

Proposed 2018 Wabasha County Ordinance Revisions.

- 2.02 (56) Dwelling.** A structure or any portion of a structure that is arranged, designed, or used as living or sleeping quarters. Homes, Cabins, tiny homes, and manufactured homes shall be considered a dwelling. ~~A licensed camper trailer, licensed camper bus, or tent shall not be considered a dwelling.~~
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4.04 Dwelling Density. Dwelling density for the A-1 district shall adhere to the following provisions.

- (1) For any dwelling, there shall be a minimum of eighty (80) acres for each dwelling unit or cabin.
 - (2) Parcels with less than eighty (80) acres in size may have a dwelling density of one (1) dwelling unit or one (1) cabin if the parcel existed on ~~February 1, 1998~~ July 26, 2001 with its own parcel number and description.
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5.04 Dwelling Density. Dwelling density for the A-2 district shall adhere to the following provisions.

- (1) For any dwelling, there shall be a minimum of forty (40) acres for each dwelling unit or cabin.
 - (2) Parcels with less than forty (40) acres in size may have a dwelling density of one (1) dwelling unit or one (1) cabin if the parcel existed on ~~February 1, 1998~~ July 26, 2001 with its own parcel number and description.
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6.04 Dwelling Density. Dwelling density for the A-3 district shall adhere to the following provisions.

- (1) For any dwelling, there shall be a minimum of ten (10) acres for each dwelling unit or cabin.
 - (2) Parcels with less than ten (10) acres in size may have a dwelling density of one (1) dwelling unit or one (1) cabin if the parcel existed on ~~February 1, 1998~~ July 26, 2001 with its own parcel number and description.
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7.04 Dwelling Density. Dwelling density for the R-1 district shall adhere to the following provisions.

- (1) Unless otherwise noted, one (1) dwelling unit or cabin for each newly created parcel that conforms to the requirements of this ordinance or any substandard lot of record that existed on ~~February 1, 1998~~ July 26, 2001 with its own parcel number and description. Dwelling density for nonconforming lots in shoreland areas shall be subject to the provisions of Chapter 394.36 Minnesota Stats. ~~where the lot has been in separate ownership from abutting lands at all time since it became substandard.~~
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7.05 Lot size and land divisions. All land divisions shall adhere to the following requirements.

- (1) Any newly created parcel or residual parcel that would allow for the construction of a dwelling shall have a minimum width of ~~100~~ 200 feet; contain a minimum of two (2) dry, buildable acres unless located entirely in a shoreland area which the shoreland standards shall prevail; and also allow for an onsite septic disposal system as per Minnesota Rules 7080.

7.06 Setbacks. All structures in the R-1 district shall adhere to the following provisions.

- (1) Setbacks from public roads shall adhere to the provisions established in the ORDINANCE REGULATING THE SETBACK DISTANCE TO STRUCTURES FROM THE RIGHT-OF-WAY OF HIGHWAYS.
- (2) Dwellings shall be located at least 15 feet from a property line. Accessory structures shall be located at least ten (10) feet from a property line. Setback to a property line of a contiguously owned parcel will be required if the parcels can legally be sold separate.
- (3) Any structure where there is an accumulation of manure that is the result of raising livestock, the result of raising fur bearing animals, or the result of any kennel shall be located at least two hundred (200) feet to any dwelling located on adjacent property.
- (4) A new dwelling shall be located at least 1,000 feet from the farmyard of a feedlot that is currently registered as per the Minn. 7020 Rules unless the dwelling will be owned by an individual that is sole or part owner of the respective feedlot. If a feedlot is not currently registered then the setback shall not apply.

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: ~~When a nuisance exists under the standards defined in this Ordinance, the following provisions shall apply.~~

- (1) A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Zoning Department. ~~Notice of Violation. Whenever a nuisance exists defined in this Ordinance, Wabasha County will serve notice of the nuisance upon the owner or occupant of the Property. The notice shall be sent by to the landowner and shall identify the nuisance and order it to be terminated.~~

- (2) The action on part of the property owner required to eliminate or resolve the violation. ~~Penalties for Non-Abatement; Procedure.~~ If a nuisance is not abated within the time specified, a citation may be issued to the landowner for the nuisance or the matter may be presented to the County Board wherein the Board can authorize the County Attorney to remedy the matter.
- (3) Advise the landowner that the failure to comply with the abatement order is a violation of this Ordinance. ~~Immediate Threats to Public Health or Safety.~~ If the nuisance poses an immediate threat to the health or safety of the public, the County may abate the nuisance and the charges shall be assessed to the Property.
- (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/~~land use 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. ~~A land use permit may still be required by Wabasha County for certain structures that do not require a building permit.~~
- (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 ~~nor shall the area or width will of any lot be reduced~~ below the minimum requirements for a new lot of the respective district as established by this Ordinance.

10.09 Recreational Camping Vehicles.

- (1) Recreational Camping Vehicles located outside of a licensed campground and used as a temporary dwelling shall meet all setback requirements of this ordinance for an accessory structure.
 - (2) The number of Recreational Camping Vehicles that are not road ready (on blocks and/or has skirting around the base) shall be subject to the following density standards for each tax parcel.
 - (a) Parcels with at least one dwelling or that are deed restricted to prohibit the construction of a dwelling shall not be allowed any Recreational Camping Vehicles to be used as a temporary dwelling unless they are licensed and road ready.
 - (b) Parcels that do not have a dwelling shall be allowed one Recreational Camping Vehicle that is licensed and not road ready.
 - (c) Parcels with a valid Conditional Use Permit for a recreational resort/campground shall be allowed the number of Recreational Camping Vehicles that is specified on the CUP regardless if they are road ready.
 - (3) A Recreational Camping Vehicles used as a permanent dwelling shall be subject to dwelling density requirements and shall require the issuance of a land use/building permit before it can be used as a permanent dwelling. A Recreational Camping Vehicle must adhere to the requirements of the Minnesota State Building Code to be used as a permanent dwelling.
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13.09 Design Criteria for Structures.

- (1) 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:
 - (a) 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;
 - (b) 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

- (c) 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 regulatory flood protection elevation and, if long duration flooding is anticipated the structure is built to withstand ice action and wind-driven waves and debris. Any water-oriented accessory structure placed in a mapped floodplain must comply with the floodplain provisions of this ordinance.

(2) **Water-oriented Accessory Structures.** The following standards shall apply to all water-oriented accessory structures.

- (a) Each lot may have one water-oriented accessory structure not meeting the normal structure setback from the Ordinary Highwater Level if the principle dwelling on the property meets the required setback to the public waterway.
- (b) A land use permit from Wabasha County shall be issued prior to the construction of any water-oriented accessory structure.
- (c) Water-oriented Accessory Structures shall include but not be limited to the following structures: gazebos, screen houses, fish houses, pump houses, saunas, patios (whether elevated or flush with the ground), walkways, and detached decks.
- (d) The structure or facility shall not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than ~~250~~ 150 square feet. Detached decks shall not exceed 8 feet above grade at any point;
- (e) The setback of the structure or facility from the ordinary high water level shall be at least ~~10~~ 25 feet;
- (f) 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);
- ~~(g) The roof may be used as a deck with safety rails, but shall not be enclosed or used as storage area;~~
- (h) The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities; and
- (i) The structure or facility shall comply with all additional provisions of this ordinance which include, but are not limited to the following: property line setbacks, floodplain regulations, bluffland setbacks.
- ~~(j) 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.~~

13.10 **SHORELAND ALTERATIONS**

(1) Vegetative buffer zone. The purpose of these vegetation buffer standards is to reduce erosion and sedimentation to surface waters, filter stormwater runoff, protect water quality by controlling nutrient movement, protect riparian habitats, protect stream banks, maintain stability of bluffs and steep slopes, and provide natural screening of shoreland development to protect natural resources. Except for uses and structures permitted by this Ordinance, the shoreland impact zone (as defined in Chapter 6120.2500, Subp. 14c Minn. Rules) may not be put to any use or include any structure that would remove or prevent the permanent growth of perennial vegetation.

(a) The shore impact zone for parcels with permitted agricultural land uses shall be an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary highwater level if identified, or the top or crown of bank or normal water level as provided in Chapter 103F.48, Subd. 3(c) Minn. Stats., whichever is applicable.

~~(b) Vegetation alteration necessary for the construction of legally permitted structures and sewage treatment systems and the construction of legally permitted roads and parking areas regulated by this Ordinance are exempt for the vegetation alteration standards that follow.~~

13.11(2) Agricultural Use Standards.

(a) General cultivation farming, grazing, nurseries, horticulture, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service office technical guide (FOTG), practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by the local soil and water conservation district that are consistent with the FOTG. accordance with Chapter 103F.48, Subd. 3, Minnesota Statutes.

16.01 Enforcement.

- (1) The provisions of this Ordinance shall be administered by the Planning and Zoning Department.
- (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.

- (3) The Zoning Administrator may issue citations and/or call upon the County Attorney to perform such duties as necessary to enforce the provisions of this Ordinance.
- (4) No land use permit application, conditional use permit application, or variance application shall be considered if a violation of this Ordinance exists on the respective parcel identified on the application form.

16.03 Permit Required. It shall be unlawful to proceed with the erection, enlargement, or structural alteration of any building ~~to be developed under the regulations of this Ordinance~~ without first procuring a building/land use permit in accordance with the adopted Building Code of the County and in accordance with this Ordinance ~~other adopted regulations.~~