



CITY HALL

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

October 7, 2015

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, October 12, 2015, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – September 28, 2015
3. Public Hearing – Rezoning Request R-3 to B-2
4. Initiate Zoning of Annexed Properties
5. Other Business
6. Future Action Items
7. Adjournment

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Espinosa".

Carlos Espinosa
City Planner

PLANNING COMMISSION MINUTES

DATE: September 28, 2015

TIME: 4:30 p.m.

PRESENT: Commissioners Boettcher, Hahn, Buelow, Ballard, Porter, Davis, and M. Olson

ABSENT: Commissioner L. Olson

STAFF PRESENT: City Planners Carlos Espinosa & Mark Moeller

The meeting was called to order at 4:30 p.m. by Commission Chair Davis.

Approval of Minutes – September 14, 2015

Minutes from the Commission's meeting of September 14, 2015 were reviewed and were unanimously approved as submitted.

Street Naming Request – Miller Scrap

Chairperson Davis called on Carlos Espinosa, City Planner, to provide an overview of this item.

Mr. Espinosa stated that the City had received a request from Miller Scrap to change the name of the public street that flows from Bruski Drive to the westerly line of the Miller Scrap property. The name of the current street is Trempealeau Drive while the company is requesting that the name be changed to Recycling Lane. Mr. Espinosa stated that the role of the Planning Commission in such request it generally to determine that a new or proposed name does not duplicate others in Winona.

Given this requirement, staff has performed a search of street names within the City as well as the County and has found no other streets named Recycling Lane. Staff had also consulted with the City Engineering Department and Fire Department, neither of which had concerns with the proposed change.

Given the previous, approval of the request was being recommended by staff. Following brief discussion, the consensus of the Commission was that the request was appropriate and appeared to be in conformance with City Code. As such, Commissioner Hahn moved to approve the request. Following a second by Commissioner Porter, the vote of the Commission was unanimous to approve the request, and forward it to Council for final action.

Approval of 2016 – 2020 Capital Improvement Program

Chairperson Davis called on Mr. Espinosa to provide an overview of this agenda item.

Mr. Espinosa explained that the purpose of this item was to both consider and provide recommendations to Council of the City's proposed 2016 – 2020 Capital Improvement Program. Again, this document will ultimately become part of Council's 2016 budget.

PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 28, 2015
PAGE 2

He noted that the attached document generally provides an overview of projected project expenditures over a 5 year period. Although the Commission is encouraged to consider all projects during these periods, its primary focus should be directed to those for the coming year.

Mr. Espinosa concluded by noting that Commission review of the document is driven by Minnesota Statutes 462.356 (Subdivision 2) requiring that once the City adopts a Comprehensive Plan, no capital improvement may be authorized until it has been approved by the Planning agency. In meeting this mandate, although the Commission could be requested to approve various CIP Projects individually throughout the year, it is more prudent/efficient to approve the plan as a whole. In part this is why the request resurfaces prior to Council budget approvals each year.

Given the previous introduction Mr. Espinosa provided an overview of major anticipated projects for 2016. In part, these included:

- Levee Park Improvements
- The City's share of bridge cost commitments
- Proposed Highway 61 Improvements
- Improvements to the Masonic Temple
- Various Port Improvements
- The construction of a rain garden at the Johnson Street Parking Lot

Upon discussion, and in response to a question from Chairperson Davis, Mr. Espinosa noted that proposed Levee Park Improvements for the coming year with focus on the west side Levee Park patio area and Main Street.

Chairperson Davis suggested that the City create more formal bike paths in the City by possibly prohibiting parking on one side of streets. From her travel observations, these types of concepts seem to work well in Canada and Europe. She further requested that the City look at establishing some sort of a pilot project to accomplish this.

Commissioner Buelow stated that, as a frequent biker, he generally has no problem in getting around the City except when attempting to cross Highway 61.

Given general discussion, Commission Porter noted that although he would be supportive of establishing more formalized paths throughout the City, enforcement was currently a problem.

Commissioner Porter stated that although he had no problem with the proposed CIP package, he does have concern of the "process" that is currently used in considering/adopting it. As currently proposed, the document includes development by staff, followed by a 45-minute pre-Council presentation to both the Commission and Council. This is then followed by a subsequent request for the Commission to consider/recommend approval to Council.

Given that Commission review of the CIP is mandated by State law, he felt that it would be more prudent for all concerned to be able to more fully discuss/review the document during a reasonable time period that allows for that. In his opinion, the current joint Council/Commission review process does not allow for a full understanding of proposed projects. He noted that although the document is generally driven by staff input, it is conceivable that a more thoughtful Council/Commission review of the document might provide other reasonable alternatives to projects proposed.

In addressing his concern, Mr. Porter further suggested that the joint meeting occur outside of a pre Council meeting and that an adequate time period be established for it to provide for greater level of discussion.

It was then moved by Commissioner Buelow and seconded by Commissioner Boettcher to recommend approval of the 2016 – 2020 Capital Improvements to Council. When the question was called, all but Commissioner Porter supported the motion. In adopting this motion, the consensus of the Commission was to request that City administration consider development of a CIP review process that encourages a greater level of discussion between staff, Commission, and Council, then currently exists.

Other Business

Chairperson Davis noted that she continues to have concerns of the present relationship between the Planning Commission and Board of Adjustment. In part, those concerns pertain to recent Variance and Conditional Use approvals pertaining to the first floor residential use of building in the Downtown Area.

In response to comments by Commissioner Boettcher, Mark Moeller, City Planner, stated that new flood maps for the City of Winona had not yet been released. As it now stands, the City is undergoing additional study of its permanent dike system which does need to be completed before final maps can be prepared by FEMA/others. He concluded by stressing that staff will keep the Commission advised of this issue as progress is made.

Future Action Items

Mr. Espinosa reminded the Commission that the Hoisington Kogler firm will be in town on October 5th and 6th to conduct meetings with community stakeholder groups and to conduct a tour with staff of major issues associated with current zoning and other core provisions. He noted that the consultant's intent during that period will be to listen to what community leaders have to say about City development codes along with concerns they may have.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

PLANNING COMMISSION

AGENDA ITEM: 3. Public Hearing – Rezone Request R-3 to B-2

PREPARED BY: Carlos Espinosa

DATE: October 12, 2015

BASE DATA

Petitioner: Pelzer Properties LLC

Property Owner: Pelzer Properties LLC

Location: 1845 West 5th Street

Area: Approximately 6.12 acres

Existing Zoning: Split Zoned:

- 4.98 acres R-3 (Multiple-Family Residential District) which allows apartments, clinics, and bed and breakfasts in addition to uses permitted in the R-2 zoning district.
- 1.14 acres B-2 (Central Business District), which allows for retail and commercial uses in addition to uses permitted in the B-1 zoning district.

Requested Zoning: B-2 (Central Business District), which allows for retail and commercial uses in addition to uses permitted in the B-1 zoning district.

Existing Uses: Recently closed (June 2015) Red Top Mobile Home Park.

Surrounding Land Use/Zoning:

North:	Single Family Residential - R-1 Zoning
South:	JC Penney and Fastenal Company Store - B-2 Zoning
East:	Multi-family Residential - R-3 Zoning
West:	Residential Properties (Apartments and a duplex rental property) - R-3 Zoning

Zoning History: The R-3 portion of the property has had the same zoning since 1959/1960. The existing B-2 portion of the property was rezoned from R-3 to B-2 in 1983 to facilitate the construction of mini-storage garages for the tenants of the mobile home park.

Environmental Concerns: None

TRANSPORTATION

Streets/Classifications: Pelzer Street – Minor Arterial
West Fifth Street – Minor Arterial

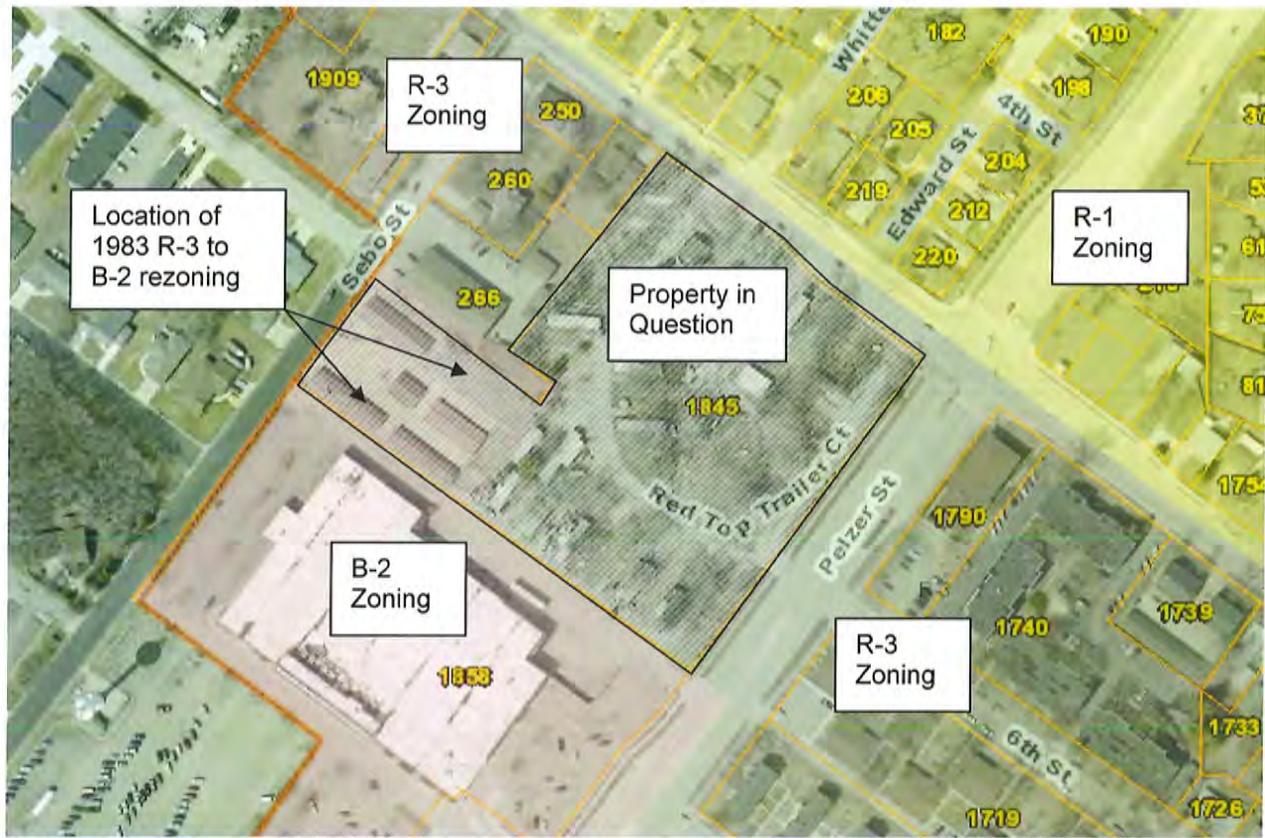
Site Access: Pelzer Street, West Fifth Street

Sidewalks: Pelzer Street, West Fifth Street

USE HISTORY

A residential “trailer camp” was established at the property in question between 1940 and 1960. From that time until June of this year, the property was used as a mobile home park. Between 2005 and 2007, the easternmost “row” of mobile homes in the park was removed due to street widening related to the Pelzer Street overpass project. In 2012, the current owner of the park purchased the property. A letter of intent to close the park was submitted to the City of Winona in September of 2014. The City of Winona processed the closure in early 2015 according to state statute. Since June of this year, the park has officially been closed. Currently, there are no residents remaining in the park.

As mentioned previously, a 1.14 acre portion of the site was rezoned from R-3 to B-2 in 1983 to facilitate the construction of mini-storage garages for the tenants of the mobile home park.



2. Have there been changes in area development patterns, since 1959/1960 zoning, to warrant rezoning?

Yes, the Red Top mobile home park was closed in June of 2015. The adjacent area to the south was rezoned to B-2 in 1967 to facilitate development of a JC Penney department store. In addition, the Pelzer Street overpass project completed in 2007 widened Pelzer Street to four lanes. Average Daily Traffic (ADT) on the street increased from 8,300 in 2003 to 10,000 in 2011. The most recent ADT for Pelzer Street (2013) was also 10,000.

3. Would potential uses of requested B-2 zoning impose “undue hardship” (relating to noise, odors, etc.) on neighboring properties?

No, the site is buffered on the north by West 5th Street and on the east by Pelzer Street. The commercial property to the south has its back to the area in question. Required setbacks and buffering from the residential properties to the west will be applied in the site planning process related to any development of the property in question.

4. Would the public interest be better served if rezoning was considered within another area?

No, business zoning is appropriate for corner lots on minor arterial streets with high traffic counts. In addition, the requested B-2 zoning matches existing zoning on the same property and the adjacent B-2 zoning to the south.

5. Could the rezoning be construed as being spot zoning?

Spot zoning occurs if one of the following tests is met:

A. The rezoning action results in benefits which are only enjoyed by the petitioner.

The rezoning does not solely benefit the petitioner. This is because rezoning of the area in question facilitates future development that would benefit the nearby area and the city in-line with the Comprehensive Plan.

B. The rezoning is considered to be arbitrary, capricious, or unreasonable.

The proposed B-2 zoning aligns with the Comprehensive Plan. Thus, the rezoning is not arbitrary, capricious, or unreasonable.

C. Rezoning is not consistent with goals and objectives of the Comprehensive Plan.

The property in question is designated General Commercial by the future land use plan. General Commercial is defined as follows:

Future Land Use Categories / Descriptions	Density / Intensity / Design
<p>GC - General Commercial</p> <p>Auto-oriented commercial and office uses focused primarily on needs and convenience of the motorist, without losing pedestrian access and connection. Situated along arterial roads, typically with parking in front of building. No residential uses, but these may be in close proximity.</p>	<ul style="list-style-type: none"> • Allow for transition to mixed use where appropriate • Improve pedestrian connections from adjacent neighborhoods • Enhance appearance of Highway 61 corridor with landscaping, materials and signage standards • Recognize Highway 61 access improvements

Rezoning the property in question to B-2 facilitates future uses that are in-line with this designation.

Accordingly, rezoning the property in question to B-2 is consistent with the goals and objectives of the Comprehensive Plan.

GENERAL PUBLIC CORRESPONDANCE

Staff was contacted by one neighboring property owner with questions about development of the property in question. Staff explained that no development plans had been submitted, but the rezoning would generally support commercial redevelopment.

RECOMMENDATION

In summary, the analysis has concluded that:

1. There was no error or oversight in R-3 zoning of the property in question.
2. The use of the property has changed and Pelzer Street has been widened since the application of R-3 zoning in 1959/1960 to warrant rezoning of the property in question.
3. Potential uses of the B-2 zoning would not impose “undue hardship” on surrounding properties.

4. In addition to the petitioner, the proposed rezoning benefits the city because it facilitates redevelopment in an appropriate area as designated by the Comprehensive Plan.
5. Because the proposed rezoning is in-line with the Comprehensive Plan's designation of the area as General Commercial, the proposed rezoning should not be misconstrued as spot zoning.

Given the above staff conclusions, approval of this request is recommended.

In consideration of this matter, the following alternatives are available to the Commission:

1. Recommend approval of the request, adopting the analysis above as the findings of the Planning Commission.
2. Recommend denial of the request. If denial is recommended, specific reasons should be given. These reasons should pertain to the potential uses of the proposed zone.
3. Recommend modification of the request. Under this option, the Commission may recommend rezoning a stricter zoning classification (e.g. B-1).
4. Table the item to allow staff additional time to answer questions.

ATTACHMENTS

1. Comprehensive Plan Map of Property in Question.
2. B-2 Zoning

2007 Comprehensive Plan Map for 1845 West Fifth Street



Land Uses

 Downtown Mixed Use	 Industrial Riverfront
 Downtown Fringe	 General Mixed Use
 Neighborhood Commercial	 Transportation and Utilities
 General Commercial	 Limited Residential
 Limited Industrial	 Low Density Residential
 General Industrial	 Traditional Neighborhood

43.60 CENTRAL BUSINESS DISTRICT.

(a) Permitted Uses. Any use permitted and as regulated in the B-1 district shall be permitted in the B-2 district, except as hereinafter modified, and the following:

- (1) Retail and services. Art and antique shops, artists' supplies stores, interior decorating shops, furniture and appliance stores, self-service laundries, dry cleaning shops, department stores, variety and dime stores, dry goods and apparel stores, mail-order houses and the like.
- (2) Banks. Including drive-in banks, savings and loan associations.
- (3) Eating and drinking places. Bars, restaurants and cocktail lounges.
- (4) Entertainment. Night clubs, theatres, billiard parlors, pool halls, bowling alleys and similar enterprises, but not within 100 feet of any R district, subject to all applicable regulations and such permits as may be required by law.
- (5) Trade or business schools. Provided machinery which is used for instruction purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- (6) Commercial art studios. Including photographic studios, dancing studios, radio and telecasting studios and the like.
- (7) Hotels. Including motels and motor hotels, subject to the provisions of Section 43.40.
- (8) Newspapers. Printing and publishing.
- (9) Additional Uses. Any other retail business or service establishment or use, which is determined by the commission to be of the same general character as the above permitted uses, but not including any use which is first permitted or which is not permitted in the B-3 district. (08-17-59)
- (10) Commercial recreation. Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities; provided, that such establishments shall be distant at least 200 feet from any R district except city parks.
- (11) Residential uses. Residential uses pursuant to Section 43.59(a)(6) provided that all first story residential uses located within the central business district core shall meet the requirements of Sections 43.60(b)(2) and 43.60(f)(2).

(b) Conditional Uses. The following uses shall be permitted only if specifically authorized by the commission in accordance with the provisions of this chapter and Section 41.01 of this Code:

- (1) Commercial greenhouses. Commercial greenhouses with retail sales outlets, provided that no wholesaler or bulk storage warehouse is associated with the greenhouse on the zoning lot. The use shall meet the following conditions:
 - a. The sum total of the ground area covered by all structures on the lot on which the structure(s) are located shall not exceed 60 percent.
 - b. Off-street parking spaces shall be developed in accordance with section 43.37. The ratio of parking shall be one space for each 750 square feet of gross floor area and must be sufficient to meet the parking needs

generated by the occupancy and use of such building.

- c. The following minimum bulk requirements shall be observed, except as provided in Section 43.53(f) and (g): Lot areas and frontage, no requirements; front yard depth, 25 feet; side yard width, none, except when the side yard is adjoining a residential district, then not less than a distance equal to the total height of the structure; rear yard, 10 feet, except when the rear yard is adjoining residential district, then not less than required in the adjoining residential district; sign provisions, as required in Section 43.43.

The following special conditions shall apply:

1. All processing or services shall be conducted primarily within a completely enclosed building.
 2. The storage of materials essential for the day to day operation of the use shall be permitted, but shall be enclosed or screened in such a way as not be objectionable to any adjacent property.
 3. The use shall not be objectionable as outlined in Section 43.59(c)(3).
- (2) Residential. First story residential use within the central business district core; provided that the use meets the following conditions:
- a. Exclusive of required entrances, the residential use may occupy no portion of the front one-half of first story floor area. If any part of a rear building line is located within 100 feet of a public parking lot, no residential use may occupy the rear one-half of first story floor area. In the case of a corner lot having two building frontages, no rear first story residential use shall be permitted which has, other than required entrances, openings which are visible from a public street.
 - b. The Commission may apply additional requirements of the applicant which it feels are necessary to protect future residents from the day to day activity of adjacent non-residential use.
- (c) Accessory Uses. Accessory uses and structures as permitted and regulated in the B-1 district and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses shall be permitted in the B-2 district.
- (d) Required Conditions. The required conditions for the B-2 district shall be the same as those specified for the B-1 district in Section 43.59(c), except paragraph (4), and except those activities permitted under paragraph (11) in Section 43.60(a).
- (e) Height Restrictions. No principal structure shall exceed 6 stories or 75 feet in height except when any lot line coincides with a residential district line, then not more than 4 stories or 45 feet in height. The foregoing shall not apply if Section 43.21 applies.
- (f) Lot Area, Frontage and Yard Requirements.
- (1) Commercial uses.
Lot area - none.

Frontage - none.

Front yard depth - none, except when either side lot line coincides with a residential district line, then not less than 25 feet.

Side yard width - same as B-1.

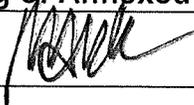
Rear yard depth - none, except when the rear lot line coincides with a residential district line, then not less than required for one family dwellings in the adjoining residential district.

- (2) Residential uses. Same as in the R-3 district unless located within the central business district core, then none.

Ord. No. 2474 12/18/78
Ord. No. 2434 01/16/78
Ord. No. 2474 12/18/78
Ord. No. 2522 01/07/80
Ord. No. 3014 04/16/90
Ord. No. 3014 04/16/90
Ord. No. 3115 01/21/92
Ord. No. 3115 01/21/92
Ord. No. 3981 11/17/14

PLANNING COMMISSION

AGENDA ITEM: 4. Initiate Zoning of Annexed Properties (Attachment)

PREPARED BY: Mark Moeller 

DATE: October 12, 2015

Pursuant to City Code Section 43.07 (e), when property is annexed into the City, it remains unzoned until such time that zoning is established under provisions of Code Section 43.31, which further defines the standard process for zoning and rezoning.

Within the last year, two additional residential properties have been annexed under terms of the (now former) City of Winona/Wilson Township Annexation Agreement. Although these properties have not yet been zoned, staff is requesting that, given enabling powers listed under Code Section 43.31 (b), the Commission adopt a motion initiating the zoning process of 22743 County Road 17 (proposed Residential Suburban – R-S) and 1720 Valley View Drive (proposed One Family Residence – R-1).

Once initiated, staff will establish formal hearing notices and scheduled hearings before the Planning Commission.



CITY HALL

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

September 30, 2015

Randy R Paffrath
22743 County Road 17
Winona, MN 55987

Dear Mr. Paffrath:

In July of last year, a petition to annex your property was granted by the City. Per City Code, newly annexed lands come into the City in an unzoned status, and remain so until given a classification in accordance with procedures including public hearings/approvals by both the Planning Commission and City Council.

Given the previous, the purpose of this communication is to inform you that the City Planning Commission will be requested to "initiate" the zoning process of your property during its meeting of October 12th. At this time, staff is proposing the Residential Suburban (R-S) classification for your property. This designation would be consistent with City Comprehensive Plan recommendations as well as approvals granted to other annexed lots located along County Road 17. For your information, a copy of use provisions relating to this zoning class is enclosed. Once the zoning process is initiated, a formal hearing will be scheduled before the Planning Commission. You will be provided with notice of this, and the subsequent Council hearing.

Should you wish to attend the Commission's October 12th meeting, it will be held at 4:30 pm in the Wenonah Room of City Hall. Additionally, should you have questions of this letter, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Moeller".

Mark Moeller
City Planner

43.55 RESIDENTIAL SUBURBAN (R-S) DISTRICT.

- A. Permitted Uses. The following uses shall be permitted in the R-S District:
1. Generally, all principal uses permitted and as regulated in the R-R District except as herein after specified and provided further that agricultural uses, commercial nurseries and greenhouses shall not be permitted.
- B. Conditional Uses. The following uses shall be permitted in the R-S District only if specifically authorized by the Planning Commission in accordance with the provisions of this chapter and Section 41.01 of this code:
1. Land alterations when not incidental to construction of a permitted use and subject to the requirements of Chapter 63;
 2. Regional pipelines, power transmission lines over 35 KV relay, commercial radio, television and transmission towers subject to the requirements of Section 43.21.
 3. Residential Retreat Centers provided that all such uses shall be subject to Section 43.54.5 of this chapter.
 4. Bed and Breakfast and Tourist Homes offering not more than two guest rooms; provided, that the number of guest rooms may be increased to three if all are located within existing habitable floor space of the principal structure. All such facilities shall conform with the provisions of Section 43.54.1.
- C. Accessory Uses. Accessory uses or structures permitted and as regulated in the R-R District and any accessory use or structure customarily incidental or accessory to a principal or conditional permitted use in the R-S District, shall be permitted in the R-S District; except that the raising or keeping of fowl or farm animals shall not be permitted.
- This prohibition shall not apply to the raising or keeping of not more than twelve (12) chicken hens on any land parcel provided that the following standards are met:
- (1) Chickens shall be fully contained on the property at all times.
 - (2) Food materials shall be stored in metal containers with tight fitting lids.
 - (3) All housing, pens, and containment areas shall be maintained in a clean, sanitary and odor free environment and shall be free from the presence of rodents and vermin at all times.
 - (4) Chickens may be housed within accessory structures meeting requirements of underlying zoning. No chickens shall be housed within any part of a residential dwelling.
 - (5) Neither the keeping of roosters, nor the slaughtering of chickens shall be permitted, unless otherwise permitted within underlying zoning.
- D. Height Requirements. Height requirements for principal and accessory structures in the R-S District shall be the same as in R-R Districts.
- E. Lot Area, Frontage and Yard Requirements.

SINGLE FAMILY DWELLINGS					
	Minimum Area (Sq. Ft.)	Lot Frontage (Feet)	Front Yard (Feet)	Side Yard (Feet)	Rear Yard (Feet)
w/public sewer and water	12,000	90	35	10	50
wo/public sewer and/or water	20,000	100	35	12	50
OTHER PERMITTED USES					
with or without public sewer, and/or water	40,000	150	35	15	75

Ord. No. 3674 12/05/05
 Ord. No. 3771 07/21/08
 Ord. No. 3786 03/02/09
 Ord. No. 3981 11/17/14



CITY HALL

207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

September 30, 2015

Waleed M Al-Balawi
Amy Torbenson
1720 Valley View Drive
Winona, MN 55987

Dear Waleed & Amy:

In October of last year, a petition to annex your property was granted by the City. Per City Code, newly annexed lands come into the City in an unzoned status, and remain so until given a classification in accordance with procedures including public hearings/approvals by both the Planning Commission and City Council.

Given the previous, the purpose of this communication is to inform you that the City Planning Commission will be requested to "initiate" the zoning process of your property during its meeting of October 12th. At this time, staff is proposing the One Family Residence (R-1) classification for your property. This designation would be consistent with City Comprehensive Plan recommendations as well as approvals granted to other annexed lots located within the Pleasant Valley Terrace neighborhood. For your information, a copy of use provisions relating to this zoning class is enclosed. Once the zoning process is initiated, a formal hearing will be scheduled before the Planning Commission. You will be provided with notice of this, and the subsequent Council hearing.

Should you wish to attend the Commission's October 12th meeting, it will be held at 4:30 pm in the Wenonah Room of City Hall. Additionally, should you have questions of this letter, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Moeller".

Mark Moeller
City Planner

43.56 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Permitted Uses. The following uses shall be permitted in the R-1 district:

- (1) Generally. All principal uses permitted and as regulated in the R-S district, except as hereinafter specified.
- (2) Residential. One-family dwellings.
- (3) Institutional and cultural. Municipal, county, state and federal administrative buildings, but not including warehouses, storage yards and similar facilities. (08-17-59)

(b) Conditional Uses. The following uses shall be permitted in the R-1 district only if specifically authorized by the commission in accordance with the provisions of this chapter and Section 41.01 of this code.

- (1) General. Any conditional permitted use as regulated in the R-S district, except as hereinafter specified.
- (2) Residential. Two-family dwellings located on a lot adjoining or within 100 feet of a less restricted district or on a lot abutting and with access to a primary or secondary thoroughfare, as defined in this chapter.
- (3) Hospitals. Hospitals for human care, sanitariums, religious and charitable institutions, but not including those for the care of epileptics, drug addicts, the feebleminded, insane or for contagious diseases; provided, that any lot or tract of land in such use shall be not less than 40,000 square feet in area and that any buildings in which patients are housed shall be at least 50 feet distant from any lot line. (08-17-59)
- (4) Bed and Breakfast and Tourist Homes. Bed and Breakfast and Tourist Homes offering no more than three guest rooms; provided, that the facility conforms with the provisions of Section 43.54.1.

(c) Accessory Uses. Accessory uses or structures permitted and as regulated in the R-S district and any accessory use or structure customarily incident or accessory to a principal or conditional permitted use in the R-1 district, shall be permitted in the R-1 district.

(d) Height Regulations. Height of buildings and structures in the R-1 district shall be the same as in R-S district. (08-17-59)

(e) Lot Area, Frontage and Yard Requirement.

	Lot Area sq. ft.	Lot Front- age	Front Yard	Least Width	Side Yard	
					Sum Least Widths	Rear Yard
One-Family Dwellings:						
1-1/2 stories	8,000	65 ft	25 ft	8 ft	20 ft	40 ft
2 & 2-1/2 stories	8,000	65 ft	25 ft	10 ft	25 ft	40 ft
Two Family Dwellings:						
1-1/2 stories	9,000	70 ft	25 ft	8 ft	20 ft	40 ft

2 &-2-1/2 stories	9,000	70 ft	25 ft	12 ft	28 ft	40 ft
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Other Permitted Uses:

1-1/2 stories	16,000	100 ft	25 ft	12 ft	24 ft	45 ft
2 & 2-1/2 stories	16,000	100 ft	25 ft	14 ft	30 ft	45 ft

Except: No building, structure or improvement shall be permitted which would intersect a plan extended upward at a 3-1 slope from the point where the horizontal plane of 1180 feet above mean sea level becomes the ridge line of the conservancy district. (08-17-59)

Ord. No. 2374 12/06/76
Ord. No. 2333 04/19/76
Ord. No. 2436 02/21/78
Ord. No. 3307 10/21/96
Ord. No. 3771 07/21/08
Ord. No. 3929 03/01/13
Ord. No. 3981 11/17/14