if elevated in compliance with Section 5 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 5, Subd. 5.A, then replacement manufactured homes shall not be allowed until the property owner develops flood warning emergency plan acceptable to the governing body.*

All manufactured homes shall be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

- Subd. 3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 10, Subd. 3.A below shall be subject to the provisions of this Article and as specifically spelled out in Sections 10, Subd. 3.B and C below.*
- A. Exemption. Travel trailers and travel vehicles are exempt from the provisions of this Article if they are placed in any of the areas listed in Section 10, Subd. 3.B, 1-3 below and further they meet the following criteria:*
- 1. Have current licenses required for highway use.*
 - 2. Are highway-ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used on campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.*
 - 3. The travel trailer or travel vehicle and associated use shall be permissible in any pre-existing, underlying zoning use district.*
- B. Areas Exempted for Placement of Travel/Recreational Vehicles.*
- 1. Individual lots or parcels of record.*
 - 2. Existing commercial recreational vehicle parks or campgrounds.*
 - 3. Existing condominium type associations.*
- C. Travel trailers and travel vehicles exempted in Section 10, Subd. 3.A lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and all accessory structures shall then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Sections 4 and 5 of this Article.*
- D. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:*
- 1. Any new or replacement travel trailer or travel vehicle shall be allowed in the Floodway or Flood Fringe area provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Section 5, Subd. 5.A of this Article. No fill placed in the Floodway to meet the requirements of this Section shall increase flood stages of the 100 year flood.*

2. *All new or replacement travel trailers or travel vehicles not meeting the criteria of 1. above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of Article 18 of this Ordinance.*

The applicant shall submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles shall be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 9, Subd. 3 of this Article.

SECTION 11 ADMINISTRATION

- Subd. 1 Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood-plain.*
- Subd. 2 Application for Permit. Application for a permit shall be made in duplicate to the Zoning administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.*
- Subd. 3. State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.*
- Subd. 4 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy or permit the use of occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Article.*

- Subd.5 Construction and Use to be Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 13 of this Article.*
- Subd.6 Certification. The applicant shall be required to submit certification by a registered professional engineer, a registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Article. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.*
- Subd.7 Record of First Floor Elevation. The Zoning Administrator shall also maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood-plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.*
- Subd.8 Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Section, in accordance with Article 19 of this Ordinance, as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation that justified the granting of the variance. No Variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.*
- Subd.9 Conditional Uses: Conditional Uses permissible under this Section and applications shall be submitted to the Zoning Administrator who shall forward the applications to the Planning Commission for consideration, in accordance with Article 18 of this Ordinance.*

SECTION 12. AMENDMENTS

- Subd. 1. The flood-plain designation on the Official Zoning Map shall not be removed from flood-plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood-plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if determined that, through other measures, lands are adequately protected for the intended use.*
- Subd. 2. All Amendments to this Article, including Amendments to the Official Zoning Map, shall be submitted to and approved by the Commissioner of The Department of Natural Resources prior to adoption. Changes in the Official Zoning map shall meet the Federal Emergency management Agency's (FEMA) Technical Conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner of The Department of Natural Resources shall be given 10 days written notice of all hearings to consider an Amendment to this Article and said notice shall include a draft of the ordinance Amendment or technical study under consideration.*

ARTICLE 15 RIGHT TO FARM

SECTION 1. INTENT AND PURPOSE

Wabasha County determines that agriculture provides a substantial contribution to the economy of the County, maintains open space, enhances the quality of life, promotes environmental quality, and has a minimal demand upon services provided by local governments. It is also the declared policy of the County to enhance, encourage and preserve the agricultural lands and practices within the county.

Where non-agricultural land uses extend into agricultural areas or exist side by side, agricultural operations and residential uses that generate nuisances may be the subject of private nuisance complaints that would result in the cessation or curtailment of operations. Such actions discourage investments in farm improvements to the detriment of adjacent agricultural uses and the economic viability of the County's agricultural industry as a whole.

It is the purpose and intent of this article to reduce the loss to the County of its agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance. Agricultural production that complied with all Wabasha County Ordinances, shall not be considered by this County as constituting a nuisance.

This Article is not to be construed as in any way modifying or abridging the State law, rather, it is only to be utilized in the interpretation and enforcement of the provisions of this code and County regulations.

SECTION 2. DEFINITIONS

- Subd. 1. **AGRICULTURAL OPERATION.** A facility consisting of real or personal property used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.
- Subd. 2. **ESTABLISHED DATE OF OPERATION.** For the purposes of this article, the established date of operation shall be the date on which the agricultural operation commenced.

SECTION 3. AGRICULTURAL OPERATION NOT A NUISANCE.

An agricultural operation that continues without interruption or change shall not become a private nuisance if the operation was not a nuisance at its established date of operation. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences. Some inconveniences are, but not limited to, weed burning, equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of day and night, and on-farm processing and marketing of crops and livestock. None of these inconveniences shall be considered a nuisance as long as they occur as a part of legitimate, non-negligent and legal agricultural practice.

The provisions of this section do not apply:

- A. To a condition or injury that results from the negligent or improper operation of an agricultural operation or from operations conducted and maintained contrary to commonly accepted agricultural practices.
- B. To applicable State or local laws, ordinances, rules or permits.
- C. When an agricultural operation causes injury or direct threat or injury to the health or safety of any person.
- D. To the pollution of, or change in the condition of, waters of the State or the water flow of water on the lands of any person or the environment;

**ARTICLE 16 FUNCTIONS OF THE ZONING ADMINISTRATOR, PLANNING
COMMISSION, AND BOARD OF ADJUSTMENT**

SECTION 1. ENFORCEMENT

- Subd. 1. The provisions of this Ordinance shall be administered by the Environmental Services Department.
- Subd. 2. *When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.*
- Subd. 3. It shall be the duty of the County Attorney and the County Sheriff, when called upon by the County Board of Commissioners to perform such duties as may be necessary to enforce the provisions of this Ordinance.

SECTION 2. DUTIES AND POWERS OF THE OFFICE OF ZONING ADMINISTRATOR

- Subd. 1. *Determine if applications comply with the terms of this Ordinance.*
- Subd. 2. *Conduct inspections of structures and use of land to determine compliance with the terms of this Ordinance.*
- Subd. 3. *Maintain permanent and current records of this Ordinance, including but not limited to, maps, amendments, conditional uses, variances, appeals and applications.*
- Subd. 4. *Receive, file and forward all applications for appeals, variances, conditional uses, and amendments to the designated official bodies.*
- Subd. 5. *Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the Floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.*
- Subd. 6. *Provide and maintain a public information bureau relative to matters arising out of this Ordinance.*

SECTION 3. PERMIT REQUIRED

On and after the effective date of this Ordinance, it shall be unlawful to proceed with the erection, enlarging or structural alteration of any building to be developed under the regulations of this Ordinance without first procuring a building permit in accordance with the adopted Building Code of the County and other adopted regulations.

- Subd. 1. No permit shall be issued unless such building or land use is designed and arranged to conform to the provisions of this Ordinance.*
- Subd. 2. For permits issued within the Floodway, Flood Fringe, or Floodplain, the applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevation were accomplished in compliance with the provisions of this Ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.*
- Subd. 3. Permits shall be required for the placement of fill or excavation of materials within the Floodplain.*
- Subd. 4. Application for a permit shall be signed by the applicant or authorized agent and filed with the Zoning Administrator's office.*
- Subd. 5. The applications shall contain the following information: the location and dimensions of the lot or premises; the nature of the proposed construction alteration and repair; the present and proposed use of land or any structure on the premises. In addition to the above information, applications for permits within the Floodplain shall show elevation of the lot; existing and proposed structures, fill or storage of material; and the location of all information in relation to the stream channel.*
- Subd. 6. To each application, there shall be annexed an inked or blue print copy of the plan to be followed, accurately scaled, which plan shall also contain the lot dimensions and the location thereon of the proposed construction, alteration or repair or land use.*
- Subd. 7. Upon receipt of an application for a permit, the Administrator shall examine the same to determine whether the proposed construction, alteration, repair, enlargement, demolition or removal and proposed use shall comply with the provisions of this Ordinance, all building and health ordinances or regulations of the County, and the State law, and upon so determining affirmatively shall issue a permit to the applicant in the manner and form as approved by the County Board.*
- Subd. 8. Fees for such permits shall be pursuant to fee schedules and amendments, thereto, as established by the County Board.*
- Subd. 9. If it shall be determined that for any reason, the permit requested may not be issued, the Administrator shall provide to the applicant written notification stating the reason for refusing to issue said permit.*
- Subd. 10. A building permit is valid only to the fee owner of the property at the time of the granting of the permit. No building permit or its provisions is transferable.*

SECTION 4. PLANNING COMMISSION

- Subd. 1. The Wabasha County Board of Commissioners hereby establishes the Wabasha County Planning Commission. The Planning Commission shall consist of not less than five (5) members appointed by the Chairman of the Board of Commissioners and ratified by the Board. An additional member of the Planning Commission shall be an ex-officio position filled by a member of the Board of Commissioners.*
- Subd. 2. The term of each member shall begin as appointed by the Board of Commissioners and continue through the last year of his/her term or until a successor is appointed. Each member may be eligible at the discretion of the County Board of Commissioners for reappointment.*
- Subd. 3. No more than one (1) voting member of the Planning Commission shall serve as an officer or employee of the County.*
- Subd. 4. The Planning Commission shall call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Planning Commission and the Planning Commission shall notify the County Board, who shall then appoint a replacement for the unexpired term, as if the member has resigned.*
- Subd. 5. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the County Board by the secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this subdivision, such officer to serve the unexpired term of the office in which such vacancy shall occur.*
- Subd. 6. The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission.*
- Subd. 7. The Planning Commission shall elect a Chairman from among its members. The Planning Commission may select a secretary from its members or advisory members. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and amendments to the Comprehensive Plan. The Planning Commission shall also review and make recommendations to the Board all applications for conditional use permits and plans for the subdivision of land.*

- Subd. 8. *The Board may by ordinance assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The Planning Commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the County for that purpose by any local unit of government or any state or federal agency and shall report therein in writing to the Board.*

SECTION 5. BOARD OF ADJUSTMENT

- Subd. 1. *A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as by Minnesota Statutes 394.21 through 394.37.*
- Subd. 2. *The Board of Adjustment shall consist of not less than five (5) but no more than seven (7) regular members.*
- Subd. 3. *The term of each member shall begin as appointed by the Board of Commissioners and continue through the last year of his/her term or until a successor is appointed. Each member may be eligible at the discretion of the County Board of Commissioners for reappointment.*
- Subd. 4. *At least three members of such Board of Adjustment shall be from the unincorporated area of the County and one member shall also be a member of the County Planning Commission. No elected official of the County or employee of the Board of County Commissioners shall serve as a member of the Board of Adjustment.*
- Subd. 5. *Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board member from voting thereon shall be decided by a majority vote of all regular Board members except the member who is being challenged.*
- Subd. 6. *In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the Board of Adjustment, a new member shall be appointed as above provided, but only for the unexpired term of the predecessor.*
- Subd. 7. *The Board of Adjustment may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Board of Adjustment and the Board of Adjustment shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.*
- Subd. 8. *The Board of Adjustment shall be paid compensation and all members of the Board may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.*

- Subd. 9. *The Board of Adjustment shall elect a chairman and a vice-chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations. The Zoning Administrator or the Assistant shall act as secretary of the Board.*
- Subd. 10. *The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board in its rules of procedures may specify.*
- Subd. 11. *The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute, Sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.*
- Subd. 12. *An appeal from any order, requirement, decisions or determination of any administrative official shall be taken within thirty (30) days after receipt of notice of the decision by the Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within sixty (60) days after the date of filing the appeal. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.*

The notice of appeal shall state:

- A. The particular order, requirement, decision or determination from which the appeal is taken.*
- B. The name and address of the appellant.*
- C. The grounds for the appeal.*
- D. The relief requested by the appellant.*
- E. All necessary state and federal permits.*
- F. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance.*

ARTICLE 17 ZONING AMENDMENTS/REZONINGS

SECTION 1. ZONING AMENDMENTS

- Subd 1. The County Board may issue an amendment to the Zoning Ordinance or Zoning Map to reflect changes in conditions in the County or to correct mistakes in the ordinance or map.
- Subd 2. Amendments to Article 14 Floodplain Management Regulations must meet the requirements and procedures as stated in Article 14.

SECTION 2. APPLICATION

- Subd. 1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
- A. A petition from a resident or residents living within the jurisdiction of this Ordinance.
 - B. A recommendation of the Planning Commission.
 - C. Action by the County Board.
- Subd. 2. Said application shall be filed at least twenty-one (21) days prior to the hearing thereof.
- Subd. 3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
- Subd. 4. Required information accompanying application to change the wording of this Ordinance shall contain the following:
- A. Stated reason for change requested.
 - B. Statement on compatibility to the Wabasha County Comprehensive Land Use Plan.
 - C. Text of portion of the existing ordinance to be amended.
 - D. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
 - E. Additional information as may be requested by the Planning Commission.

- Subd. 5. Required information accompanying applications to change district boundaries shall contain the following:
- A. The names and addresses of the petitioner or petitioners and their signatures to the petition.
 - B. A specific description of the area proposed to be rezoned and the names and addresses of all owners of property lying within such area, and a description of the property owned by each.
 - C. The present district classification of the area and the proposed district classifications.
 - D. Proposed use of the land (a statement of the type, extent, area, etc.).
 - E. Map and plot plan or survey.
 - F. Compatibility with the Land Use Policies and Plans of Wabasha County (a statement of conditions warranting change in zoning).
 - G. A legal description of the property(ies) to be rezoned.
 - H. Map, plot plan, or survey plot of property to be rezoned (showing location, dimensions, zoning of the adjacent properties, existing uses and buildings of adjacent properties within one-half (1/2) mile.
 - I. Additional information as may be requested by the Planning Commission.

SECTION 3. PROCEDURE

- Subd. 1. Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held.
- Subd. 2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County, at least ten (10) days before the hearing.

- Subd. 3. For district boundary changes or zoning use changes, Subdivision 1 and 2 of this Section shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within one-half (1/2) mile, the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
- Subd. 4. The failure to give mailed notice to the individual owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.
- Subd. 5. In areas where joint planning review processes are authorized, the Planning Commission may refer the proposed amendment request for review, comments, and recommendations prior to the public hearing.

SECTION 4. ACTION AND AUTHORIZATION

- Subd. 1. Following the closing of the public hearing, the Planning Commission shall request a representative of the Zoning Office to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled Board meeting.
- Subd. 2. Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment of any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Board concur in its passage.

SECTION 5. RECORDING

Upon the adoption of any ordinance or other official control including any maps and charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

SECTION 6. EFFECTIVE DATE

The amended Ordinance shall become effective after adoption by the County Board and due publication thereof.

ARTICLE 18 CONDITIONAL USES

SECTION 1. CONDITIONAL USES

Within the unincorporated area of the County, all uses except permitted or accessory uses to the permitted uses shall be required to obtain a conditional use permit approved by the Board of County Commissioners.

SECTION 2. APPLICATION

Applications for conditional use permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

- Subd. 1. Legal description of the property.
- Subd. 2. Site plan showing parcel and building dimensions.
- Subd. 3. Location of all buildings and their square footage.
- Subd. 4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks and utilities.
- Subd. 5. Landscaping and screening plans.
- Subd. 6. Drainage plan.
- Subd. 7. Sanitary sewer and water plan with estimated use per day.
- Subd. 8. Soil type.
- Subd. 9. The applicant shall obtain all necessary township, county, state and federal permits and provide such other information as necessary and reasonable to adequately review the requests.

SECTION 3. NOTIFICATION AND PUBLIC HEARING

- Subd. 1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.

- Subd. 2. Notice of the time, place and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County at least ten (10) days before the hearing.
- Subd. 3. Written notice of the meeting will be sent to all property owners of record within one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Written notice shall also be given to the affected Board of Town Supervisors and the Council of any municipality within two miles of the affected property.

SECTION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendations to the Board of County Commissioners, the County Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall make a decision upon the application for a conditional use permit.

SECTION 5. FINDINGS

No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

- Subd. 1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the immediate vicinity.
- Subd. 2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
- Subd. 3. That adequate utilities, access roads, drainage, soil erosion control measures and other necessary facilities have been or are being provided.
- Subd. 4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

- Subd. 5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

SECTION 6. CONDITIONAL USE PERMITS WITHIN FLOODPLAINS AND SHORELAND AREAS

- Subd. 1. *A copy of an application for a conditional use permit within any designated Floodplain or Shoreland district shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator sufficiently in advance so that the Commissioner of the Department of Natural Resources will receive at least ten (10) days notice of the hearing.*
- Subd. 2. *A copy of all decisions granting any conditional use permit within any designated floodplain or shoreland district shall be forwarded to the Department of Natural Resources within ten (10) days after such decision.*
- Subd. 3. *Procedures to be followed by the Planning Commission in passing on conditional use permit applications within all Floodplain Districts:*
- A. *Require the applicant to furnish each of the following information and such additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:*
 - 1. *Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.*
 - 2. *Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.*
 - B. *Transmit one copy of the information described in Section 6 Subd. 1 to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.*
 - C. *Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.*

Subd. 4. Factors Upon Which the Decision of the Planning Commission shall be Based. In passing on conditional use permit applications for projects in a Floodplain or Shoreland district, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. The danger to life and property due to increased flood height or velocities caused by encroachments.*
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.*
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.*
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*
- E. The importance of the services provided by the proposed facility to the County.*
- F. The requirements of the facility for a waterfront location.*
- G. The availability of alternative locations not subject to flooding for the proposed use.*
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.*
- I. The relationship of the proposed use to the Comprehensive Land Use Plan and Floodplain Management Program for the area.*
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.*
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.*
- L. Such other factors which are relevant to the purposes of this Ordinance.*

Subd. 5. Procedures to be followed by the Planning Commission in passing on conditional use permit applications for the replacement of wetlands:

- A. Require the applicant to furnish the following information and additional information necessary to determine the suitability of the particular project:*

1. *Three (3) copies of the replacement plan to the Department of Environmental Services. The replacement plan shall contain all plan sheets, drawn to scale; wetland designation; wetland acreage; acreage to be destroyed or diminished; activity description; location of replacement wetland; the acreage of replaced wetland; and a time schedule for completion.*
2. *Specifications for construction of the wetland replacement project.*
3. *Items required in Subdivision 3, Item A.*

Subd. 6. In passing on a conditional use permit application for the replacement of a wetland, the Planning Commission shall consider all relevant factors specified in this and other sections of this Ordinance and:

- A. *The ratio of replaced wetland acreage to wetland acreage destroyed or diminished.*
- B. *The location of the destroyed or diminished wetland and the replaced wetland.*
- C. *The value and type of the destroyed or diminished wetland and the replaced wetland.*
- D. *The replacement schedule for the constructed wetland.*
- E. *The availability of alternatives that would avoid or minimize the impact on the wetland to be replaced.*
- F. *The replacement plan is consistent with the Wabasha County Comprehensive Local Water Plan.*
- G. *The replacement plan follows the principles listed below in order of priority:*
 - 1) *Avoid direct or indirect impacts that may destroy or diminish the wetland.*
 - 2) *Limit the degree or magnitude of the wetland activity and its implementation.*
 - 3) *Rectify impacts by replacement.*
 - 4) *Reduce or eliminate long-term impact.*
- H. *The replacement activities will be conducted consistent with the ecology of the affected landscaped area.*
- I. *An inspection schedule exists to monitor the success of the replacement plan and correct any inadequacies.*

- Subd. 7. The Planning Commission shall act on an application in the manner described above within sixty (60) days from receiving the application, except that where additional information is required pursuant to Subd. 4 of this Article. The Planning Commission shall render a written decision within sixty (60) days from the receipt of such additional information.*
- Subd. 8. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning Commission shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:*
- A. Modification of waste treatment and water supply facilities.*
 - B. Limitations on period of use, occupancy, and operation.*
 - C. Imposition of operations controls, sureties, and deed restrictions.*
 - D. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.*
 - E. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.*

SECTION 7. COMPLIANCE

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit.

SECTION 8. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

SECTION 9. REVOCATION

A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and automatically terminate the permit.

SECTION 10. DISCONTINUANCE

A conditional use permit shall become void if not used within one year after being granted by the Board unless used or if discontinued for a period of ninety (90) days.

SECTION 11. RECORDING

- Subd. 1. A certified copy of any conditional use permit shall be filed with the County Recorder for record. The conditional use permit shall include the legal description of the property involved.*
- Subd. 2. The Zoning Administrator shall be responsible for recording with the County Recorder any conditional use permit issued by the Board.*
- Subd. 3. The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Commissioners stating that it has been filed with the County Recorder's Office.*

ARTICLE 19 VARIANCES

SECTION 1. VARIANCES

The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the Comprehensive Plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute hardship if a reasonable use for the property exists under the terms of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

SECTION 2. PROCEDURE

- Subd. 1. An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may reasonably require for purpose of this Ordinance. The plans need not meet engineering or construction details so long as they contain sufficient information for the Board of Adjustment to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases, the application shall include:*
- A. Name and address of the applicant.*
 - B. The legal description of the property involved in the request for the variance.*
 - C. The names and addresses of owners of the property or any persons having a legal interest therein.*
 - D. A site plan showing all pertinent dimensions, buildings and significant natural features having an influence on the variance.*
 - E. All necessary township, county, state and federal permits.*
 - F. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance.*

- Subd. 2. The Board of Adjustment shall hold at least one public hearing on any application for a variance or appeal. Notice of the purpose, time and place of such public hearing shall be published in a newspaper of general circulation in the town, municipality or other areas concerned and in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet of the affected property, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two (2) miles of the affected property.*
- Subd. 3. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.*
- Subd. 4. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the ground of new evidence or proof of change on conditions found to be valid.*
- Subd. 5. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.*

SECTION 3. FINDINGS

- Subd. 1. In exercising its authority to review any order, requirements, decision or determination made by any administrative official, the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:*
- A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.*
 - B. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality.*
- Subd. 2. In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.*

SECTION 4. VARIANCES WITHIN SHORELAND AND FLOODPLAIN DISTRICTS

- Subd. 1. *Upon receipt of an application for a variance from the Floodplain or Shoreland Regulations, the Zoning Administrator shall forward a copy of such application to the Commissioner of the Department of Natural Resources sufficiently in advance so that the Commissioner of the Department of Natural Resources will receive at least ten (10) days notice of any hearing to consider such application. A copy of all decisions granting a variance to the provisions of the Floodplain or Shoreland Regulations shall be forwarded to Commissioner of the Department of Natural Resources within ten (10) days of such action.*
- Subd. 2. *The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by state law.*
- Subd. 3. *The Zoning Administrator shall notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and 2) such construction below the 100 year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The County shall maintain a record of all variance actions including justification for their issuance, and report such variances issued in its annual or biannual report submitted to the Administrator of the National Flood Insurance Program.*

SECTION 5. RECORDING

- Subd. 1. *A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirements, decision or determination by an administrative official, or a request for a variance shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be required to meet the requirements of this Subdivision.*
- Subd. 2. *The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Adjustment stating that it has been filed with the County Recorder's Office.*

ARTICLE 20 NON-CONFORMING USES

SECTION 1. NON-CONFORMING BUILDINGS AND USES

- Subd. 1. A non-conforming lot of record may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements for such wells and septic systems.
- Subd. 2. No building which has been damaged by fire, explosion, flood, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- Subd. 3. Alterations shall not be made to any non-conforming building or structure when a permit would otherwise be required as per Article 14, Section 3 of this Ordinance.
- Subd. 4. In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- Subd. 5. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- Subd. 6. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building, or increase the non-conformity.
- Subd. 7. Maintenance of a building or other structure containing or used by a non-conforming use shall be permitted when it includes necessary, non-structural repairs and incidental alterations that do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the County Zoning Administrator.
- Subd. 8. If in the event of a change of zoning district classification, any use is rendered non-conforming as a result of such change, Section 1 through 3 inclusive of this Article shall apply.

SECTION 2. FLOODPLAIN STRUCTURAL ALTERATIONS

- Subd. 1. *Any alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected by the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood-proofing techniques (i.e., FP-1 through FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 2.*
- Subd. 2. *The cost of any structural alterations or additions to any non-conforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls shall be calculated into today's current cost which shall include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure shall meet the standards of Section 4 or 5 of Article 14 for new structures depending on whether the structure is in the Floodway or Flood Fringe, respectively.*
- Subd. 3. *If any non-conforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Ordinance. The applicable provisions for establishing new uses or new structures in Article 14 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain District, respectively.*

SECTION 3. NONCONFORMING SEWAGE TREATMENT SYSTEMS

- Subd. 1. *Wabasha County shall implement a notification or education program that is oriented toward convincing substantial numbers of property owners in shoreland areas to evaluate their sewage systems and voluntarily upgrade the sewage treatment system if non-conforming.*

ARTICLE 21 VIOLATIONS AND PENALTIES

SECTION 1. CRIMINAL VIOLATIONS AND PENALTIES

- Subd. 1. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, punished by a fine not to exceed one thousand (1,000) dollars or by imprisonment in the County jail for a period not to exceed ninety (90) days or both.
- Subd. 2. It shall be deemed the Property Owner's responsibility to obtain all applicable permits and have them readily available for inspection prior to the commencement of construction any construction activity.
- Subd. 3. Any building or structure, including manufactured homes, erected or being erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building or structure, including manufactured homes, or land used in violation of this Ordinance or other regulations made under the authority of Wabasha County is hereby declared to be a nuisance per se and the County of Wabasha through its qualified officers as provided by statute for maintaining suits, may institute proceedings in the court for the purposes of restraining any violation of any of the provisions of this Ordinance.
- Subd. 4. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 2. RELIEF FROM PERSONAL RESPONSIBILITY

The Zoning Administrator shall not be personally liable while acting for the County and is hereby relieved from all personal liability from any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties.

SECTION 3. VIOLATIONS IN A FLOODPLAIN DISTRICT

- Subd. 1. *In responding to a suspected Floodplain area violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County shall act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.*

- Subd. 2. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information shall be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.*
- Subd. 3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective action that shall be made within a specified time period to bring the use or structure into compliance with the official controls, or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.*
- Subd. 4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also notify the landowner to restore the land to the condition that existed prior to the violation of this Ordinance.*

ARTICLE 22 FEES

SECTION 1. REQUIRED FEES

The fees for a land use permit, rezoning, variance, amendment or conditional use permit shall be established by the County Board of Commissioners. The Board may review and revise the fee schedule periodically. *The Zoning Administrator shall issue the building permit only after the fee has been paid and a determination has been made that the building plans, together with the application, comply with the terms of this Ordinance.* Any person filing a petition for an amendment to this Ordinance requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.

SECTION 2. EXEMPTIONS

Municipal corporation and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

ARTICLE 23 VALIDITY

SECTION 1. VALIDITY

This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

SECTION 2. ADOPTION

The Wabasha County Board of Commissioners, held a public hearing on the adoption of this Ordinance on April 16, 2001, and with due deliberation, the Wabasha County Board of Commissioners voted 3 Ayes to 2 Nays to adopt this Ordinance.

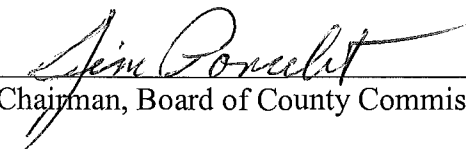
SECTION 3. REPEAL OF PREVIOUS ORDINANCE

This Ordinance adopted July 17, 2001, hereby repeals and replaces in entirety the Wabasha County Shoreland Management Ordinance and the Wabasha County Floodplain Management Ordinance.

SECTION 4. DATE OF EFFECT

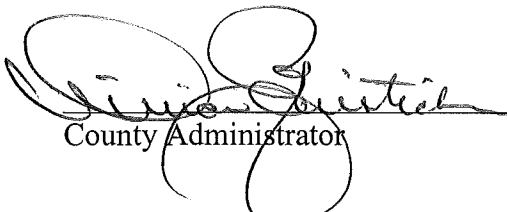
This Ordinance shall be in full force and effect from and after September 1, 2001.

Adopted: July 17, 2001



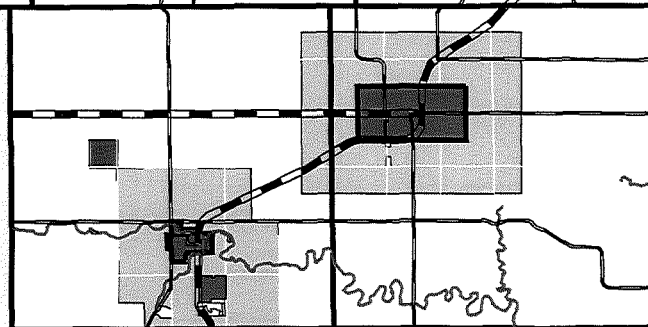
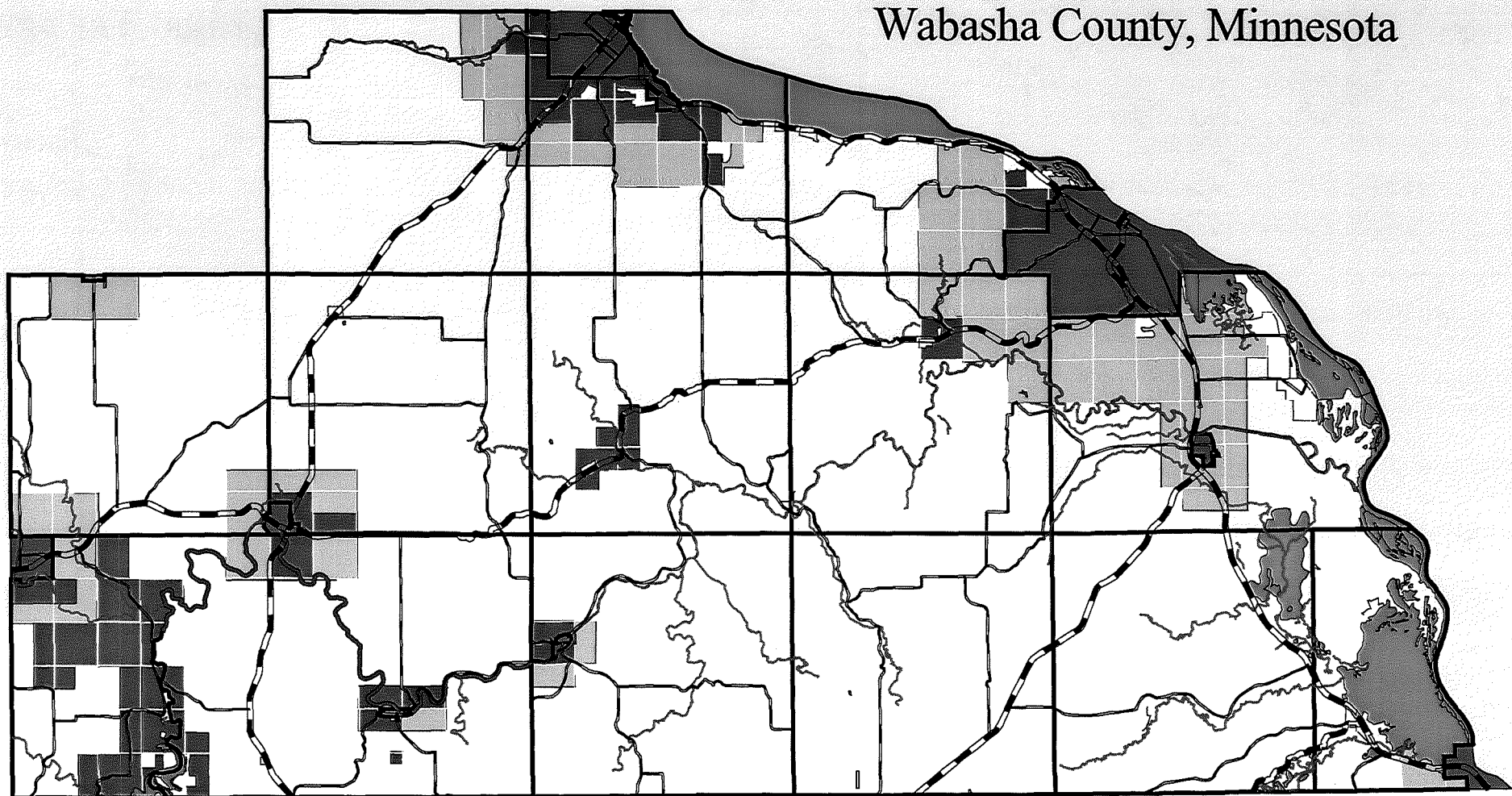
Chairman, Board of County Commissioners

ATTEST:



County Administrator

Zoning Map Wabasha County, Minnesota



- Highways
- County Highways
- Streams
- Township
- Cities
- Lakes / Rivers
- Sections
- R-1
- A-3
- A-2
- A-1



1 0 1 2 Miles

AFFIDAVIT OF PUBLICATION
PLAINVIEW NEWS

State of Minnesota }
County of Wabasha } ss

Daniel J. Stumpf, Gary D. Stumpf, and Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as PLAINVIEW NEWS, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B) The printed

Wabasha County Dept. of
Environmental Services

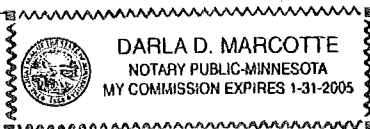
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks, it was first published on Thursday, the 5th day of April, 2001 and was thereafter printed and published on every Thursday to and including Thursday, the 12th day of April, 2001 and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]

Subscribed and sworn to before
me on this 12th day of
April, 2001

[Signature]
Notary Public



RATE INFORMATION

- | | |
|---|-----------------|
| 1) Lowest classified rate paid by commercial users for comparable space | \$11 per inch |
| 2) Maximum rate allowed by law for the above matter | \$9 per inch |
| 3) Rate actually charged for the above matter | \$8.40 per inch |

**Wabasha County
Environmental Service
Department**

Notice is hereby given that on Monday, April 16, 2001, at the hour of 1:00 p.m. at the Plainview American Legion Club, 215 3rd St. SW, Plainview, MN and again at 8:00 p.m. at the Wabasha-Kellogg High School Auditorium, 2113 East Hiawatha Drive, Wabasha, MN, the Wabasha County Board of Commissioners will hold a Public Meeting on the adoption of the Wabasha County Zoning Ordinance.

The purpose of this Ordinance is to promote, preserve and protect the public health, safety and general welfare of the citizens of Wabasha County, along with the integrity of the land and water resources of the County, by adopting policies:

1. To Promote and Protect the Health Safety and General Welfare
2. To Preserve Agricultural Land
3. To Provide for the Orderly Development of the County
4. To Limit Incompatible Land Uses
5. To Assure Adequate Public Facilities, Utilities and Transportation
6. To Protect and Conserve the Natural Resources of the County
7. To Conserve the Scenic Beauty of the County
8. To Prevent Pollution

To look at the full text of this ordinance, please stop in to either the Wabasha County Auditor's Office or the Wabasha County Environmental Services Department, 625 Jefferson Avenue, Wabasha, Minnesota.

James Poncelet, Chairman
Julie Runkel, Environmental
Services Director

4-5,12-01P

AFFIDAVIT OF PUBLICATION
PLAINVIEW NEWS

State of Minnesota }
County of Wabasha } ss

Daniel J. Stumpf, Gary D. Stumpf, and Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as PLAINVIEW NEWS, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B) The printed

Wabasha County Board of
Commissioners

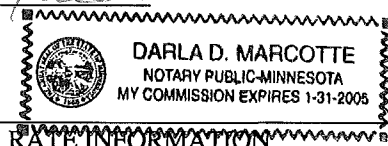
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks, it was first published on Thursday, the 12th day of July, 2001 and was thereafter printed and published on every Thursday to and including Thursday, the _____ day of _____, 20____ and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]

Subscribed and sworn to before
me on this 12th day of
July, 2001

[Signature]
Notary Public



RATE INFORMATION

- | | |
|---|-----------------|
| 1) Lowest classified rate paid by commercial users for comparable space | \$11 per inch |
| 2) Maximum rate allowed by law for the above matter | \$9 per inch |
| 3) Rate actually charged for the above matter | \$8.40 per inch |

Notice is hereby given that on July 17, 2001, at the hour of 9:30 a.m., the Wabasha County Board of Commissioners will have the second reading and final vote on the adoption of the Wabasha County Zoning Ordinance at 625 Jefferson Ave. Wabasha, MN 55981

The purpose of this Ordinance is to promote, preserve and protect the public health safety and general welfare of the citizens of Wabasha County, along with the integrity of the land and water resources of the County by adopting policies:

1. To Promote and Protect the Health, Safety and General Welfare
2. To Preserve Agricultural Land
3. To Provide for the Orderly Development of the County
4. To Limit Incompatible Land Uses
5. To Assure Adequate Public Facilities, Utilities and Transportation
6. To Protect and Conserve the Natural Resources of the County
7. To Conserve the Scenic Beauty of the County
8. To Prevent Pollution

To look at the full text of this ordinance please stop in to either the Wabasha County Auditor's Office or the Wabasha County Environmental Services Department, 625 Jefferson Avenue, Wabasha, Minnesota.

James Poncelet, Chairman
Julie Runkel, Environmental
Services Director

7-12-01P

RECEIVED

JUL 17 2001

WABASHA COUNTY
ENVIRONMENTAL SERVICES

Wabasha County
Environmental Services
Department

AFFIDAVIT OF PUBLICATION
PLAINVIEW NEWS

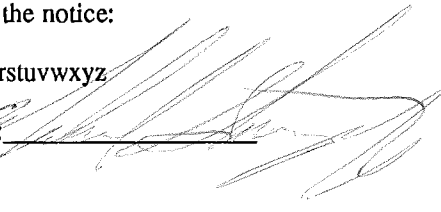
State of Minnesota }
County of Wabasha } ss

Daniel J. Stumpf, Gary D. Stumpf, and Michael T. Stumpf being duly sworn, on oath say that they are the publishers of the newspaper known as PLAINVIEW NEWS, and have full knowledge of the facts which are stated below: (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended. (B) The printed

Wabasha County Env.
Services Dept. July 17, 2001

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks, it was first published on Thursday, the 26th day of July, 2001 and was thereafter printed and published on every Thursday to and including Thursday, the _____ day of _____, 20____ and printed below is a copy of the lower case alphabet from A to Z which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: 

Subscribed and sworn to before
me on this 26th day of July, 2001

Notary Public



DARLA D. MARCOTTE
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31-2005

■ RATE INFORMATION ■

- | | |
|---|-----------------|
| 1) Lowest classified rate paid by commercial users for comparable space | \$11 per inch |
| 2) Maximum rate allowed by law for the above matter | \$9 per inch |
| 3) Rate actually charged for the above matter | \$8.40 per inch |

Notice is hereby given that on July 17, 2001, at the hour of 9:30 a.m., the Wabasha County Board of Commissioners adopted the Wabasha County Zoning Ordinance with an effective date of September 1, 2001. The ordinance applies to all areas of Wabasha County lying outside the limits of incorporated municipalities or outside those areas that fall under a municipality's extraterritorial zoning jurisdiction.

The Wabasha County Zoning Ordinance establishes four primary zoning districts as follows: the Agricultural Protection District, the Agricultural/Urban Fringe District, the Agriculture/Low Density Residential District and the Rural Residential District. The ordinance contains the definitions and regulations of these districts along with regulations pertaining to right to farm, performance standards, bluffland area protection, and excavation of mineral materials.

Also incorporated into the zoning ordinance are existing regulations pertaining to shoreland, floodplain, essential services, and feedlot. In addition, the ordinance outlines administrative procedures for the functions of the zoning administrator, planning commission, board of adjustment, zoning amendments/rezonings, conditional uses, variances non-conforming uses, violations and penalties, fees and validity.

The full text of this ordinance is available at either the Wabasha County Auditor's Office or the Wabasha County Environmental Services Department, 625 Jefferson Avenue, Wabasha, Minnesota. Copies are also available at the Lake City Public Library, Plainview Public Library, Wabasha Public Library and Zumbro Falls Post Office. You will also find a copy of the adopted Ordinance on the Wabasha County Website at: www.co.wabasha.mn.us under the Environmental Service Department.

James Poncelet, Chairman
Julie Runkel, Environmental
Services Director
7-26-01P