



**CITY HALL**

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March 23, 2016

Planning Commissioners  
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, March 28, 2016, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Minutes – February 8, 2016
3. Discussion – Development Code Diagnosis Report and Draft Unified Development Code Annotated Outline – Representatives of Hoisington Koeqler Group to facilitate meeting (Reference Attachment)
4. Other Business
5. Future Action Items
6. Adjournment

Sincerely,

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

Carlos Espinosa  
City Planner

## **PLANNING COMMISSION MINUTES**

**DATE:** February 8, 2016

**TIME:** 4:30 p.m.

**PRESENT:** Chairperson Davis, Commissioners Shortridge, M. Olson, Boettcher, L. Olson, Buelow and Ballard

**ABSENT:** Commissioners Porter and Hahn

**STAFF PRESENT:** City Planner Mark Moeller; City Planner Carlos Espinosa

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

### **Approval of Minutes – December 14, 2015**

The minutes from the Commission's meeting of December 14, 2015 were reviewed and upon motion by Commissioner Boettcher, and second by Commissioner M. Olson were unanimously approved as submitted.

Commissioner Shortridge, in referencing the Joint Planning Commission/City Council meeting of January 26<sup>th</sup>, asked what next steps are involved in the zoning update process. Mr. Espinosa replied that the schedule calls for the preparation of an annotated outline for the unified development code followed by various updates to the code submitted in a module format. Mr. Espinosa further noted that since the Commission does serve as the steering Committee to the project, it will have first access to all of this information once it is released from the Consultant.

### **Public Hearing – Verizon Wireless CUP Review**

Mr. Espinosa noted that Verizon Wireless has submitted an application for a conditional use permit to construct a 100 foot tall telecommunication tower at 1058 East Mark Street. The site is generally located at the southwest intersection of the rail line and Louisa Street, and will be of a monopole design. A conditional use permit for the structure is required pursuant to City Code Section 43.65.1 (c) (1).

At this point, Chairperson Davis called on the applicant to provide comments related to this project. Curt Walter, representing Verizon Wireless, stated that the tower was needed to provide coverage throughout the eastern part of the City. At present, the issue with existing coverage is that it lacks capacity needed to handle a large volume of customers that Verizon has in the City. The proposed tower would serve to alleviate those problems. He noted that he had been working closely with staff in developing a site plan for the project and strongly encouraged the Commission to approve the application.

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Mr. Espinosa stated that in consideration of the design of the tower, the City Zoning Ordinance would require that it be located a minimum of 50 feet from all property lines. As proposed, the tower would meet these requirements. He further explained that the location of the site is within an existing manufacturing area with the closest residential zoning district being 550 feet from the site.

Following his review and summary of general CUP requirements, Mr. Espinosa noted that findings favored a recommendation to approve the tower with the condition that the pole be constructed in accordance with industry standards for monopole design.

At this point, Chairperson Davis opened the public hearing by calling on any person who wished to speak to present first their name and address.

Curt Walter, representing Verizon Wireless, again encouraged Commission support of the application. There being no one else present to speak for or against the proposal, the public hearing was closed.

Upon discussion, Commissioner Buelow noted that a single problem that he has with the project is its relationship to a potential Louisa Street Overpass. Should Louisa Street be selected for the overpass project, it may necessitate relocating the tower translating to greater project costs. As an alternative, he suggested co-locating the tower on the current Winona Radio Tower located behind the Companion Animal Clinic to the East.

In addressing Mr. Buelow's concerns, Mr. Walter responded that Verizon had considered the Winona Radio Tower but had found that that structure would not work for their facility. Additionally, given that he was unaware of the project scope for the Louisa Street Overpass Project, he was unclear if the project site would be included or not.

Commissioner Shortridge asked if the new tower would be available for co-location purposes and if Verizon would be willing to lease space for these purposes. Mr. Walter responded that the tower would be available for co-location of other users. He emphasized that although the 100 foot tower will meet Verizon's needs, another user may require additional height. If proposed, the new user would need to return to the City with request to modify the height.

Given his understanding that towers of this nature will be addressed in the zoning code update, Commissioner Shortridge further suggested that the Commission delay approval until the process is complete.

In response to a question from Commissioner M. Olson, Mr. Walter replied that the maximum monopole height is approximately 150 feet. Beyond that, poles need to be standard guyed. Additionally, the tower would be located on a lease site that is 34 X 62

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feet in size. The site, including both the tower and utility building will be surrounded by a chain link fence topped by rows of barbed wire.

Commissioner M. Olson also noted her concern of the site's potential conflict with a future street overpass.

In addressing the projects timeframe, Mr. Walter indicated that the plan is to construct the tower over the summer months.

Mr. Espinosa noted, given current zoning provisions, monopoles of this type can be located within most areas of the City. Although present standards do address immediate concerns of this particular (industrial) area, if the tower was located within a residential area, the Commission may want to look at it further.

Commissioner Shortridge stated that, as noted by others, he too was concerned of the site's location in relation to the scope of a potential overpass project. He further asked if the site would be lit.

Mr. Walter responded that although security lighting would be located at the base of the tower, the tower itself would not require beacons. Additionally, the pole will be of a galvanized steel material.

Following further discussion, Commissioner M. Olson presented a motion to approve the application subject to the staff condition. This motion was seconded by Commissioner Boettcher. And when the question was called, the vote of the Commission was unanimous to approve the motion.

**Public Hearing – Rezone Request from M-2 to B-3**

Chairperson Davis introduced this item and called upon the petitioner to provide additional comment.

Paul Van Eijl, representing VEH Properties, noted that his company has secured purchase agreements to acquire 925 and 951 Shives Road for future redevelopment purposes. At present 925 Shives Road includes a residence while 951 Shives Road is a vacant parcel. Together, the parcels total 1.39 acres and are zoned M-2 (Manufacturing). His company is requesting that this classification be modified to B-3 (Commercial). Ultimately, these parcels will be combined with another 2 acre parcel that his company is acquiring at 919 Shives Road. At present, the plan for this parcel is to redevelop it for commercial purposes. Once additional parcels are rezoned and acquired, the master plan for redevelopment includes a potential motel to be located along the north side of the site. In part, it is the motel use that is driving the rezoning request in that hotels and motels are currently not permitted in M-2 Zoning Districts. At present, the easterly acquired property would, in part, facilitate a restaurant pad.

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At this point, Mr. Espinosa was asked to summarize the staff report. Mr. Espinosa noted that the purpose and intent of the request had been summarized by Mr. Van Eijl. In summarizing the staff analysis, it had been found that:

1. No error, or oversight, was made in the "original" (1960) M-2 zoning of the site.
2. Since 1960, the immediate neighborhood has transitioned toward commercial through zone change requests.
3. Potential uses of the requested B-3 classification would not impose "undue" hardship on neighboring properties.
4. Approval of the request fits the transition of the surroundings to commercial and aligns with the Comprehensive Plan's future land use designation for the area.
5. Spot zoning is not evident.

Given the previous, Mr. Espinosa noted that staff was recommending approval of the request.

In consideration of the petition, the following alternative actions were 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.
4. Table the item to allow staff additional time to answer questions.

At this point, Chairperson Davis opened the public hearing and called for anyone who wished to speak to present first their name and address.

Chester Pozanc, 157 Mankato Avenue, stated that he owns the landscaping supply business located easterly of the proposed rezoning site. In responding to the proposed rezoning request, he noted that his business does, at times, generate noise and dust. Given this, he has, on occasion, received complaints from apartment dwellers located northerly of his use. With this, he does not support any requests that would facilitate some form of residential use on the site.

Mr. Van Eijl noted that proposed redevelopment of the site would not include formalized residential use. Again, the intent is to facilitate a future motel on it.

In response to a question, Mr. Espinosa stated that should the motel use be constructed it would be conceivable for the building to transition to some form of residential in the future. He did explain that the current site at 919 Shives Road was rezoned from M-2 to

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B-3 a number of years ago to (at that time) provide for what is now the Sugar Loaf Living Facility.

Mr. Van Eijl questioned whether a motel facility would ever be used for residential purposes here based upon commercial land values.

There being no further comments, the public hearing was closed.

In response to a question from Commission Boettcher, Mr. Van Eijl noted that the construction of a strip mall is proposed on the property labeled as 919 Shives Road beginning in March or April. Plans for the remainder of this site are not yet cast in stone.

In response to a question from Commissioner M. Olson, Mr. Espinosa stated that any redevelopment of this site will be preceded by the submittal of a site plan. Again, given current policy, the Commission would be advised of such submittals.

Following further discussion, it was moved by Commissioner Boettcher and seconded by Commissioner Ballard to recommend approval of the rezoning request as submitted by VEH Properties to City Council.

Upon discussion, Commissioner M. Olson stated although she was alright with the proposed rezoning request, she was somewhat concerned of proposed use of the site.

Commissioner Shortridge agreed and added that the proposed rezoning parcel does seem to provide a buffer between the primary redevelopment site (919 Shives Road) and Pozanc property to the East.

Commissioner Boettcher noted that all, including Mr. Pozanc, will have access to a proposed site redevelopment plan for the property prior to the issuance of building permits. At that point, the Commission could be requested to review the plan and remaining concerns can be addressed.

Commissioner L. Olson reminded all that new users of the redevelopment site need to understand that property to the east may generate dust and noise during certain times of a day a week. Given this, it needs to be remembered that the Pozanc use was there first.

In response to a question, Mr. Van Eijl noted that all three parcels have Shives Road addresses, the total site will be accessed from Frontenac Drive. If required by the Fire Department, there may be an outlet to Shives Road for emergency service vehicles.

When the question was called the vote of the Commission was unanimous to approve the motion.

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### **Public Hearing – Zoning of Annexed Property – 1720 Valley View Drive**

Chairperson Davis called on Mr. Moeller to provide a summary of this requested action.

Mr. Moeller noted that the purpose of this hearing was to consider a staff recommendation applying R-1 (One-Family Residence) Zoning to 1720 Valley View Drive. The parcel was annexed pursuant to terms of the previous City/Wilson Township Orderly Annexation Agreement. Again, annexed properties come into the City in an unzoned status. As such, the assignment of a proper classification requires hearings by both the Planning Commission and City Council.

Mr. Moeller explained that legal notification requirements for this hearing had been met. He further noted that the staff recommendation to consider R-1 zoning of the site was based upon the following:

- The City's 2007 Comprehensive Plan, which has labeled all of the Pleasant Valley Orderly Annexation area for Low Density (single family) residential use.
- The Low Density Residential classification, recommended in the 2007 Plan, could be achieved by one of three City zoning districts including (from most to least restrictive) Rural Residential (R-R), Residential-Suburban (R-S), or One Family Residence (R-1).
- In consideration of the previous, although any of the districts listed could reasonably accommodate the property as it currently stands, proposed R-1 zoning would be consistent with that applied to similarly annexed properties within this neighborhood during the past number of years.

Should the Commission concur with this recommendation, Mr. Moeller explained that a motion to approve the request and, refer it to Council, would be appropriate.

In response to a question, Mr. Moeller noted that staff had received no comments in response from required public hearing notices.

Following brief discussion, it was moved by Commissioner Shortridge, and seconded by Commissioner L. Olson, to recommend approval of R-1 zoning of 1720 Valley View Drive to City Council. When the question was called, the vote of the Commission was unanimous to approve the motion.

### **Public Hearing – Zoning of Annexed Property – 22743 County Road 17**

Chairperson Davis called on Mr. Moeller to provide a summary of this proposal.

Mr. Moeller stated that the purpose of this public hearing was to consider a staff recommendation to apply R-S (Residential - Suburban) Zoning to 22743 County Road 17. A map referencing the location of this 1.07 acre parcel was included in the staff analysis. As with the previous proposal, Mr. Moeller noted that this property had been annexed under provisions of the now vacated Wilson Township/City of Winona Orderly Annexation Agreement. Given that the property was annexed in an unzoned status, it

was necessary to assign an appropriate classification to it based upon the City requirements. Again, these requirements include hearings and approvals by both the Planning Commission and City Council.

Mr. Moeller noted that this hearing had been preceded by proper legal notice. Although staff did receive one communication from an adjoining neighbor requesting additional information of proposed zoning, no objections to it had been received.

Mr. Moeller explained that proposed R-S zoning had been recommended by staff on the basis of the following:

- The City's 2007 Comprehensive Plan has labeled the site, which is part of Pleasant Valley, for Low Density (single family) residential use.
- The Low Density Residential classification, recommended in the 2007 Plan, could be achieved by one of three City zoning districts including (from most to least restrictive) Rural Residential (R-R), Residential-Suburban (R-S), or One Family Residence (R-1).
- In consideration of the previous, although any would generally fit this situation, R-S zoning had been recommended on the basis that it would be consistent with that applied to similarly (unplatted) annexed properties abutting County Road 17.

Should the Commission concur with this recommendation, Mr. Moeller stated that a motion approving the request, and referring it to Council, would be appropriate.

At this point, Chairperson Davis opened the public hearing and called for anyone who wished to speak for or against the proposal to do so. There being no one present to speak to the petition, the public hearing was closed.

Following brief discussion, it was recommended by Commissioner Buelow and seconded by Commissioner Shortridge to recommend approval of R-S zoning for 22743 County Road 17 to City Council. When the question was called, the vote of the Commission was unanimous to approve the motion.

#### **Other Business**

Commissioner Boettcher noted that he had received his flood insurance policy for the coming year and it had increased by a total of \$200.

Commissioner Shortridge stated that the Winona Heritage Preservation Commission was sponsoring a CAMP meeting session to be held on the afternoon of February 12<sup>th</sup> and the morning of February 13<sup>th</sup> at the County Historical Society. Although it was his understanding that all Commissioners had received invitations, he hoped that everyone would be able to attend. He noted that a speaker during the Saturday session would be addressing the relationship between preservation and zoning.

**Adjournment**

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

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Mark Moeller  
City Planner



**Winona Development Code Update  
Meeting with Planning Commission  
March 28, 2016**

**AGENDA**

- A. Diagnosis of City's Current Development Codes
  - Highlight significant issues
  - PC members' questions and feedback
- B. Annotated Outline for New Unified Development Code (UDC)
  - Present recommended outline
  - PC members' questions and feedback
- C. Updating the Zoning Use Categories and Types
  - Present proposed categories, sub-categories, and updated zoning use types
  - PC members' questions and feedback
- D. Next Steps in Development Code Updating Process

# MEMORANDUM

Hoisington Koegler Group Inc.



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**TO:** Winona Planning Commission

**FROM:** Jeff Miller, HKGi  
Rita Trapp, HKGi

**SUBJECT:** Development Code Update Project – March 28<sup>th</sup> PC Meeting

**DATE:** March 22, 2016

**CC:** Mark Moeller, City Planner  
Carlos Espinosa, City Planner

Greetings –

Since our last meeting with the Planning Commission (and City Council) at the end of January, we dove into a detailed review, a.k.a. code diagnosis, of each of the City's current development codes, including the Zoning, Subdivision, Shoreland Management, Site Plan (Building Code), City Planning, and City Administration chapters. The purpose of the code diagnosis is to provide detailed documentation of the strengths and weaknesses of the City's current development codes in terms of usability, organization, effectiveness of standards, and inconsistencies within the codes. We have documented our findings in the Development Code Diagnosis and Annotated Outline report (pages 4-25), which is included as part of your meeting packet. At the March 28<sup>th</sup> Planning Commission meeting, we will be presenting the highlights of the Development Code Diagnosis and Annotated Outline report. If possible, please take some time to review the report in advance of the meeting, so you will be ready to ask questions and provide feedback regarding our findings.

The report also contains our recommended outline for the City's new Unified Development Code (UDC) on pages 33-40 in the report. We will present the recommended UDC outline at Monday's meeting and also give you an opportunity to ask questions and provide feedback regarding our recommendations.

Finally, we will begin the process of updating the development codes and creating the unified code. This process begins with the recommended restructuring and categorizing of all of the uses that are allowed across all of the City's zoning districts. We will present our recommendations for establishing zoning use categories and sub-categories as well as revised use types at Monday's meeting.

We look forward to discussing your questions, feedback, and ideas on Monday.

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# *Development Code Diagnosis and Annotated Outline*

Winona, MN | March 2016

**DRAFT**



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# Introduction

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With this development code update project, the City of Winona is undertaking its first comprehensive review and update of its zoning and subdivision codes since 1959. While the City has routinely adopted amendments to address specific issues, the City is in need of a comprehensive evaluation of all its development codes to determine where there are inconsistencies within the code as well as with the City's plans, long-term goals, and needs.

The purpose of this Development Code Diagnosis and Annotated Outline Report is to provide detailed documentation of the strengths and weaknesses of the City's current development codes in terms of usability, organization, effective standards, and inconsistencies within the codes and with relevant plans. The development code diagnosis process is intended to determine where there are conflicting development standards, unclear processes, and regulations that do not reflect modern trends and needs of property uses and development. In addition to the findings from a review of the City's development codes and 2007 Comprehensive Plan documents, this code is based on meetings with City Staff, the Planning Commission and City Council, as well as multiple stakeholder listening sessions that occurred in October 2015, and a community open house held in January 2016.

The annotated outline process is identifying the recommended integration and reorganization of the City's development codes, which are currently scattered across six separate chapters in the City Code. Chapters that contain development codes include Zoning, Subdivision, Shoreland Management, Site Plan (Building Code), City Planning, and City Administration. The Winona Development Code Update project will create a new Unified Development Code (UDC) that brings together development related regulations into a single chapter of the city code. The UDC will provide a more consistent, integrated, and streamlined means of supporting quality development projects in the City. This report recommends an outline for the new UDC that will result in a complete reorganization of the development codes in an effort to make them easier to use, understand, and interpret.

This report provides is intended to provide a foundation for the development code update process, allowing the city to review and provide feedback regarding the code diagnosis and the overall new code structure before drafting of recommended changes to the development codes begins. This report is organized into the following sections:

- 1. Major Code Issues Identified**
- 2. Current Development Code Diagnosis**
- 3. Major Themes for Improvement**
- 4. Annotated Outline**

It is important to remember that this diagnosis does not necessarily identify every issue or individual problem with the existing development codes. Instead the report tries to focus on broader issues that will provide direction for the project prior to drafting the new UDC.

# Major Code Issues Identified

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To ensure that the development code update process addresses community concerns about the existing code and procedures, the project consultant team used a series of eight meetings over a four month period to identify issues. These meetings involved the City Staff and City Attorney, Planning Commission, City Council, stakeholder groups, and the public. The stakeholder listening sessions included representatives from the Chamber of Commerce, Main Street Program, Winona Housing Association, developers, realtors, colleges, and city commissions. The following summary provides a high level overview of the major code issues that have been identified as needing to be addressed by the development code update.

## Downtown Mixed Use Development

Winona has a historic downtown that contains a mix of residential, commercial, industrial, and public uses. The current development code generally uses traditional zoning districts to guide development. Planning for development in downtown can be confusing as there are multiple definitions of downtown's boundaries as well as several zoning districts and overlays applied to the downtown area. Community members identified a need to more specifically define the downtown area and where different mixes of uses should be allowed. Community members also expressed concern about the character of new development and redevelopment projects. The City currently has few site and building design standards. The project consultants have been directed to use the 2007 Comprehensive Plan and Downtown Design Guidelines to guide the creation of downtown design standards. Care regarding reuse of historic structures should also be considered, which are reflected in downtown's Historic District Guidelines. In addition to preserving and enhancing downtown character, parking was a frequent concern cited. A review of parking regulations should consider whether the current parking standards are equitable across use types and with other areas of the community.

## Residential Neighborhood Development

The primary concerns related to residential development is the traditional residential districts that surround Downtown. Community members expressed a desire to see housing types beyond detached single-family residential currently allowed as long as new housing development is compatible in character with the surrounding neighborhood. Concern was also expressed about whether the City's existing regulations were sufficient to support the continued use, restoration, and improvement of the smaller "postage stamp" and "half-lot". A review of the development code found that it is out of date and the approach to residential uses/housing types is confusing.

There is also support for creating a neighborhood-scale mixed-use zoning district that could be applied to major transportation corridors that extend through residential neighborhoods. A primary concern is that the new housing types and non-residential uses and development character will not have negative impacts on the existing character of the residential neighborhoods.

## **Simpler Structure for Zoning Districts**

The development code's approach of uses allowed cumulatively and the listing of allowed uses and dimensional standards within each zoning district makes it challenging to view and understand the differences in zoning regulations across districts. Even though each district contains sections for permitted uses, conditional uses, and accessory uses, they typically refer back to uses allowed in a more restrictive district. This approach means you often need to look at multiple districts to determine what uses are allowed in a specific district. In addition, the use types are too detailed, which results in long lists or paragraphs of very specific uses. Many of the use types are outdated as well. On the other hand, the dimensional standards are explicitly listed in each zoning district. However, it is also challenging to view dimensional standards across districts and understand the differences between them.

## **Compatibility between Different Uses**

Some participants identified concerns that more could be done to ensure a buffer or transition between different types of uses, e.g. residential and manufacturing in downtown, higher density housing and single-family houses. The community values its residential neighborhoods, commercial businesses, and employment base. At times there is conflict when these different types of uses are on adjacent properties. A diagnosis of the current regulations regarding setbacks, landscaping, and other buffers is part of this project.

## **Overall Code Reorganization and Format**

A primary impetus for the code update project is making it simpler to use and understand. Currently administrative procedures are scattered in multiple locations throughout the development code and have inconsistencies in notification requirements, application requirements, and review/approval timing that should be addressed. The development code also has procedures that are not used and could be removed. There are a number of code sections that have been recently updated that can be reformatted but do not need to be rewritten. These codes sections include conditional use permits, nonconformities, detached heating systems, transportation impact analyses & road use agreements, extraction pits, dynamic signage, campus overlays, shoreland, floodplain management, bluffland protection, and adult uses.

# Current Development Code Diagnosis

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This part provides a detailed, section-by-section review of the City's current development codes and proposes changes in organization or substance based on our assessment of the code and discussions with city staff, elected and appointed officials, stakeholders, and the public. The intent is not to provide line-by-line edits, but to identify key issues that may need to be addressed in the development code update process. Currently, development code regulations can be found in six chapters of the City Code: Chapter 22 City Administration, Chapter 41 City Planning, Chapter 42 Subdivision Regulations, Chapter 43 Zoning, Chapter 44 Building Code, and Chapter 69 Shoreland Management.

## Chapter 22: City Administration Code

### 22.21 Board of Adjustment

This section establishes the Board of Adjustment, including its composition, powers, and procedures. The procedures identified in this chapter should be incorporated in the UDC's Administration & Procedures article, or at a minimum, referenced in the UDC's Administration & Procedures article, so that they can be found in the same location as other land use procedures. Duties of the Board of Adjustment will be reviewed and updated as needed.

### 22.27 Heritage Preservation Commission

This section establishes the Heritage Preservation Commission (HPC), including its purpose, responsibilities, composition, appointment, organization, meetings, records, commission staff, and annual report. It also defines two procedures that are the responsibility of the HPC: 1) designation or change of heritage preservation sites/districts and 2) certificate of appropriateness. Since the need for a certificate of appropriateness is typically development-related, this project will consider either moving this sub-section (22.27(l)) to the UDC's Administration & Procedures article or, at a minimum, referencing this sub-section in the UDC's Administration & Procedures article.

## Chapter 41: City Planning Code

### 41.01 Planning Commission

This chapter establishes the Planning Commission and defines its duties, however, this chapter only describes the review of proposed street names on preliminary plats and procedure for conditional use permits (CUPs). It would be clearer for users if the procedures for the conditional use permit are in the same section as other land use procedures so it is recommended that this subsection (41.01) be moved to the UDC's Administration & Procedures article. Given that the duty to review conditional use permits should be listed, it is recommended that the duties of the Planning Commission should be reviewed and updated. Since most other boards and commissions are located in Chapter 22,

which is the City Administration Code, it is recommended that the remaining sections of this chapter be relocated to Chapter 22, and then Chapter 41 be deleted.

## **Chapter 42: Subdivision Code**

### **42.01 Territorial Limits of Regulations**

This section describes the City's extraterritorial jurisdiction for its subdivision regulations. This section will be moved to the UDC's General Provisions article.

### **42.02 Definitions**

This section will be consolidated into a single definitions section and moved to the end of the UDC. This section contains just 10 terms, which are limited to defining subdivision, official plans (Thoroughfare, Park and Playground), four street right-of-way types, and municipal bodies/staff. Outdated, unused, redundant, and inconsistent terms will be removed or revised. Potential new terms will be added, such as preliminary plat, final plat, land disturbance activity, minor subdivision, natural state area, comprehensive plan, subdivider, cluster development, sketch form, density, dedication for public use, park land dedication, easement, and deed restriction. Illustrations or graphics may be added if needed.

### **42.03 Procedure**

This section outlines the procedures for the division of land. It is intended that this section will be combined with the procedures for zoning amendments, conditional use permits, and variances into the UDC's Administration & Procedures article. Additional changes needed to this section include:

- a) Add a summary table showing the type of application, whether public notice is required, and the decision-making body.
- b) Add diagrams showing the review process for individual applications.
- c) Add the state statute exemptions for subdivision authority (for example cemeteries and court ordered divisions or adjustments).
- d) Removal of the required consultation with the city engineer and replacement with a pre-application meeting or a sketch plan review.
- e) Update the application submission deadlines.
- f) Replacement of reference to Thoroughfare plan with current plan.
- g) Establish a consistent notification distance for all review procedures.
- h) Clarify when public hearings are required and at what body.
- i) Reconsider notification requirement for final plat.
- j) Clarification on the two-fold certificate referenced.
- k) Add criteria for the evaluation of the preliminary plat.

### **42.03 The Preliminary Plat**

This section identifies the specific information required to be submitted for a preliminary plat application. This information may not need to remain in the code if it is provided elsewhere, such as a checklist on the Subdivision Application form. Keeping this information in the development code makes keeping this information up-to-date more complicated. Since it is part of the adopted code, any future updates will require a zoning text amendment. Keeping this section also adds to the

length of the code. If it is decided that this section should remain in the UDC, the specific content of this section will be reviewed and updated to meet the City's current needs for information related to proposed preliminary plats. If it remains in the UDC, this section will be moved to the UDC's Administration & Procedures division.

## **42.05 Improvements**

This section describes the minimum public infrastructure improvements required for new subdivisions, including water, sanitary sewer, storm sewer, curb and gutter, sidewalks, and street surfacing. This section will most likely be moved to a Subdivision Standards or the Development Standards article of the UDC. Since updates to this section occurred in 2003, 2004, and 2007, minimal updates are anticipated for this section. One potential update that has been identified is requiring sidewalks on all new streets.

## **42.06 The Final or Record Plat**

This section identifies the specific information required to be submitted for a final plat application. This information may not need to remain in the code if it is provided elsewhere, such as a checklist on the Subdivision Application form. Keeping this information in the development code makes keeping this information up-to-date more complicated. Since it is part of the adopted code, any future updates will require a zoning text amendment. Keeping this section also adds to the length of the code. If it is decided that this section should remain in the UDC, the specific content of this section will be reviewed and updated to meet the City's current needs for information related to proposed final plats. If it remains in the UDC, this section will be moved to the UDC's Administration & Procedures article.

## **42.07 Modifications and Exceptions**

This section outlines why and how exemptions to the requirements of the subdivision regulations can occur. These provisions should be combined with the other procedural sections in the UDC's Administration & Procedures article. Reorganization of this section would be helpful to more clearly identify whether the modifications or exemptions are relative to the application materials required or to the minimum design standards. Consideration should be given to the addition of provisions regarding boundary adjustments and the consolidation of review of the preliminary and final plats for minor subdivisions.

## **42.08 Fees**

This section simply states that preliminary and final plat applications are required to submit the required fees. It does not identify fee amounts. This section will be moved to the UDC's Administration & Procedures article.

## **Appendix I            General Principles of Design and Minimum Requirements for the Layout of Subdivisions**

This appendix describes both general principles and specific minimum requirements for the design of new subdivisions, including platting of major roadway right-of-way, park land dedication, street and block layout, street/alley/utility right-of-way easements, street pavement widths, street

grades/curve radii/sight distances, intersections, lots, flood damage protection, and natural state areas (NSAs) preservation. This section will most likely be moved to a Subdivision Standards or the Development Standards article of the UDC. Potential updates to this section that may be considered include procedures related to NSAs, replace references to the official Thoroughfare Plan/Map, addition of a sidewalk requirement, and park land dedication.

## **Chapter 43: Zoning Code**

### **Article I In General**

#### **43.01 Definitions**

Definitions that are currently located in 8 different sections of the codes will be consolidated into one article, including this section, signs (zoning), flood plain management (zoning), adult use establishments (zoning), bluffland protection (zoning), shoreland management code (chapter 69), subdivision code (chapter 42), and heritage preservation commission (chapter 22). This section will be updated as part of updating the language of the development code. Outdated/unused terms will be deleted. New terms will need to be defined and added, such as public parking lot, lodging house, boarding house, fraternity/sorority house, sideyard corner lot, adjacent/adjoining/coinciding property lines, etc. Illustrations or photos will be added where needed. The Definitions article will become the last article of the UDC, similar to where a glossary is located in books and documents.

#### **43.02 Compliance with Chapter**

This section will be included in the UDC's General Provisions article.

#### **43.03 Purpose and Scope of Chapter**

This section will be included in the UDC's General Provisions article.

#### **43.04 Requirements of Chapter Deemed Minimums**

This section establishes that zoning standards are minimums and that zoning standards prevail over other regulations or ordinances, if they are in conflict. Since form-based design standards may include maximums, this section may need to be revised. This section will be included in the UDC's General Provisions article.

#### **43.05 Districts, Enumerated**

This section establishes the City's zoning districts. Any new zoning districts, such as mixed-use district(s) will need to be added to this listing of zoning districts. Bluffland and Shoreland overlay districts should be added to this listing also. This section will be included in the UDC's Zoning Districts article, General Provisions division.

#### **43.06 District Zoning Map Adopted and Established**

The current zoning districts map does not show the R-MHP (Residential Mobile Home Park) and floodplain overlay districts (F-1, F-2, F-3), even though this section states that all districts in the preceding section are shown on this map. This section will be included in the UDC's Zoning Districts article, General Provisions division.

### **43.07 District Boundaries**

This section establishes standards for determination of zoning district boundaries, including the following:

- a) Lot lines or center lines of streets or alleys or 120 feet back from the nearest street line parallel to which it is drawn;
- b) C-1 Conservancy District;
- c) Determination of exact location of district boundaries shall be by the Board of Adjustment;
- d) Extension of district where district boundary on zoning map divides lot;
- e) Vacated streets and alleys;
- f) Territory that has not been specifically zoned or is annexed.

This section will be included in the UDC's Zoning Districts article, General Provisions division, with the exception of b) which may be more appropriately located within the C-1 zoning district section.

### **43.08 Additional Permitted Uses**

Uses other than those specifically listed as permitted uses may be determined to be similar in character to a permitted use by determination of the Board of Adjustment. It should be considered whether this determination could be administrative rather than made by the BOA. This section will be included in the UDC's Zoning Districts article, General Provisions division.

### **43.09 Additional Prohibited Uses**

Uses other than those specifically listed as prohibited uses may be determined to be similar in character to a prohibited use by determination of the Board of Adjustment. It should be considered whether this determination could be administrative rather than made by the BOA. This section will be included in the UDC's Zoning Districts article, General Provisions division.

### **43.10 Conversion of Dwellings – Repealed – Ord. No. 2902 11/16/87**

This section will not be included in the UDC.

### **43.11 Use of Rear Dwellings for Residential Purposes**

This section establishes standards for accessory dwelling unit uses. While accessory dwelling units are not identified as accessory uses in any districts, this section essentially allows accessory dwelling units in any district. This section will be included in the UDC's Development Standards article, Use Specific Standards division, Standards for Accessory Uses section and should be updated. These standards would be more understandable with the addition of an illustration of required setbacks.

### **43.12 Yard Requirements on District Boundary Line in the Less Restricted District**

This section will be included in the UDC's Zoning Districts article, General Provisions division.

### **43.13 Street Frontage**

This section establishes that all lots are required to have a minimum frontage on a street of 40 feet and no more than one single-family dwelling is allowed on a lot. This section will be moved to the

UDC's General Provisions article. Since each zoning district establishes a minimum lot frontage requirement, it should be evaluated whether this minimum frontage standard is needed.

#### **43.14 Courts**

Courts do not appear to be a requirement of any of the zoning districts. It should be evaluated whether this section is needed and could potentially be removed from the UDC.

#### **43.15 Required Area or Space Not to be Reduced**

This section establishes that a lot, yard, court, parking area, or other space cannot be reduced in area or dimension below the zoning code minimum requirement and no portion can be used to meet the minimum requirement of another building or structure. It should be evaluated whether this requirement is still necessary. This section will be moved to the UDC's General Provisions article, if still needed.

#### **43.16 Off-Street Parking and Loading**

Off-street parking and loading standards will be addressed in the UDC's Development Standards article, Parking/Loading/Circulation division. Section 43.16, which is simply a reference to this section, is not needed in the UDC's General Provisions article.

#### **43.17 Garage Doors**

This section establishes development standards for garage doors and will be moved to the UDC's Development Standards article.

#### **43.18 Essential Services**

This section will be included in the UDC's Zoning Districts article, General Provisions division.

#### **43.19 Unsafe Buildings**

This section establishes that the requirements of the zoning code do not prevent unsafe buildings or structures from being strengthened or restored. This section will be included in the UDC's General Provisions article.

#### **43.20 Erection of Dwellings and Accessory Buildings on Lots of Record**

This section addresses lots of record or nonconforming lots and will be included in the UDC's Administration and Procedures article, Nonconformities section. Need to alleviate inconsistencies with section 43.53(f).

#### **43.21 Height Modifications**

Evaluate whether the Architectural Review Board's role is appropriate here. This section will be included in the UDC's Zoning Districts article, General Provisions division, Exceptions and Encroachments section.

#### **43.22 Lot Area Requirements**

Verify that the reference to the State Board of Health is appropriate here. This section will be included in the UDC's Zoning Districts article, General Provisions division.

### **43.23 Effect of Regulations on Building Permits Enacted Prior to Effective Date of Regulations**

This section will need to be updated in relationship to the UDC update and will be included in the UDC's General Provisions article.

#### **43.23.1 Private Swimming Pools**

This section establishes private swimming pools as an accessory use and includes dimensional standards (yard setbacks) and performance standards (fencing). It also includes permit requirements for permanent swimming pools, which should be considered for removal from the UDC. This permit (sub-section d) may be more appropriate in the Building Code. Sub-sections a, b, and c will be included in the UDC's Zoning Districts and Uses article. Sub-sections e, f, and g will be included in the UDC's Development Standards article, Use Specific Standards division, Standards for Accessory Uses section.

#### **43.23.2 Drainage Designs**

This section will be removed from the UDC since this issue is regulated in the Site Plan section.

## **Article II Zoning Administration**

### **DIVISION 1. ENFORCEMENT OF CHAPTER**

#### **43.24 Zoning Administrator**

This section establishes the appointment and duties of a Zoning Administrator. Evaluate whether the Zoning Administrator role is still appropriate or should be updated to City Planner or Planning Staff or Community Development Department. Some of this sub-section is related more to enforcement than duties and should be located appropriately in the UDC. This section will be included in the Administration and Procedures article.

#### **43.25 Zoning Certificate**

This section establishes the requirements and procedures for obtaining a zoning certificate, a document which certifies that the building or premises is in conformity with the zoning regulations, including the provision of water and sanitary sewer services. Zoning certificates have not been issued by the City for a number of years. The requirements of this section relate to the Site Plan section of the Building Code (Chapter 44) which will be integrated into the new UDC. The purpose and requirements of a zoning certificate may be addressed by the site plan requirements, which site plan approval and issuance of a certificate of occupancy. It should be noted that one of the requirements of a zoning certificate application is the submittal of building elevations (front, side, and rear). The preliminary recommendation is that the requirement for a zoning certificate can be addressed by the site plan approval process and can be removed from the UDC.

#### **43.26 Penalties**

This section will be included in the Administration & Procedures article, Enforcement & Penalties section.

#### **43.27 Injunctions Against Illegal Uses**

This section will be included in the Administration & Procedures article, Enforcement & Penalties section.

#### **43.28 Architectural Review**

This section is intended to minimize adverse effects of new construction on neighboring properties through the use of an architectural review board. Review is at the discretion of the zoning administrator and architectural review is rarely used by the City. Primary issues to be evaluated are the lack of criteria or standards for architectural review and the discretionary use of the architectural review board. With the planned addition of form-based design standards to some zoning districts and the integration of the site plan review procedure into the UDC, it will be evaluated whether this section should be updated. The timeline for architectural review should be reviewed and updated. This section should be moved to the UDC's Administration & Procedures article, if it is determined that this board is still needed.

#### **43.29 Architectural Review Board**

This section establishes the Architectural Review Board. These provisions should be moved to coincide with the location of other boards and commissions in the City Code, outside of the UDC.

### **DIVISION 2. PLANNING COMMISSION**

#### **43.30 Performance Standards Procedure**

This section outlines the procedure for the Planning Commission review and issuing of a zoning certificate for performance standards if required in the M-2 General Manufacturing District. Evaluate this procedure and update it to be easier to use. Since this procedure involves a zoning certificate, it will be evaluated in conjunction with the overall zoning certificate procedure. This section will be included in the Administration & Procedures article; sub-sections a, b and c in the Procedures section and sub-section d in the Enforcement section.

### **DIVISION 3. AMENDMENTS OF CHAPTER**

#### **43.31 Amendments**

This section establishes the process for zoning map or ordinance amendments. The procedures should be moved to the UDC's Administration & Procedures article. It is recommended that criteria for the evaluation of zoning amendments be added. A review of the public hearing requirements should also be conducted as state statutes only requires one public hearing rather than two as is currently required. The public hearing requirements should also be more specific relative to the notice given for changes in district boundaries affecting an area of five acre or less as required in statutes. This section also identifies the specific information required to be submitted for a zoning amendment. This information may not need to remain in the code if it is provided elsewhere, such as a checklist on the Zoning Amendment form. Keeping this information in the development code makes keeping this information up-to-date more complicated. Since it is part of the adopted code, any future updates will require a zoning text amendment. Keeping this section also adds to the length of the code. If it is decided that this section should remain in the UDC, the specific content of this section will be reviewed and updated to meet the City's current needs for information.

## **DIVISION 4. CONDITIONAL USE PERMITS**

### **43.31.1 Conditional Use Permits**

This section establishes the purpose, procedures, and requirements for conditional use permits. Procedures related to conditional use permits are also identified in Chapter 41. These two sections shall be combined, and any inconsistencies resolved, in the UDC's Administration & Procedures article.

## **Article III Nonconformities**

### **43.32 Nonconformities**

This section outlines the provisions related to nonconformities. This section should be located in the UDC's General Provisions article. Identified issues include the following:

- a) A review of the provisions regarding substitution of nonconforming uses (43.32(d)) shall also be reviewed to ensure the proper procedural section of the code is being referenced.
- b) Clarify that the termination of rights (43.32(c)) is not just applicable to uses, but also structures and lots potentially.
- c) For clarity, consideration could be given to separating provisions relating to nonconforming uses from those pertaining to nonconforming structures and lots.
- d) Consider allowing the demolition of a non-conforming structure and rebuilding on the same footprint and additions to a non-conforming structure within a conforming area, e.g. rear yards.

## **Article VI Performance Standards**

### **43.33 Performance Standards, Regulations**

This section establishes general performance standards, which may be enforced in any of the R, B, and M zoning districts. Since the Performance Standards Procedure (section 43.30) is specific to the M-2 zoning district, these two sections are inconsistent and will need to be brought into alignment. Evaluate ways to improve the use and enforcement of performance standards. This section will be included in the UDC's Development Standards article, General Performance Standards division.

#### **43.33.1 Detached Heating System**

This section provides regulations for detached heating system structures that produce heat for residential uses, including regulations for a mechanical permit, compliance, enforcement, location, and operation. This type of system could be handled as an accessory use. It should be evaluated whether the actual permit, procedure, and enforcement requirements should be located in the UDC or moved to the Building Code, since it requires a mechanical permit. The use should be added as an accessory use to the appropriate R districts with the location and operation standards included in the UDC's Development Standards article, Use Specific Standards division, Standards for Residential Principal Uses section.

## **Article V Off-Street Parking and Loading Requirements**

It is recommended that this section be included in the UDC's Development Standards article, Parking/Loading/Circulation division.

### **43.34 Off-Street Loading Space**

This section establishes requirements for providing off-street loading spaces for any buildings having a gross floor area of 10,000 square feet or more, including minimum number of loading spaces, minimum dimensions of a loading space, location of loading space(s) on the lot, minimum distance of a loading space from a lot in any R district, provision of screening from an R district, surfacing, and lighting. While this section's regulations will be compared to best practices, substantive updates to this section are not anticipated.

### **43.35 Off-Street Parking Space**

This section establishes general provisions regarding off-street parking space requirements, including when required, units of measurement, mixed-use developments, collective parking facilities, and joint use parking facilities. While this section's regulations will be compared to best practices, substantive updates to this section are not anticipated.

### **43.36 Number of Off-Street Parking Spaces Required**

This section establishes the specific number of off-street parking spaces for different uses. While this section's regulations will be compared to best practices, limited updates to this section are anticipated. Identified issues to address include:

- a) Lodging houses, roominghouses, fraternities, sororities – clarify meaning of the reference to the Housing Code for “person certified”
- b) Dwellings – consider specifying different requirements for dwellings based on number of bedrooms, e.g. one-bedroom vs. four-bedroom
- c) Dwellings – consider adding parking space requirements specifically for senior housing (non-convalescent), downtown housing, and state licensed residential facilities
- d) Retail stores, shops, etc. of over 2,000 sq. ft. floor area – consider specifying different requirements based on store size, e.g. big box store vs. small stores
- e) Retail stores, shops, etc. of over 2,000 sq. ft. floor area – current minimum requirement of 1 parking space per each 150 sq. ft. of floor area may be unnecessarily high
- f) Clarification of parking space requirements within the WSU Campus Overlays and for “institutional” uses

### **43.37 Location, Design and Maintenance of Parking Area**

This section establishes requirements for the location, design, and maintenance of off-street parking areas. While this section's regulations will be compared to best practices, limited updates to this section are anticipated. Identified issues to address include:

- a) Section 43.37(d) - evaluate the maximum 300 feet requirement
- b) Section 43.37(k) – evaluate the maximum 50% of the rear yard can be used for parking, e.g. whether garages and maneuvering space is counted as parking space
- c) Section 43.37(b) – add minimum (and potentially maximum) widths for access driveways for non-single family dwellings, which have a 8 feet minimum width
- d) Section 43.37(f) - add a requirement for providing landscaping area between parking areas and sidewalks for new parking areas, beyond the current screening requirement for parking areas adjacent to residential and institutional uses

### **43.38 Modifications**

Evaluate whether this section is needed or could be combined with the general section regarding variances in the Administration and Procedures article.

### **43.39 Central Business District**

This section essentially establishes a CBD parking overlay that exempts the CBD, which is defined within this section, from the requirement to provide any off-street parking spaces. In conjunction with the creation of a new mixed-use district(s) for the central business district/downtown, this section will be evaluated for updating, including the potential for requiring off-street parking spaces in the CBD and the boundaries of the CBD. An alternative to this CBD parking overlay is to establish specific off-street parking space requirements for the new downtown mixed-use zoning district that are most likely less than required for the same uses in areas outside of the CBD.

## **Article VI Trailers, Trailer Parks, Motels and Motor Hotels**

### **43.40 Trailer Parks and Motels**

This section essentially establishes use-specific standards for trailers, trailer parks, motels, motor hotels, and tourist camps. It should be evaluated whether standards should be differentiated between trailer parks and motels/motor hotels. Trailer park standards should be incorporated with the standards in section 43.42. The terms and standards of this section may need to be updated based on state statutes, since the code's definition of trailer parks refers to mobile homes. Tourist camps are not defined in the code, so should be defined or removed from the code.

This section also establishes that any enlargement or extension of an existing motel, tourist camp, or trailer park requires a zoning certificate application. This procedure needs to be evaluated, since zoning certificates are being considered for removal from the UDC.

This section is recommended to be moved to the UDC's Development Standards article, Use Specific Standards division, Standards for Residential Principal Uses section.

### **43.41 Parking of Trailers**

This section addresses the parking standards for three types of trailers: manufactured or mobile homes on permanent foundations, temporary construction site trailers, and recreational vehicles. Since a manufactured or mobile home on a permanent foundation is a permitted use, the standards in sub-section (a) (2) are recommended to be included in the UDC's Development Standards article, Use Specific Standards section. The construction site trailer standards could be included in an accessory/temporary uses section in the Zoning Districts article with the standard in sub-section (a) (1) included in the UDC's Development Standards article, Use Specific Standards division. The recreational vehicle parking standards are recommended to be included in the UDC's Development Standards article, Parking/Loading/Circulation division.

### **43.42 Trailer Parks**

This section establishes application requirements and design/maintenance standards for trailer park uses. This section will be evaluated and updated to comply with state statutes. It is recommended that this section be included in the UDC's Development Standards article, Use Specific Standards division, Standards for Residential Principal Uses section.

## **Article VII            Display Signs and Outdoor Advertising**

### **43.43    Signs**

This article establishes standards for all signs and sign structures in the city. It includes the following sections: purpose, definitions, prohibited signs, exempt signs, permit requirements, design characteristics, maintenance, sign area, temporary or seasonal signs, non-conforming provisions, sign districts, sidewalk signs, severability clause/penalties, and dynamic display overlay. Most of the sections of this article will be moved to article 5 (Signage) in the UDC. Definitions will be moved to the Definitions article of the UDC and the Permit Requirements (section e) may be moved to the UDC's Administration & Procedures article. This article will be reviewed and reformatted to ensure consistency with other sections of the UDC. While the sign districts, standards, and other regulations will be compared to best practices, substantive updates to this section are not anticipated.

## **Article VIII            Automobile Service Stations, Public Garages and Parking Areas**

### **43.44    Service Stations, Public Garages and Parking Areas**

This entire article/section consists of two (2) use-specific standards for automobile service or filling station, parking areas for 25 or more vehicles, public parking garages, and automobile repair shops. It is recommended that this section be included in the UDC's Development Standards article, Use Specific Standards section, Standards for Non-residential Principal Uses division.

## **Article IX            Dwelling Groups**

### **43.45    Dwelling Groups**

Dwelling groups are a group of two or more detached dwellings on a single parcel. This section establishes development standards for a dwelling group, which is a permitted use in the R-2 and R-3 zoning districts. The development standards include minimum lot area, minimum frontage on a street or other permanent open space or on a common yard or outer court, minimum yard widths, minimum distance between buildings and lot line, and minimum distance from a roadway. A zoning certificate is required for a dwelling group development.

Staff has indicated that there has not been a dwelling group use application for some time, so this section may not be need to be retained in the UDC. Dwelling groups are permitted beginning in the R-2 district. However, since community input for the UDC project has identified interest in the development of a broader range of housing types in the city, this use may be beneficial in the future.

Since this section is essentially a set of use-specific development standards for dwelling groups, it is recommended that this section be moved to the UDC's Development Standards article, Use Specific Standards section, Standards for Residential Principal Uses division. Rather than being approved through a zoning certificate, it should be evaluated whether this use should be a permitted use with standards, conditional use, or handled as a cluster development plan.

## **Article X Cluster Development**

### **43.46 Purpose**

This section identifies the general requirements, definitions, approval criteria, and procedure for cluster development plans. A cluster development allows reduced lot sizes and yard setbacks. The cluster development regulations are similar to a planned unit development (PUD), which is a common development tool in other cities. However, the cluster development is only applicable to residential zoning districts, whereas, PUDs are typically applicable to non-residential zoning districts as well. There are some inconsistencies between the language of the cluster development section, which states that cluster development plans are permitted in all residential districts, and the R-2 zoning district, which identifies cluster developments as a conditional use. In addition, the cluster development section contains a requirement that approved cluster development plans be designated on the zoning map. Essentially, there are inconsistencies the current code as to whether a cluster development is a permitted/conditional use or an overlay district. Finally, cluster development plan procedures are found in both this section and the Subdivision chapter, which creates redundancy and confusion for this procedure.

It is recommended that sections (a) and (b) will be included in the UDC's Zoning Districts article with section (c) included in the UDC's Administration & Procedures article. It should be evaluated whether improvements to the cluster development regulations and procedure are needed and desired by the City to strengthen or replace the current cluster development plan and process as a PUD. Such improvements would require significant effort and are beyond the scope of the development code update project.

## **Article XI Integrated Neighborhood and Community Shopping Centers**

### **43.47 Integrated Neighborhood and Community Shopping Centers**

Integrated neighborhood development plans and community shopping center plans have not been used by the City, so it is recommended that this section be removed from the UDC.

## **Article XII Extraction Pits**

### **43.48 Extraction Pits**

Extraction pits are allowed only in the Agricultural (AG) zoning district, as a conditional use. This section establishes the specific conditions (24 of them) for approval of a conditional use permit (CUP) for an extraction pit. In addition, it also establishes five (5) performance standards. An extraction pit CUP also requires a reclamation plan (43.48(e)), which has six (6) additional standards or conditions. Subsections c and d outline requirements for submittal of an extraction pit CUP. This section has been updated in 2013 and 2014, so it will not be substantively updated as part of the UDC project. The cross-references in the first paragraph of this section to other code sections may need to be updated. There are references to the Board of Adjustment (section 22.21) and the Performance Standards Procedure (section 43.30), which involves a zoning certificate. Since an extraction pit is processed as a CUP and Planning Commission review, it may not be appropriate or necessary to cross-reference these two sections.

It is recommended that the subsections with conditions and standards be included in the UDC's Development Standards article, Use Specific Standards section, Standards for Non-Residential Principal Uses division, and the application requirements subsections be moved to the UDC's appendix.

## **Article XIII Residential Districts**

### **43.49 Traffic Visibility across Corner Lots**

This section contains regulations for fences, structures, or landscaping on corner lots. It currently applies only to R districts but should apply to all districts. The ordinance states that any fence over 2 ft. in height in the corner area of a corner lot requires approval by the Zoning Administrator. Since installation of a fence does not require a building permit, this approval process needs to be clarified. It is recommended that this section be moved to the UDC's Zoning Districts article, General Provisions division, Exceptions and Encroachments section.

### **43.50 Parking of Trucks**

This section limits the parking of large trucks on any street or property in an R district to 4 hours. It is recommended that this section be moved out of the UDC and considered for placement in the Traffic Chapter of the City Code.

### **43.51 Transitional Uses**

This section permits transitional uses on lots in the R-S, R-1, and R-2 districts if they are located adjacent to or across the alley from any B or M district. The permitted transitional uses are R-1 for the R-S district, R-2 for the R-1 district, and R-3 for the R-2 district. The intent of this section may be better implemented by establishing these transitional uses as conditional uses in each zoning district. This possibility will be explored as part of the evaluation of the permitted and conditional uses in each zoning district. Therefore, this section will be considered for removal from the UDC.

### **43.52 Accessory Buildings**

This section establishes standards for accessory buildings, including construction occurring after principal building, spatial relationship to the principal building, and yard setbacks. The standards apply to accessory buildings in the R districts only since this section is located in Residential Districts (Article XIII). It is recommended that this section be moved to the UDC's Development Standards article, Use Specific Standards division, Standards for Accessory Uses section. Identified issues to address include:

- a) The standards could be simplified and redundancies reduced in the UDC, e.g. subsection b (corner lot side yard setback)
- b) Yard setbacks for accessory structures need to be clarified, particularly for non-residential districts.

### **43.53 Yard Modifications and Projections**

This section establishes modifications and projections related to required yard setbacks in the R districts. Sub-section (g) should be compared to Section 43.49 to eliminate any inconsistency and/or redundancy relating to fences. It is recommended that this section be moved to the UDC's Zoning

Districts article, General Provisions division, Exceptions and Encroachments section. Identified issues to address include:

- a) The standards could be simplified and redundancies reduced in the UDC.
- b) Subsection a - consider replacing “lots within 100 feet” with “adjacent lots”
- c) Subsection e – consider removing this standard
- d) Subsection f - alleviate inconsistency with section 43.20

### **43.54 Private Swimming Pools (Repealed, See 43.23.1)**

Delete this section, since it was previously moved to 43.23.1.

#### **43.54.1 Bed and Breakfast and Tourist Homes**

As a conditional use allowed in the R districts, this section establishes specific conditions for bed & breakfasts and tourist homes. It is recommended that this section be moved to the UDC’s Development Standards article, Use Specific Standards division, Standards for Residential Principal Uses section. Clarify the difference in definitions and standards between residential retreat centers and bed & breakfasts.

#### **43.54.2 Microwave Receiving Dish**

As an accessory use, this section establishes specific standards for a microwave receiving dish. It is recommended that this section be moved to the UDC’s Development Standards article, Use Specific Standards division, Standards for Accessory Uses section. Microwave receiving dish should also be included as an accessory use in the Zoning Districts & Uses article, Uses Table division, Accessory Uses table.

#### **43.54.3 Vending Machines – Residential Districts**

This section establishes that vending machines are prohibited in R districts with the exception of vending machines that are neither visible nor accessible to nonresidents of the property. It is recommended that vending machines be treated as an accessory use and this section be moved to the UDC’s Development Standards article, Use Specific Standards division, Standards for Accessory Uses section. Vending machine should also be included as an accessory use in the Zoning Districts article, Residential Districts division, Accessory Uses table.

#### **43.54.4 Home Occupations**

As an accessory use, this section establishes specific standards for home occupations. It is recommended that this section be moved to the UDC’s Development Standards article, Use Specific Standards division, Accessory Uses section. Home occupations should also be included as an accessory use in the Zoning Districts article, Residential Districts division, Accessory Uses table. Consider whether home occupations must occur in the principal structure, not an accessory structure.

#### **43.54.5 Residential Retreat Centers**

This section establishes the standards for residential retreat centers, which is a permitted use in some districts and a conditional use in others. Even though this section is located in Residential Districts (Article XIII), residential retreat centers are also allowed in non-residential districts. It is recommended that this section be moved to the UDC’s Development Standards article, Use Specific

Standards division, Standards for Residential Principal Uses section. Clarify the difference in definitions and standards between residential retreat centers and bed & breakfasts.

### **Sections 43.55 through 43.58 – Residential Districts**

These five sections include the individual residential zoning districts of the current code: R-S, R-1, R-1.5, R-2, and R-3. The zoning districts' allowed uses are based upon a cumulative approach, whereby each district generally allows the uses that are allowed in the next most restrictive district, e.g. R-2 allows R-1 uses. This cumulative allowed uses approach begins with the R-R district. The R-R district is currently located in the Nonresidential Districts article, but should be moved to the same section as the other residential districts. Each residential district section establishes the following regulations: permitted uses, conditional uses, accessory uses, height requirements, and lot area/frontage/yard requirements. Potential issues identified for the residential districts overall are:

- a) Only the R-1.5 district currently has a purpose statement, so purpose statements should be developed for the other districts.
- b) Use-specific standards are identified for some of the permitted uses, such as hospitals, religious/educational facilities, emergency facilities, government administrative buildings, rowhouses, and residential retreat centers which should be updated and moved to the Use Specific Standards section of the UDC.
- c) Many of the conditional uses reference other code sections for the required conditions of the conditional use.
- d) Some referenced code sections appear to be incorrectly numbered.
- e) Hospital and clinic definitions are outdated.
- f) Residential uses are cumulative based on the permitted uses in the R-R district, which permits one family dwellings, religious/educational facilities, public parks/playgrounds, emergency service facilities, government administrative buildings, and agricultural/commercial nurseries/greenhouses. While agricultural/commercial nurseries/greenhouses are prohibited beginning in the next cumulative district (R-S), the remaining uses have been interpreted as permitted uses cumulatively in all residential districts.
- g) The zoning code's cumulative uses approach has left some gaps in permitted/conditional uses in some districts, e.g. some uses are allowed in all residential districts except R-1.5.
- h) Height requirements are the same for all residential districts, including R-R and AG, (2.5 stories or 35' maximum for principal uses and one story or 15' for accessory uses) with the exception of R-3 (3.5 stories or 40' for principal uses and 2 stories or 25' for accessory uses).
- i) Dimensional standards may be more complex than necessary, e.g. too many differentiations between 1, 2, 3, and 4-family dwellings, use of "least widths" for sideyard setbacks, etc.
- j) Consider clarifying the number of bedrooms permitted per property.
- k) Update definition of family.
- l) Update definition of usable floor area for dwellings.
- m) Address current lot area standards for attached dwelling units on separate lots, e.g. townhouses.
- n) Consider updates for non-owner occupied tourist home uses, e.g. parking requirements.
- o) Examine potential for review of new state licensed residential facilities/group homes.

These residential district sections will be reformatted into table format and moved to the UDC's Zoning Districts article, Residential Districts division. Use specific standards will be updated and moved to the Development Standards article, Use Specific Standards article.

### **43.55 Residential Suburban (R-S) District**

This section will be updated with uses and dimensional standards reformatted into table format.

### **43.56 R-1 One-Family Residence District**

This section will be updated with uses and dimensional standards reformatted into table format.

For Permitted Uses, "institutional & cultural" use needs to be more clearly defined. For example, government administrative buildings are already identified as permitted uses in R-R and R-S districts, so would already be permitted in R-1 as well.

For Conditional Uses, two-family dwellings are restricted to lots near a less restricted zoning district or with access to a primary or secondary thoroughfare. It should be considered whether this restriction could be lessened or removed.

#### **43.56.1 R-1.5 One to Four Family Medium Density Residential**

This section will be updated with uses and dimensional standards reformatted into table format.

### **43.57 R-2 One to Four Family Residence District**

This section will be updated with uses and dimensional standards reformatted into table format.

For Conditional Uses, residential cluster development is listed, however, residential cluster developments are permitted in any residential district per section 43.46(a)(1).

Consider whether dwelling groups, which are first permitted in R-2, should be retained as a use in the UDC or removed.

### **43.58 R-3 Multi-Family Residence District**

This section will be updated with uses and dimensional standards reformatted into table format.

Identified issues to address include:

- a) Clinic use as defined in the R-3 district differs from the definition in 43.01, which does not include overnight/boarding uses.
- b) Funeral home use has a condition that this use can only be located on a street designated as a thoroughfare on the official thoroughfare plan. This condition should be updated or removed.
- c) Office use definition in the R-3 district should be moved to the Definitions section of the UDC.
- d) Consider removing roominghouse as a permitted use in this district and making it a permitted or conditional use in the B and M districts.

## **Article XIII.I Residential Mobile Home Park District**

### **43.58.1 Residential Mobile Home Park District**

This section defines the permitted, conditional, and accessory uses of the Residential Mobile Home Park zoning district. Currently there is no land located in this zoning district on the City's zoning map.

As part of this project's evaluation of state statutes regarding mobile homes and the City's development code regulations, it will be determined whether this zoning district could be removed from the UDC or needs to be updated. Any updates to this section will need to be coordinated with updates to section 43.40 and 43.42.

## **Article XIV          Nonresidential Districts**

### **43.58.2 Rural Residential (R-R) District**

This section will be reformatted into a table and moved to the UDC's Zoning Districts article, Residential Districts division. Use specific standards will be updated and moved to Development Standards article, Use Specific Standards division.

There is an inconsistency in that the R-R district is located in Nonresidential Districts (Article XIV) in the Table of Contents, but is actually located in Residential Mobile Home Park District (Article XIII.I) in the text. In any case, we recommend that this district be located in the UDC's Residential Districts division rather than the Nonresidential Districts.

### **Sections 43.59 through 43.65.1 – Non-Residential Districts**

These five sections include the individual non-residential zoning districts of the current code: four B districts (B-1, B-2, B-2.5, B-3) two M districts (M-1, M-2), Airport Industrial Park (AIP) district, Conservancy district, and Agricultural district. The zoning districts' allowed uses are based upon a cumulative approach, whereby each district generally allows the uses that are allowed in the next most restrictive district, e.g. B-2 allows B-1 uses. This cumulative permitted uses approach begins with the B-1 district, whereas, the cumulative conditional and accessory uses approach refers back to the R-3 district. Each non-residential district section establishes the following regulations: permitted uses, conditional uses, accessory uses, required conditions, height requirements, and lot area/frontage/yard requirements. Four districts (B-2.5, M-1, M-2, AIP) also establish prohibited uses. Potential issues identified for the non-residential districts overall are:

- a) Only the AG district currently has a purpose statement, so purpose statements should be developed for the other districts.
- b) Any residential use permitted in an adjoining residential district is permitted in that B and M district.
- c) Residential uses are cumulative based on the permitted uses in the R-R district, which permits one family dwellings, religious/educational facilities, public parks/playgrounds, emergency service facilities, government administrative buildings, and agricultural/commercial nurseries/greenhouses. While agricultural/commercial nurseries/greenhouses are prohibited beginning in the next cumulative district (R-S), the remaining uses have been interpreted as permitted uses cumulatively in all non-residential districts.
- d) Evaluate potential for adjusting building setbacks for M-1 and M-2 districts in downtown area or rezoning to a business district.
- e) Religious and educational facilities are currently a permitted use in all R districts. This use is required to have a minimum 40 ft. setback from any lot line in all districts, which is a standard established in the R-R district. Staff has identified the need to reduce the 40 ft. setback for the non-residential districts.

- f) Consider adding a general provision clarifying that the predominant use on a property (more than 50%) determines the setbacks and lot size requirements. This provision should most likely be located in the Zoning Districts Article, General Provisions Division.
- g) Clarify the limits on the number of residential dwellings on a lot in a B or M district, e.g. when first floor is commercial and upper floors are residential.
- h) Clarify that multiple buildings located on the same lot are each required to meet the minimum setbacks, e.g. each building must provide an 8' sideyard setback rather than using the same 8' setback for both buildings. This provision should most likely be located in the Zoning Districts Article, General Provisions Division.

These non-residential sections will be reformatted into table format and moved to the UDC's Zoning Districts article, Residential Districts division. Use specific standards will be updated and moved to the Development Standards article, Use Specific Standards division.

### **43.59 B-1 Neighborhood Business District**

This section will be updated with uses and dimensional standards reformatted into table format.

### **43.60 B-2 Central Business District**

This section will be updated with uses and dimensional standards reformatted into table format.

#### **43.60.1 B-2.5 Mixed-Use Business District**

This section will be updated with uses and dimensional standards reformatted into table format. This mixed-use district will likely be replaced by or updated to a new downtown mixed use district, and possibly a downtown fringe district and neighborhood mixed use district.

### **43.61 B-3 General Business District**

This section will be updated with uses and dimensional standards reformatted into table format. The list of permitted uses should be simplified by identifying more general use categories, adding some use definitions to the Definitions article, and relocating standards within the use categories to the Use Specific Standards division of the UDC. This district currently does not list any conditional uses, so there may be an opportunity to identify appropriate conditional uses.

### **43.62 M-1 Light Manufacturing and Warehouse District**

This section will be updated with uses and dimensional standards reformatted into table format. The list of permitted uses should be simplified by identifying more general use categories, adding some use definitions to the Definitions article, and relocating standards within the use categories to the Use Specific Standards division of the UDC. This district currently lists only one conditional use (first story residential), so there may be an opportunity to identify appropriate conditional uses. Simplify standards for business/service uses. Yard setbacks should be evaluated and updated.

### **43.63 M-2 General Manufacturing District**

This section will be updated with uses and dimensional standards reformatted into table format. The list of permitted and conditional uses should be simplified by identifying more general use categories, adding some use definitions to the Definitions article, and relocating standards within the use categories to the Use Specific Standards division of the UDC. Remove business/service as a prohibited use. Yard setbacks should be evaluated and updated.

#### **43.64 Airport Industrial Park District**

This section will be updated with uses and dimensional standards reformatted into table format.

#### **43.65 Conservancy District**

This section will be updated with uses and dimensional standards reformatted into table format.

#### **43.65.1 Agricultural (AG) District**

This section will be updated with uses and dimensional standards reformatted into table format.

### **Article XV Flood Plain Management Ordinance**

This article includes all of the regulations intended to minimize flood losses and comply with the rules and regulations of the National Flood Insurance Program so as to maintain the city's eligibility in the National Flood Insurance Program. It is recommended that this article remain intact and be moved in its entirety to the Zoning Districts article, Overlay Districts division. The article has been updated as needed, most recently in 2015, so significant changes are not anticipated. The article will be reviewed and reformatted to ensure consistency with other sections of the UDC. For example, Section 43.74 Manufactured Homes, Manufactured Home Parks, and Placement of Recreation Vehicles will need to be updated to reflect changes in other areas. During the reformatting process, it will be considered whether some sections should be moved outside of this article, such as 43.67 (h) Definitions, 43.75 Administration, and 43.77 Penalties for Violation.

### **Article XVI Adult Use Establishments**

The Adult Use Establishments article has been updated recently, so does not require additional updating as part of the Development Code Update project. Its various sections will be moved to the appropriate places in the new UDC.

#### **43.78 Findings and Purpose**

This section will be included in the UDC's Development Standards article, Use Specific Standards section.

#### **43.79 Definitions**

It should be combined with the rest of the definitions of the development code in the UDC's Definitions article.

#### **43.80 Adult Use Establishments – Permitted**

This use will be identified as a permitted use in the B-3, M-1, and M-2 districts with the 5 requirements of this section included in the UDC's Development Standards article, Use Specific Standards section.

#### **43.81 Nonconforming Uses**

This section should be combined with the rest of the nonconformity sections of the development code in the UDC's General Provisions article, Nonconformities section.

## **Article XVII      Bluffland Protection**

### **Sections 43.82 through 43.84**

This article regulates the subdivision, use and development of blufflands. This article was just added to the Zoning Code in 2009 and updated in 2011, so does not require updating as part of the Development Code Update project. It is recommended that this Article be moved to the Zoning Districts article, Overlay Districts division. The article will be reviewed and reformatted to ensure consistency with other sections of the UDC. During the reformatting process, it will be considered whether some sections should be moved outside of this article, such as 43.83 (Definitions), 43.84.H (Administration-Land Disturbance Activity Permit), 43.84.I (Overlay District Limit-Dispute Resolution), 43.84.J (Performance Standards-Variances), and 43.84.K (Nonconformities).

## **Article XVIII      Campus Overlays**

### **Sections 43.85 through 43.88**

This article establishes institutional campus boundaries, campus overlay maps, permitted and conditional institutional uses, accessory uses, overlay district standards, and use specific standards. There are currently two campus overlay maps that have been established: WSU Campus Overlay (Main) and WSU Campus Overlay (West). This article was just added to the Zoning Code in 2011, so does not require updating as part of the Development Code Update project. Exceptions include the potential clarification of institutional uses, which refers to section 43.56(a)(3), and addressing parking space requirements for institutional uses. It is recommended that this article be moved to the Zoning Districts article, Overlay Districts division. The article will be reviewed and reformatted to ensure consistency with other sections of the UDC.

## **Article XIX      Transportation Impact Analyses and Road Use Agreements**

### **Sections 43.89 through 43.92**

This article establishes the requirements for conducting Transportation Impact Analyses and Road Use Agreements for any development subject to a site plan review or CUP and will generate 200 or more heavy commercial vehicle trips per day at maximum daily operating capacity. This article was just added to the Zoning Code in 2013, so does not require updating as part of the Development Code Update project. It is recommended that this article be moved to the UDC's Development Standards article, Parking/Loading/Circulation division.

## **Chapter 44: Building Code**

### **44.03      Certificate of Occupancy Requirements**

This section requires a Certificate of Occupancy (CO) for the use of buildings or structures. The Certificate of Occupancy is related to the Zoning Code as it is required for any new construction and for any change of use of an existing building or structure. In addition to ensuring that the requirements of Minnesota State Building Code and other pertinent codes are met, Section 44.06 (d) requires that the project complies with the approved site plan for the property. Given that site plans

are required for all projects except one and two family homes, it is recommended that the Administration & Procedures Article contain provisions relative to Certificate of Occupancy

#### **44.06 Site Plans**

This section outlines the requirements, fees, procedures, and principles of design for site plans. The requirements, fees, and procedures shall be combined with other procedures into the Administration & Procedures article of the UDC. Elevation drawings with building material notations should be added as a requirement for site plan review. The individual principles of design should be moved to the appropriate sections of the Development Standards article.

## **Chapter 69: Shoreland Management Code**

### **Sections 69.01 through 69.07**

This chapter regulates the subdivision, use and development of shorelands of public waters. It is recommended that the Shoreland Management chapter remain intact and be moved in its entirety to the Zoning Districts article, Overlay Districts division. The chapter has been recently updated as needed, so does not require updating as part of the Development Code Update project. This chapter will be reviewed and reformatted to ensure consistency with other sections of the UDC. Where appropriate, additional tables will be developed to more easily communicate standards. During the reformatting process, it will be considered whether some sections should be moved outside of this chapter, such as 69.03 Administration, 69.02 (G) Definitions, 69.06 Nonconformities, and 69.07 Subdivision/Platting Provisions.

# Major Themes for Improvement

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Six major improvement themes or goals for the code update process have emerged after discussions with City Staff, Planning Commissioners, City Council members, stakeholder groups, and a community open house. The intent of this part of the diagnosis is to provide an overview of each major theme. Strategies have been identified for addressing each theme to allow for a discussion about potential change before drafting the actual text of the new unified development code. The major themes for the code update include:

1. **Restructure and Reformat the Development Code**
2. **Clarify Development Procedures and Roles**
3. **Clarify and Evaluate Structure of Districts' Uses and Standards**
4. **Implement the Comprehensive Plan**
5. **Update Downtown Districts' Uses, Standards, and Boundaries**
6. **Update Residential Districts' Housing Types and Standards**

Each of these major themes is discussed in more detail on the following pages.

## 1. Restructure and Reformat Development Code

Winona's current development codes provide a good foundation of development standards that have guided property uses and development activities within the city. However, many of these standards are scattered throughout the City's various ordinance chapters and divisions without a clear organization or flow. The city should consider the following changes to make it easier to find standards, procedures, and generally improve usability of the development codes:

- a) Revise code structure
- b) Improve referencing with aids such as an improved table of contents and cross references
- c) Illustrate key concepts, procedures, and standards with tables and graphics

### Revise code structure

The current code can be improved in terms of user-friendliness and the ability to locate particular standards and review procedures. Zoning and subdivision regulations are scattered throughout the City's ordinances, creating a confusing code for City Staff, elected and appointed officials, property owners, developers, and the general public to use. There are unutilized standards, redundancies, and piecemeal changes which have all contributed to the frustrating state of the current code. An improved organizational structure and thorough assessment and rewrite of the regulations will resolve such conflicts.

One of the methods proposed to create a more user-friendly code is to combine and integrate the City's regulations guiding property uses and development (i.e., subdivision regulations, site planning regulations, and zoning regulations) using a unified development code (UDC) format. Under the UDC format, zoning and subdivision regulations are grouped together into sections following a logical sequence. This reduces redundancy and the potential for contradictory procedures or standards. The City has expressed its desire to utilize this kind of format and recognizes its benefits including clarifying procedures, identifying who has the authority to review and approve applications,

and integrating allowed uses and development standards to reduce conflict and improve the code's accessibility.

The proposed UDC outline contained within this document provides a structure for the new code that reorganizes the various regulations into a more user-friendly format. The proposed development code sections are shown below.

<b>Proposed Unified Development Code Articles</b>	
Article 1	General Provisions
Article 2	Zoning Districts
Article 3	Development Standards
Article 4	Subdivision of Land
Article 5	Signage
Article 6	Administration and Procedures
Article 7	Definitions
Appendix A	Application Requirements

### **Improve Referencing**

The current codes contain a very detailed “table of contents”. It identifies four levels of the code’s structure which makes it very long and cumbersome. We recommend improving the usability of the development codes by simplifying the table of contents, improving the sequencing of the code’s hierarchy (articles, divisions, sections), and creating active links in the code so electronic users can be taken directly to the code section they are interested in.

One of the final steps of this code update will be to review the document for internal consistency and to include more cross-referencing where necessary. These cross-references will be automatic and highlighted in the document so that users can identify them easily. The document will be formatted so that the cross-references are active, such as the table of contents, allowing direct access to the referenced section.

### **Illustrate key concepts, process, and standards with tables and graphics**

Modern codes explain and summarize development standards, allowed uses, and administrative procedures using tables, illustrations, and flow charts where possible. There are a number of regulation types such as building features, yard setbacks, and parking that will especially benefit from the inclusion of graphics. Illustrations and photos can often describe the required or desired relationships among development standards, an adjacent use, or dimensions much more quickly and simply than words alone. Tables can convey a wealth of information about uses and dimensional requirements in a few pages, and vastly improve the readability of a code.

The updated development code should judiciously use illustrations, graphics, photographs, and tables to explain complex concepts and summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development. All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the unified development code.

## 2. Clarify Development Procedures and Roles

Development procedures and administrative responsibilities are currently spread throughout the code chapters, articles, and divisions. This lack of organization makes it hard for users to find and understand the appropriate process for their application and the various regulations that apply to them. By organizing and clarifying the various development procedures and review/approval roles the City can greatly increase the code's ease of use and ensure consistency across the development applications and procedures. The City should consider the following changes:

- a) Consolidate procedures into a single article
- b) Clarify administrative responsibilities and timing

### Consolidate Procedures

A modern trend in development codes is to consolidate all procedural provisions into a single article. This enables the code user to locate, in one place, all procedures governing property uses and development and the applicable review criteria including site planning, zoning changes, variances, etc. Under the City's current code, development procedures and the applicable review criteria are located in multiple locations throughout the code, significantly increasing the potential for conflicting processes and misinterpretations.

We recommend that the City consolidate all development procedures into one single article. This will improve the user-friendliness of the code by helping users understand the relationships among different procedures and the roles of the City's boards and commissions.

### Clarify Roles and Responsibilities

The City's current code does not clearly identify the review and decision-making responsibilities of the city's various boards and commissions. Therefore, it can be confusing when deciphering which processes are required and who is responsible for each process. We recommend creating an Administration and Procedures article that details the specific roles of the relevant departments and boards involved in development review. We will also create a table that summarizes the review and decision-making responsibilities of all relevant entities, see example table to the right.

<b>H = Hearing (Public Hearing Required)</b> <b>M = Meeting (Public Meeting Required)</b> <b>R = Review and/or Recommendation</b>						<b>D = Decision (Responsible for Final Decision)</b> <b>A = Appeal (Authority to Hear/Decide Appeals)</b>	
Procedure	Section Reference	City Council	Planning Commission	Board of Zoning Appeals	Building Official		
Zoning Text or Map Amendments	153.202	H-D	H-R		R		
Development Plan Review	153.203		M-D	A	R		
Conditional Use Permits	153.204		H-D	A	R		
Determination of Similar Uses	153.205		A		D <sup>1</sup>		
Variances	153.206			H-D	R		
Appeals	153.208			H-D	R		
Planned Unit Development – Zone Map Amendment and Preliminary Development Plan	153.255(F)(1)	H-D	H-R		R		
Planned Unit Development – Final Development Plan	153.255(F)(5)	A	M-D		R		
Planned Unit Development – Major Modification	153.255(G)(1)	H-D	H-R		R		
Planned Unit Development – Minor Modification	153.255(G)(2)	A	M-D		R		
T-District Zone Map Amendment and Preliminary Development Plan	153.256(F)(1)	H-D	H-R		R		
T-District Final Development Plan	153.256(F)(5)	A	M-D		R		
T-District Major Modification	153.256(G)(1)	H-D	H-R		R		
T-District Minor Modification	153.256(G)(2)	A	M-D		R		
Route 4 Corridor Review District Plan	153.257(I)		M-D	A	R		

<sup>1</sup> The building official shall consult with the chair of the planning commission when making this decision.

### 3. Clarify and Evaluate Zoning Districts' Uses and Standards

One of the driving forces behind this update is to evaluate the existing structure of the zoning districts and the standards within those districts. To accomplish this, we recommend the city consider the following changes:

- a) Revise the district structure
- b) Reorganize permitted and conditional uses
- c) Update dimensional standards

#### Revise the District Structure

The existing zoning districts are each presented in separate sections with their own unique regulations for both allowable uses and dimensional standards. In addition, the uses allowed in each district are based on a cumulative approach, whereby, each district generally refers back to the next most restrictive district. For example, R-3 generally allows all uses allowed in R-2 which allows all uses in R-1. This cumulative yet separated organization results in very repetitive district standards and makes it hard to compare the different zoning districts to each other to determine how their regulations differ or are the same. We propose creating one article for the zoning districts and standards which will include divisions dedicated to the residential zones, the non-residential and mixed-use zones, and the overlay zones. The proposed organization is detailed in the Annotated Outline.

#### Reorganize Permitted and Conditional Uses

We recommend creating a permitted and conditional use table to illustrate where and how uses are permitted within each zoning district. Utilizing tables to illustrate allowed uses within each district is an effective method of illustrating uses both in a single district and in district-to-district comparisons. We also recommend grouping specific uses into general categories to allow for a more flexible and inclusive list of uses. Uses will be reviewed to determine if additional uses need to be added, if terminology needs updating, and if outdated uses can be removed.

We also recommend creating a new use classification of “permitted with use-specific standards” for those uses that should be permitted as-of-right but that have specific standards that should be enforced by the City (e.g. religious facilities, day care centers, gas stations, and fast food restaurants). See example table to the right.

Table 252-1: Residential Permitted Uses					
P = Permitted	PS = Permitted with Standards	C = Conditional Use			Blank Cell = Prohibited
Use Type	RSHE	RSH-L	RSH-H	RMH	Additional Requirements
	Residential Use Classification				
Single household dwelling	P	P	P	P	
Two household dwelling				P	
Multi-household dwelling				P	
Public and Institutional Use Classification					
Assisted living and residential care facilities				PS	153.252(E)(1)
Community social service facilities except group homes and adult group homes	C	C	C	C	153.252(E)(2)
Educational institutions	C	C	C	C	
Group homes and adult group homes	C	C	C	C	153.252(E)(3)
Parks/playgrounds/play fields/open space	C	C	C	C	
Religious places of worship	PS	PS	PS	PS	153.252(E)(4)
Residential Accessory Uses					
Air conditioning, heat pump, and fixed electric generator equipment	PS	PS	PS	PS	153.252(F)(1)
Child's playhouse, tree house, or birdhouse	P	P	P	P	
Fences, walls, and hedges	PS	PS	PS	PS	153.252(F)(2)
Garages, carports, and parking areas	PS	PS	PS	PS	153.252(F)(3)
Home occupations	PS	PS	PS	PS	153.252(F)(4)
In-home child and adult care	PS	PS	PS	PS	153.252(F)(5)
Keeping of domesticated pets, domesticated farm animals, husbandry of fowl, rabbits, or bees	PS	PS	PS	PS	153.252(F)(6)

## Update Dimensional Standards

In addition to creating permitted/conditional uses tables, we also propose creating dimensional standards tables that clearly define the height, lot coverage, setbacks, and other dimensional standards as applicable. Presenting this information in a table format will provide the same benefits as described above for allowed uses, such as an easy comparison of each district’s standards. Separate tables will be created for residential zoning districts and the non-residential and mixed-use zoning districts. See example table below.

<b>Development Standard</b>	<b>PF</b>	<b>OB</b>	<b>GB</b>	<b>SS</b>	<b>GI</b>	
Minimum Lot Area	-	-	-	-	2 acres	
Minimum Lot Width	200'	100'	100'	100'	200'	
<b>Minimum Lot Setbacks</b>						
Front	50'	50'	50'	75'	100'	
Side	Abutting non-residential	12'	12'	12'	25'	
	Abutting residential	50'	30'	30'	100'	
Rear	Abutting non-residential	35'	35'	30'	50'	
	Abutting residential	50'	50'	50'	100'	
<b>Maximum Height</b>						
Principal Structure	Abutting non-residential	50'	48'	48'	36'	75'
	Abutting residential	50'	48'	48'	36'	48'
Accessory Structure	16'	16'	16'	16'	16'	
Minimum Green Space	40%	30%	25%	30%	30%	

## 4. Implement the Comprehensive Plan

One of the objectives of the Development Code Update project is to implement the regulatory recommendations of the City’s plans. In 2007, the City adopted a new Comprehensive Plan, Downtown Revitalization Plan, Riverfront Revitalization Plan, and Historic District Design Guidelines. The following is a list of changes that should be considered in the development of a new Unified Development Code:

- a) Residential Neighborhoods – The City’s existing residential neighborhoods are predominantly detached, single-family homes. While these types of homes will remain the backbone of the City’s housing options, it is important that the zoning regulations are revised to allow new types of housing in more areas of the City. The Comprehensive Plan identifies the need for inclusion of attached housing and accessory dwelling units.
- b) “Half-lot” and “postage-stamp lots” – In its older neighborhoods the City has many small lots that do not meet current zoning standards. Zoning regulations should be reviewed to identify and eliminate barriers prevent the maintenance and reasonable upgrading of homes on these small lots.
- c) Mixed Use Corridors – Mixed use corridors within existing residential neighborhoods should be explored to allow for small neighborhood retail, services, and offices that enable residents to work, shop, or receive services near their home. These areas should be focused along existing, major transportation corridors.
- d) Downtown Mixed Use – Zoning regulations should be updated to reflect and promote continued mixed use in downtown. It is intended that there be a mix of commercial, office, entertainment, services, housing, and some manufacturing. Revised zoning district boundaries should be explored for the downtown area. The Comprehensive Plan identifies a

Downtown Mixed Use and a Downtown Fringe District. Riverfront Revitalization Plan encourages a wide range and integrated mix of uses along the riverfront.

- e) Form Based Standards - Form based standards should be developed to ensure new development reflects the character of the surrounding neighborhood, improves the neighborhoods walkability, keeps sufficient separation between incompatible uses, and provides adequate transitions to areas of lower density.
- f) Parking - The Downtown Revitalization Plan identified parking as a particular issue for Downtown. Parking regulations, including location and number required, will be reviewed as part of the update process.
- g) Conservation Design – The City’s existing Cluster Development regulations and Natural State regulations should be reviewed and updated as needed to reflect current development trends pertaining to open space development.
- h) Environmental Protection – The City is committed to protecting its natural resources. A number of regulations are already in place to protect natural state, bluff, shoreland, and floodplain areas. A review of impervious surface, tree planting, and landscaping requirements should be completed for all districts. Street design standards should also be reviewed to determine whether revisions could improve stormwater management.
- i) Historic Preservation – Historic District Guidelines already exist to guide context sensitive design in the City’s local historic districts. Form-based standards should focus on achieving compatibility between new infill development and surrounding historic buildings. The Historic District Guidelines will provide a starting point for the development of form-based standards.
- j) Connectivity – The 2007 Comprehensive Plan determined that sidewalks are an important component of a neighborhood. A review of the sidewalk/trail requirements should be conducted to ensure consistency and that the City’s existing network is expanded as new development occurs.

## **5. Update Downtown Districts’ Uses, Standards, and Boundaries**

Downtown is a key focus of the development update process. The intent is to create a vibrant, pedestrian-friendly, mixed-use area that includes retail, offices, entertainment, housing, and some manufacturing. Zoning for downtown is currently confusing as there are six separate base zoning districts, as well as six additional zoning/overlay definitions that address the areas of parking, minimum lot area, first floor residential, residential without manufacturing, and signage. In addition, the current zoning districts in downtown are inconsistent with the Land Use Plan in the Comprehensive Plan.

Parking regulations have not been significantly updated since 1959. There is a CBD parking overlay district that applies to portions of six base zoning districts. This boundary also differs from other downtown districts and overlay boundaries.

The recommended approach for downtown begins with a clear delineation of one or more downtown zoning districts. These will be mixed-use districts that clearly identify permitted and conditional uses. Form-based standards will then be developed that use the 2007 Downtown Design Guidelines as a foundation. Review and updating of downtown regulations will also include parking requirements,

such as updating parking quantity standards and considering off-street parking requirements for new or intensified residential uses.

## **6. Update Residential Districts' Housing Types and Standards**

The residential zoning districts are predominantly structured around traditional, single-family houses. The 2007 Comprehensive Plan identified a need to diversify the uses allowed in existing residential neighborhoods to include duplexes, townhouses, and accessory dwelling units. Updates to the residential zoning districts will better reflect modern housing development trends and enable the addition of a greater diversity of housing types for residents.

It is important that new development in existing residential neighborhoods maintain the character of the surrounding homes. Consideration will be given to how to address character features such as building width, building height, roof type, building material, garage placement, and front yard setback.

Winona has pockets of “half-lot” and “postage-lot” developments that represent an important part of Winona’s heritage. These lots also provide an affordable, single-family detached housing option in the community. It is important that existing regulations are reviewed and updated to enable maintenance, upgrading, and reasonable expansion of homes on these lots to allow for their continued viability.

# Annotated Outline of the New Unified Development Code

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The following is an annotated outline for the recommended structure of the new Winona Unified Development Code (UDC) chapter that reflects the reorganization strategies discussed in the preceding sections. The table below sets forth the recommended structure of articles in the new UDC chapter. As a comparison, there are 19 articles in the City’s current Zoning Code chapter alone, in addition to numerous articles, divisions, and sections in the other chapters that will be integrated into the UDC. The recommended UDC structure is followed by an annotated outline of the contents for each article. We have provided comments related to each article, division, and, where necessary, for specific sections.

Recommended Unified Development Code Articles	
Article 1	General Provisions
Article 2	Zoning Districts
Article 3	Development Standards
Article 4	Subdivision of Land
Article 5	Signage
Article 6	Administration and Procedures
Article 7	Definitions
Appendix A	Application Requirements

## Article 1 General Provisions

The General Provisions article will include only the truly general provisions of the code including the purpose of the code, information on how to use the new Unified Development Chapter, applicability, nonconformities, severability, transitional rules, and other similar items. Unlike the City’s current code, definitions will not be in this article but will be relocated to a separate article at the end of the code. The current zoning code’s general provisions article contains a lot of sections that are not general and will be moved to the appropriate articles, e.g. sections on swimming pools, accessory buildings, height modifications, lot area regulations, and zoning district provisions. Some of the current code’s general provisions are also outdated as they have not been amended since 1959. The UDC’s General Provisions article will not include any development standards or substantive regulations, but instead will set up the foundation and information for using the code, and any necessary regulations to ensure compliance with the regulations set herein.

- 43.01.01 Purpose**
- 43.01.02 How to Use this Unified Development Chapter**
- 43.01.03 Title**
- 43.01.04 Effective Date**
- 43.01.05 Applicability and Effect of Chapter**
- 43.01.06 Relationship to the Comprehensive Land Use Plan**
- 43.01.07 Conflicting Regulations or Provisions**
- 43.01.08 Interpretation**
- 43.01.09 Transitional Rules**
- 43.01.10 Severability**
- 43.01.11 Use of Tables, Graphics, Illustrations, Figures and Cross-References**
- 43.01.12 Nonconformities**

## **Article 2 Zoning Districts**

The Zoning Districts article will establish all of the zoning districts for the City, categorizing them by type: residential, non-residential, mixed use, and overlay districts. Purpose statements for each district will be provided, which do not exist in the City's current code, along with identification of the permitted, conditional, and accessory uses for each district and the dimensional standards associated with each district.

### **Division 1 General Provisions**

This division will identify that the city is divided up into zoning districts and list the districts. It will also include other supportive information such as identifying the zoning map.

- 43.02.11 Purpose**
- 43.02.12 Zoning Districts Established**
- 43.02.13 Zoning Map Adopted and Established**
- 43.02.14 District Boundaries**
- 43.02.15 Lots of Record**
- 43.02.16 Essential Services**
- 43.02.17 Transitional Uses**
- 43.02.18 Measurements and Computations**
- 43.02.19 Exceptions and Encroachments**

## **Division 2 Residential Districts**

The Residential Districts division will integrate purpose statements, allowed principal uses, allowed accessory use, and dimensional standards for all the residential districts: R-R, R-S, R-1, R-1.5, R-2, and R-3. Allowed principal uses will be designated as permitted, permitted with standards, or conditional uses. Principal uses, accessory uses, and dimensional standards will be organized and formatted as separate tables.

- 43.02.21 Purpose Statements**
- 43.02.22 Principal Uses Table**
- 43.02.23 Accessory Uses Table**
- 43.02.24 Dimensional Standards Table**

## **Division 3 Non-Residential Districts**

The Non-Residential Districts division will integrate purpose statements, allowed principal uses, allowed accessory use, and dimensional standards for all the non-residential districts: AG, C, B-1, B-2, B-3, M-1, M-2, Airport Industrial Park, Downtown Core Mixed Use, Downtown Fringe Mixed Use, and Neighborhood Center Mixed Use. Allowed principal uses will be designated as permitted, permitted with standards, or conditional uses. Principal uses, accessory uses, and dimensional standards will be organized and formatted as separate tables.

- 43.02.21 Purpose Statements**
- 43.02.22 Principal Uses Table**
- 43.02.23 Accessory Uses Table**
- 43.02.24 Dimensional Standards Table**

**Division 4 Mixed Use Districts**

The Mixed Use Districts division will integrate purpose statements, allowed principal uses, allowed accessory use, and dimensional standards for all the potential mixed-use districts: Downtown Core Mixed Use, Downtown Fringe Mixed Use, and Neighborhood Center Mixed Use. Allowed principal uses will be designated as permitted, permitted with standards, or conditional uses. Principal uses, accessory uses, and dimensional standards will be organized and formatted as separate tables.

- 43.02.21 Purpose Statements**
- 43.02.22 Principal Uses Table**
- 43.02.23 Accessory Uses Table**
- 43.02.24 Dimensional Standards Table**

**Division 5 Overlay Districts**

The Overlay Districts division will consolidate the City’s various overlay districts into one place. Each overlay district will continue to have its own unique format and types of regulations.

- 43.02.51 Campus Overlays**
- 43.02.52 Bluffland Protection**
- 43.02.53 Floodplain Management**
- 43.02.54 Shoreland Management**

**Article 3 Development Standards**

The Development Standards article covers the majority of non-dimensional standards that apply to the development of all properties across all zoning districts. These standards include use specific standards, parking, landscaping, screening, building design, and other similar standards. This article is divided up into divisions to organize the major topics within the article. By organizing these standards into one article of the UDC, it makes the document more user-friendly for City Staff, elected and appointed officials, property owners, developers, and the general public.

**Division 1 Use Specific Standards**

This division will consolidate all of the standards that are use specific, as opposed to district standards. In Winona’s current zoning code, some permitted uses have one or two use specific

standards, such as hospitals and eating/drinking establishments, while other permitted uses have several use specific standards, such as residential retreat centers, automobile services, and commercial greenhouses. Examples of use specific standards are stacking space requirements for drive-thrus, solar panel requirements, outdoor storage regulations, and specific setbacks for a non-residential use from adjacent residential properties. This Division will organize use specific standards by residential, non-residential, and accessory uses. In general, there are typically more use specific standards for non-residential uses.

**43.03.11 Purpose and Applicability**

**43.03.12 Use Specific Standards for Residential Principal Uses**

**43.03.12 Use Specific Standards for Non-Residential Principal Uses**

**43.03.14 Use Specific Standards for Accessory Uses**

**Division 2 Form Based Design Standards**

This division will be a new addition to the development code and will establish the form-based design standards, which are focused on building design and placement, and where they are applicable within the city. The specific sections of this division will evolve at the time that these design standards are identified and actually written.

**43.03.21 Intent**

**43.03.22 Applicability**

**43.03.23 Standards**

**Division 3 Parking, Loading, and Circulation**

This division will address off-street parking, loading, and circulations and will contain much of what is found in the existing zoning code's Article V. The standards will be reviewed and updated as necessary, but substantive changes to this section are not expected.

**43.03.31 Applicability**

**43.03.32 Required Parking Spaces**

**43.03.33 Location**

**43.03.34 Design and Maintenance Standards**

**43.03.35 Off-Street Loading Standards**

**Division 4 Landscaping**

This division will be a new addition to the development code and will establish the landscaping standards for the City including, but not limited to, buffering and parking lot landscaping requirements.

**43.03.41      Applicability**

**43.03.42      Landscaping Standards**

**Division 5            Screening, Walls, and Fences**

This division will be a new addition to the development code and will establish regulations for screening, walls, and fences within the city including maximum heights, location requirements, and allowable materials.

**43.03.51      Applicability**

**43.03.52      Screening Standards**

**43.03.63      Fence and Wall Standards**

**Division 6            Exterior Lighting**

This division will be a new addition to the development code and will establish lighting standards for the City that will limit the type of lighting fixtures allowed, establish height requirements, and illumination levels.

**43.03.61      Applicability**

**43.03.62      Design and Illumination Standards**

**Division 7            General Performance Standards**

This division will include various performance standards that are found throughout the current development code. This division will provide a central location for the performance standards.

**43.03.71      Applicability**

**43.03.72      General Performance Standards**

**Article 4    Subdivision Standards**

This article will establish the regulations related to the subdivision of land within the City. Many of these regulations will be relocated from the existing Chapter 42: Subdivision Code. The standards will be reviewed and updated as necessary, but substantive changes to this section are not expected.

**Division 1            Basic Subdivision Requirements**

This division will identify the basic subdivision requirements within the city including the purpose for the regulations, where they are applicable, and minimum design requirements.

- 43.04.11 Purpose**
- 43.04.12 Jurisdiction**
- 43.04.13 Required Minimum Improvements**

## **Division 2 Subdivision Design Standards**

This division will lay out the specific design standards related to street, lot, and block layout, public improvements, and other similar issues.

- 43.04.21 Street and Block Layout**
- 43.04.22 Lots**
- 43.04.23 Public Improvements**  
*(water/sanitary/storm sewers, curb and gutter, sidewalks, street surfacing)*
- 43.04.24 Land for Public Purposes**
- 43.04.25 Protection from Flood Damage**
- 43.04.26 Natural State Areas**

## **Article 5 Signage**

The Signage article will provide the specific standards for new signage. These regulations will be relocated from the existing zoning code's Article VII: Signs. The sign definitions section will be located in Definitions (Article 7) in the new UDC.

- 43.05.01 General Provisions**  
*(purpose, enforcement, separability)*
- 43.05.02 Permit Requirements**
- 43.05.03 Design and Construction Standards**  
*(location, measurement methodology, construction standards, landscaping)*
- 43.05.04 Sign Types**  
*(prohibited, exempt, temporary/seasonal, sidewalk, park, dynamic)*
- 43.05.05 Sign Districts (includes overlay)**
- 43.05.06 Maintenance**
- 43.05.07 Non-conforming Provisions**

## **Article 6 Administration and Procedures**

The Administration & Procedures article will consolidate all of the existing sections that identify roles and responsibilities of the various city boards and commissions related to development application decisions. A summary table will be included that illustrates which person or board has the role of reviewing applications, making recommendations, and making decisions, as well as who hears appeals.

- 43.06.01 Purpose**
- 43.06.02 Summary Table**
- 43.06.03 Review and Approval Procedures**
- 43.06.04 Planned Unit Developments**
- 43.06.05 Enforcement and Penalties**

## **Article 7 Definitions**

This final article will be all of the definitions from the entire development code are consolidated into one location. Definitions will be reviewed and updated as necessary.

- 43.07.01 Rules of Construction**
- 43.07.02 Definitions**

## **Appendix A Development Applications**

Appendix A will include development application requirements.