

Chapter 9

General Performance Standards

- 9.01 Purpose.** The performance standards established in this Chapter 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.

- 9.02 Nuisance Standards.** The following standards shall apply in all districts except where noted.

- (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.
- (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.
- (3) Glare. Any lighting used for exterior illumination shall be arranged as to deflect light away from any adjoining property or from public roads.
- (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.
- (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.
- (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.

- (7) Exterior Storage. In all Zoning Districts except for the A-1 District, all lots shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of household solid waste; the removal of dead trees and brush; the removal of inoperable machines, appliances, fixtures, and equipment so damaged, deteriorated or obsolete as to have no substantial value and which constitute junk; the removal of lumber piles and building materials not being used in actual construction on the premises.
- (8) Automobiles. Except for legally permitted salvage operations, no person shall place, park, permit to remain, store or leave upon any premises three (3) or more motor vehicles which do not have affixed to it a valid current motor vehicle license or any motor vehicle that is in a rusted, wrecked, partially dismantled or in a junked condition such that it cannot be driven on a public roadway unless it is stored in a completely enclosed building. Parts and pieces for unlicensed or inoperative motor vehicles shall be also kept in a completely enclosed building. The landowner and occupant of premises upon which an unlicensed or inoperative vehicle is located shall be obligated to remove them to a licensed junk yard or place in a completely enclosed building. The term “motor vehicle” as used in this section does not apply to farm equipment.

9.03 Nuisance Abatement. An abatement order may be issued by the Zoning Administrator when the Zoning Administrator refuses to issue a permit or when the County Board refuses to issue a conditional use permit or when the Board of Adjustment refuses to grant a variance for a project that was started or completed prior to consideration of the application. An abatement order may also be issued by the Zoning Administrator to correct or abate any violation of the provisions of this Ordinance. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- (1) A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Zoning Department.
- (2) The action on part of the property owner required to eliminate or resolve the violation.
- (3) Advise the landowner that the failure to comply with the abatement order is a violation of this Ordinance.
- (4) Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

9.04 Building Regulations. The following provisions shall apply to the construction of all structures in Wabasha County.

- (1) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered without complying with the provisions of this Ordinance.
- (2) In compliance with the Minnesota State Building Code and this Ordinance, all structures, decks, additions, remodels, etc. shall require the issuance of a building permit except for those items exempt as per the MN state building code.
- (3) A land use permit issued by Wabasha County shall be required for the construction of any structure as defined in this ordinance. A land use permit issued by Wabasha County shall be required for any land altering activity as determined by this ordinance. A land use permit shall expire 24 months from date of issuance if no construction activity has commenced within such time.
- (4) Failure to obtain proper permits may result in the issuance of citations by the Zoning Administrator or may result in legal action pursued through the court system.

9.05 Lot Area and Width Requirements. No lot area shall be so reduced or diminished that the required yard or structure setbacks shall be smaller than prescribed by this Ordinance. Also, no existing lot shall be reduced or diminished so that the area or width will be below the minimum requirements for a new lot of the respective district as established by this Ordinance.

9.06 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 permitted in this Ordinance; provided, however, that an accessory structure or a manufactured home may be occupied as a temporary dwelling for a period of not more than eighteen (18) continuous 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 accessory structure or manufactured home for a period exceeding eighteen (18) continuous months, the County may proceed to have such extended use abated as a nuisance.

9.07 Driveway Access. Any newly permitted dwelling greater than 700 square feet in size shall have access to a public road that adheres to the following provisions.

- (1) Access drives onto County roads shall require a permit from the Wabasha County Engineer. 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.

- (2) Access drives shall be constructed to have a driving surface at least twelve (12) feet in width with a sufficient base material and allow for all season access for all emergency vehicles including fire, law enforcement, and ambulance.
- (3) Access drives through a bluff impact zone shall require the issuance of a Conditional Use Permit from Wabasha County prior to the start of construction.
- (4) Access drives located in a floodplain shall adhere to all floodplain requirements of this Ordinance and shall provide vehicular access at or above the elevation not more than two feet below the Regulatory Flood Protection Elevation.

9.08 Essential Services. Essential service facilities in all zoning districts shall be regulated according to the procedure described in this section.

- (1) No permit shall be required for any installation that is at or below grade elevation, nor for electrical distribution poles, towers, and wires.

9.09 Sewage Treatment Provisions. All sewage treatment systems shall conform to the Wabasha County Individual Sewage Treatment Ordinance. No permits or variances shall be granted unless the sewage system is conforming to the County's requirements.

9.10 Accessory Structures. The use of accessory structures for sleeping quarters is prohibited except for when permitted under section 9.06 of this Ordinance.

9.11 Dumping and Disposal of Rubbish.

- (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.
- (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.
- (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.

- (4) The County may utilize the procedures established in this Ordinance concerning nuisance abatement in order to effect the removal of the materials described in section 9.02.