



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

August 3, 2016

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, August 8, 2016, at 4:30 p.m. in the Wenonah Room** of the Winona City Hall.

1. Call to Order
2. Approval of Minutes – July 25, 2016
3. Discussion – Development Code Update-Use Specific Standards
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: July 25, 2016

TIME: 4:30 p.m.

PRESENT: Chairperson Hahn, Commissioners Boettcher, M. Olson, Paddock, Buelow, and Shortridge

ABSENT: Commissioners Porter, Ballard, and L. Olson

STAFF PRESENT: Community Development Director Lucy McMartin, Development Coordinator Myron White, and City Planner Carlos Espinosa

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

Approval of Minutes – July 11, 2016

The minutes for July 11, 2016 were approved without changes upon motion by Commissioner Boettcher and second by Chairperson Hahn.

Proposed Windom Park Historic District – Planning Commission Review

Development Coordinator Myron White provided background on the proposed Windom Park Historic District and stated that City Code requires Planning Commission review of the proposed district.

Commissioner M. Olson asked if there were any conflicts between the proposed district and the Comprehensive Plan. Mr. Espinosa stated that there were not.

Following further clarifying questions about the proposed district, Commissioner Shortridge motioned to recommend approval. The motion was seconded by Commissioner Paddock and was unanimously approved.

Discussion – Development Code Update

Jeff Miller and Rita Trapp from HKGI presented a summary table of procedures for administration of the Development Code. Mr. Miller and Ms. Trapp noted that the table attempts to standardize the notification distances for applications (e.g. variances, code amendments, subdivisions, etc.), and reduce required public hearings from two to one in accordance with state statutes. Standardizing notification distances helps with simplification and reducing the number of public hearings reduces the costs and time associated with applications.

PLANNING COMMISSION MEETING MINUTES
JULY 25, 2016
PAGE 2

Ms. Trapp noted that the public hearings are recommended to be in front of the Planning Commission or Board of Adjustment. This is because these bodies are the first to hear a petition, and can thus make a recommendation which is informed by public input. The results of the public hearing can then be provided to the City Council through meeting minutes and staff reports. Ms. Trapp noted that although the minimum number of one public hearing is set by statute, a city can choose to have more.

Commissioner M. Olson asked about expiration dates for the approvals listed in the table. Ms. Trapp stated they could examine the expiration dates for each approval and that could potentially be added to the table.

Next, there were some questions about the Board of Adjustment reviewing appeals to interpretations of the Development Code. It was noted that perhaps the Planning Commission should review appeals to the code considering the Commission is perhaps more familiar with the zoning code and because there aren't a large number of appeals.

There were also questions about Planning Commission review of variances. Mr. Espinosa gave some background about why the Board of Adjustment reviews variances and the Planning Commission reviews Conditional Use Permits. Ms. McMartin noted that a recommendation for the Planning Commission to review variances instead of the Board would need to be approved by Council – similar to the ordinance changes recommended by the Commission during the Development Code update process. Ms. Trapp noted that if the Commission reviews variances, the Board of Adjustment could be dissolved. Ms. Trapp noted that the Commission should be cognizant of the time and work involved with adding variance review to the Commission's responsibilities.

Next, there were questions about the illumination enforcement and appeal section of the sign code. Following discussion, it was determined that this section could be tied to the process for appeals to interpretations of the Development Code. As a result, appeals to the staff decisions about sign illumination would go to the Planning Commission and not to the small group currently defined in the sign code.

Ms. Trapp then continued going through the procedures table.

Commissioner M. Olson noted that perhaps a Comprehensive Plan amendment request should have public hearings at both the Commission and the Council levels due to the broad nature and potential significance of such requests.

At the end of the discussion, Mr. Miller noted that the Architectural Review Certificate of Approval process is recommended to be eliminated. The form-based standards currently being proposed for the Development Code would serve as the architectural standards and would be reviewed by staff during the site plan process. In this manner, a Commissioner could request review of the site plan if it was felt the form-based standards were not being met. The Commission would then serve as the review body for the form-based standards.

PLANNING COMMISSION MEETING MINUTES
JULY 25, 2016
PAGE 3

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:45 p.m.

Carlos Espinosa
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Discussion – Development Code Update

PREPARED BY: Carlos Espinosa

DATE: August 8, 2016

Commissioners please see an updated draft of the use specific standards for the Development Code Update. Additional standards added to this draft include standards related to downtown gas stations and townhomes in single-family zoning districts. Also, included are proposed definitions related to new housing types. Staff will go through the proposed standards and definitions at the meeting.

Attachments

Winona's Housing Type Definitions Today

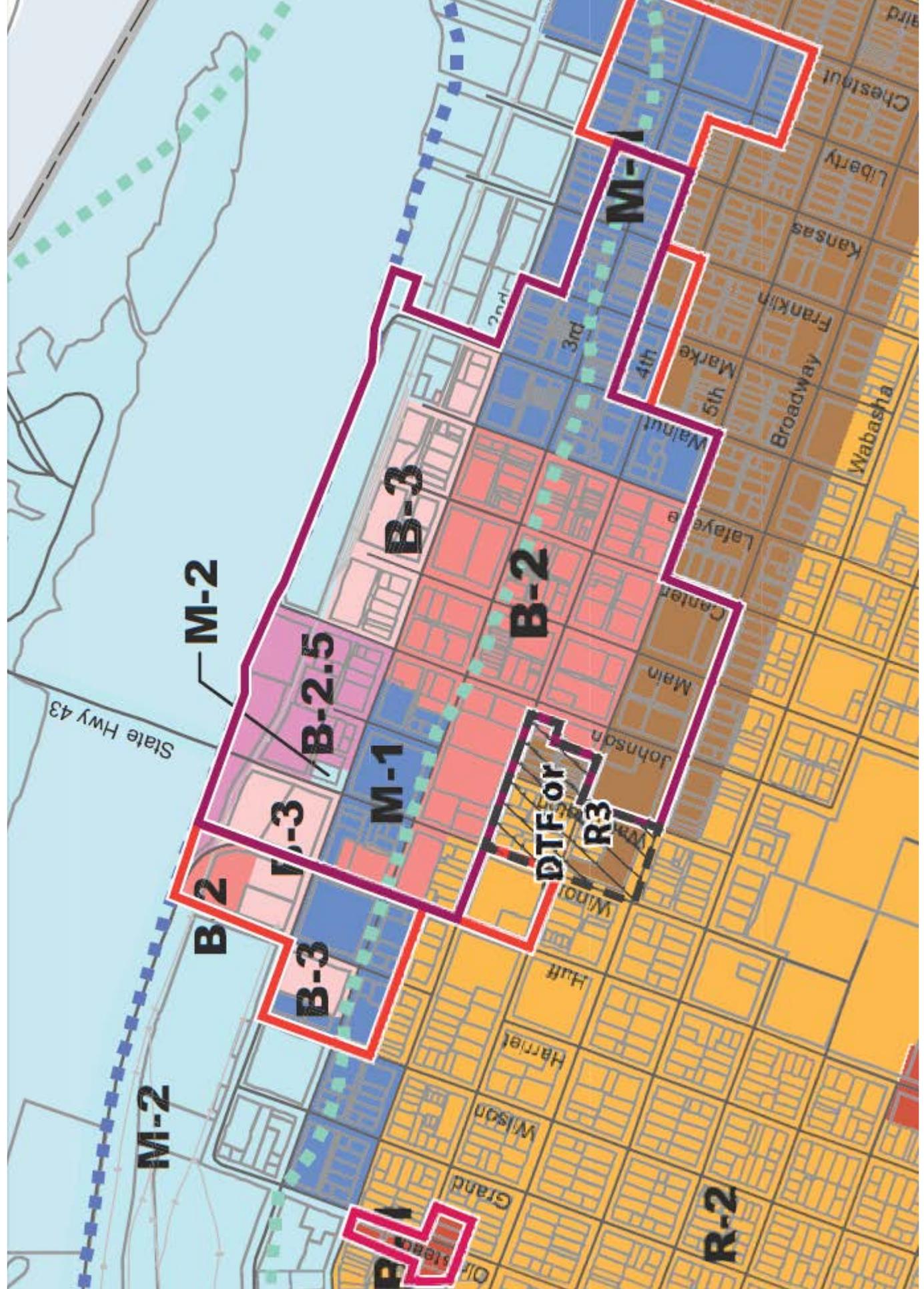
- 1) Dwelling, Single Family: A building designed for or used exclusively for residence purposes by one family.
- 2) Dwelling, Two Family: A building designed for or used exclusively by two families.
- 3) Dwelling, Multi Family: A building or portion thereof designed for or used by three or more families or housekeeping units.

Proposed Housing Type Definitions

- 1) Dwelling, Single Family: A building designed for or used exclusively for residence purposes by one family.
- 2) Dwelling, Two to Four Family: A building designed for or used exclusively for residence purposes by two to four families.
- 2)3) Dwelling, Attached Townhouse or Rowhouse: A building designed for or used exclusively for five or more families or dwelling units, which are attached horizontally by at least one common wall extending from the foundation to the roof, and providing separate entrances from the outside for each unit.
- 4) Dwelling, ~~Multi Family~~Apartment: A building ~~or portion thereof~~ designed for or used exclusively by three-five or more families or housekeeping dwelling units and sharing a joint entrance from the outside.
- 3)5) Dwelling, Apartment Mixed Use: A building designed for or used by five or more families or dwelling units as well as non-residential uses that are permitted in the zoning district to be located on the ground story, with all dwelling units sharing a joint entrance from the outside.

Formatted: Indent: Left: 0.6", No bullets or numbering

Formatted: Font: 12 pt



- c) adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - d) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
 - e) location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - f) a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- 4) Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
- 5) Platting. All subdivisions that create five or more lots or parcels that are 5 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
- 6) Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 69.05 A.4. of this Chapter.
- Ord. No. 3705 9/5/06

Article 03 Development Standards

Division 1 Use Specific Standards

43.03.11 Purpose and Applicability

43.03.12 Use Specific Standards for Residential Principal Uses

- A) BED AND BREAKFAST, OWNER-OCCUPIED TOURIST HOMES. All Bed and Breakfast and Tourist Homes shall be subject to the following conditions:
- 1) The home shall be located on a lot that is owned by and includes the primary residence of the host or host family. The host or host family shall reside on the lot during any period of guest stay.
 - 2) The home may be located within a principal or accessory structure, provided that all applicable building, housing, and sanitation codes are met.
 - 3) Minimum lot area shall be computed at the rate of 1,500 square feet per guest room. This computation shall not include any portion of a lot that is considered to be undevelopable by local or state law.

- 4) Paying overnight guests may be served only breakfast by the host or host family. The preparation of food by paying overnight guests may be permitted within guest rooms if properly inspected and licensed for that purpose.
- 5) Guest stay shall be limited to a maximum of twenty-nine (29) continuous days within a sixty (60) day period.
- 6) Off-street parking shall be provided on the basis of two spaces for the host or host family, plus one space per guest room. ~~All off-street parking shall conform to location, design and maintenance standards of Section 43-37.~~
- 7) One unlighted exterior sign shall be permitted. The sign shall not exceed two square feet in area and be attached flat to the wall of the principal structure.
- 8) Bed and Breakfast homes shall be subject to all terms and conditions of the hotel/motel tax as defined in Chapter 64 and be operated in accordance with state law.
- 9) A home must be annually inspected and licensed pursuant to all city, county and state housing, building, fire and environmental health codes and ordinances. Proof of such licensing must be submitted to the Department of Community Development by the host or host family.
Ord. No. 3929 3/18/2013

B) DWELLING, APARTMENT

- 1) In the B districts, an apartment dwelling is permitted if it is a permitted use in the residential district adjoining the B district.

B)C) DWELLING, APARTMENT MIXED USE

- 1) In the Mixed Use districts:
 - a) Exclusive of required entrances, the residential use may occupy no portion of the front one-half of the first story floor area.
 - b) Any part of a rear building line located within 100 feet of a public parking lot, no residential use may occupy the rear one-half of the first story floor area.
 - c) In the case of a corner lot having two building frontages, no rear first story residential use shall be permitted which has, other than required entrances, openings which are visible from a public street.
 - d) The Commission may apply additional requirements of the applicant which it feels are necessary to protect future residents from the day to day activity of adjacent non-residential use.

C)D) DWELLING, ATTACHED TOWNHOUSE OR ROWHOUSE

- 1) The minimum width of each individual dwelling unit in such townhouse or rowhouse, measured from interior wall to interior wall along the exterior wall, shall be not less than 18 feet.
- 2) In the R-1, R-1.5, and R-2 districts, an attached townhouse or rowhouse dwelling constructed after June 30, 2017 shall only be located on a corner lot with access to an arterial or collector street.
- 4)3) In the B districts, an attached townhouse or rowhouse dwelling is permitted if it is a permitted use in the residential district adjoining the B district.

D)E) DWELLING, CONVERSION TO TWO, THREE, AND FOUR FAMILY

- 1) Conversion of a dwelling into a two, three or four-family dwelling; provided, that these conform with the lot area frontage and yard requirements prescribed for such two, three and four-family dwellings in this chapter and with all other applicable requirements of this chapter.

E)F) DWELLING, TWO TO FOUR FAMILY

- ~~0) In the R-1 district, two to four family dwellings constructed after June 30, 2017 may shall only be located on a corner lot adjoining or within 100 feet of a less restricted district or on a lot abutting and with access to a primary or secondary thoroughfare, an arterial or collector street.~~

G) FRATERNITY OR SORORITY

- 1) The use shall be located within one-half (½) mile of the educational facility served.
- 2) The fraternity or sorority shall be chartered by a national or local organization officially recognized by the educational institution.
- 3) On-site services shall be for residents of the facility only.
- 4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- 5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- 6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- 7) A minimum of one parking space per resident shall be provided on the site.

G)H) MANUFACTURED HOME PARK

- 1) Unless specified as follows, no manufactured or mobile home, as defined in ~~Section 43.04~~ Article 7 of this chapter, which is to be used for human occupancy, shall be located outside of an approved manufactured home park. Manufactured homes may be placed on permanent foundations in any zone which permits single family detached dwellings provided that the following criteria are met:
 - a) The home is to be occupied only as a residence.
 - b) The home will meet all pertinent zoning requirements.
 - c) The home meets manufactured home building specifications pursuant to appropriate state laws.
 - d) The home is located on a permanent foundation which is approved by the building inspection office.
 - e) The home will not be in conflict with covenants or restrictions applicable to the lot on which it is to be located.
 - f) In order to provide for the purpose and scope of this chapter, the proposed home shall bear a reasonable aesthetic relationship to existing dwelling within the immediate area of the lot to be developed. ~~Pursuant to Section 43.28(a) and (b), compatibility shall be a determination of the Architectural Review Board upon referral from the Chief Code Enforcement Official. The Board shall act according to its duties as found in Section 43.29.~~

~~The Board shall consider how the home relates to the surrounding area in terms of structural width and length, exterior covering, architectural detail, roofing material and pitch, roof overhang and bulk. The Board shall give specific reasons for its action(s).~~

H) MOTEL OR MOTOR HOTEL

- 1) The sanitary regulations prescribed by the board of health or other authority having jurisdiction, the regulations of the Building Code of the city and as may otherwise be required by law shall be complied with by motels and motor hotels.
- 2) Area and yard requirements. Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- 3) Lot area occupancy. The building(s) of any motel, together with any non-accessory buildings already on the lot, shall not occupy, in the aggregate, more than 25 percent of the area of the lot.
- 4) ~~Parking. All areas used for automobile access and parking shall comply with the applicable provisions of article V of this chapter.~~
- 5) Entrance to motels. No vehicular entrance to or exit from any motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
- 6) Landscaping of unused areas. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
- 7) ~~Electric appliances in motels, etc. All appliances and lighting fixtures and equipment in a motel shall be electric facilities.~~
- 8) ~~Enlargement. Any enlargement or extension to any existing motel shall require application for a zoning certificate, as if it were a new establishment. No enlargement or extensions to any motel shall be permitted, unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.~~

H) RESIDENTIAL RETREAT CENTERS, NON-OWNER-OCCUPIED TOURIST HOMES

- 1) The use shall be subject to the 30% Rental Housing Rule.
- 2) Any principal or accessory structure which is, in any way, designed to facilitate the use, shall meet all applicable lot area and yard requirements for single-family detached structures of the underlying zoning district.
- 3) Parking – one off-street parking space per guest room, provided that if a single-family dwelling is rented as a single dwelling unit, two off-street parking spaces shall be required, certified person. All off-street parking areas shall be subject to standards of Section 43.37
- 4) ~~All signs for the use shall meet provisions of Section 43.43.~~
- 5) The use shall be subject to the City hotel/motel tax.
- 6) ~~In the R-3 district, in addition to the four standards above, †The home-unit must be certified in accordance with applicable local, county, or state standards.~~

- 7) In the R-R, R-S, R-1, R-1.5, and R-2 districts, in addition to the five standards above, the use shall be located upon, and with direct access to, ~~a designated major arterial, minor arterial,~~ or collector street.

43.03.13 Use Specific Standards for Public and Institutional Principal Uses

~~A) EMERGENCY SERVICE FACILITY~~

- ~~2)1) In any R district, building shall be located a minimum of 60 feet from any lot line.~~

B) HOSPITAL

- 1) In R districts, any lot or tract of land in such use shall be not less than 15,000 square feet in area and any buildings in which patients are housed shall be at least 50 feet distant from any lot line.

~~B) MUNICIPAL, COUNTY, STATE, OR FEDERAL ADMINISTRATIVE BUILDING~~

- ~~3)2) In any R district, building shall be located a minimum of 60 feet from any lot line.~~

C) RELIGIOUS FACILITY

- 1) In any R or AG district, building shall not be located less than 40 feet from any lot line.
- 4)2) In the DTMU district, where buildings are connected, the use shall not occupy more than 25 feet of a building's frontage.

D) SCHOOL

- 1) In any R or AG district, building shall not be located less than 40 feet from any lot line.

43.03.14 Use Specific Standards for Commercial Principal Uses

A) COMMERCIAL, ALL

- 1) In any ~~M-L~~ district:
- 2) Commercial uses which are open 24 hours shall not adjoin a residential district.
- 3) Commercial uses shall not be located on a lot larger than 2.1 acres.
- 4) Any new commercial uses established after September 9, 2010, shall be located on premises which contain frontage on a street officially classified as a collector or an arterial on the official thoroughfare plan. ~~These provisions shall not apply to such uses which are incidental and accessory to a permitted principal use or service stations and such commercial and other uses as are first permitted in the B-3 district.~~

B) ADULT USE ESTABLISHMENT

- 1) Findings ~~and Purpose~~. The Minnesota State Attorney General's Office and the cities of St. Paul, Minneapolis, Rochester, and Ramsey, Minnesota, as well as Phoenix, Arizona, Seattle, Washington, Indianapolis, Indiana, and Adams County, Colorado, have conducted studies of the impact of Adult Use Establishments on their respective communities. The American Society of Planning Officials (ASPO) has also issued a report providing an overview of concerns related to the regulation of adult entertainment businesses. On the basis of these studies and reports and other information available to it, the City Council of the City of Winona finds that Adult Use Establishments generate harmful secondary effects which negatively impact neighborhoods. These secondary effects, include but are not limited to, the following:

- a) Residential neighborhoods located within close proximity to adult theaters, bookstores, and other Adult Use Establishments experience increased crime rates (sex-related crimes in particular), lowered property values, increased transiency, neighborhood blight, and potential health risks.
 - b) Adult Use Establishments can have an adverse impact on adjacent commercial uses.
 - c) The adverse impacts which Adult Use Establishments have on surrounding areas diminish as the distance from the adult establishments increases.
 - d) Many members of the public perceive areas within which Adult Use Establishments are located as less safe than other areas which do not have such uses.
 - e) Adult Use Establishments can exert a dehumanizing influence on persons attending nearby places of worship; children attending family day care homes, group family day care homes and child care centers; students attending schools; and people using parks.
 - f) The concentration of Adult Use Establishments in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life. A cycle of decay can result from the concentration of adult establishments. The presence of such businesses is perceived by others as an indication that the area is deteriorating which can cause other businesses and residents to move out of the vicinity. Declining real estate values, which can result from the concentration of such businesses, erode the City's tax base and contribute to a feeling that the section of the City is depressed.
- 2) **Purpose.** In recognizing that the suburban characteristics of the City of Winona are similar to those cited by the reports, the purpose of this Article is to regulate Adult Use Establishments in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Adult Use Establishments within the City. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.
- 3) **Permitted Use.** An Adult Use Establishment is permitted within any B-3, M-1, and M-2 Zoning district provided that the following **requirements-standards** are met:
- a) All such uses shall be located a minimum of 600 feet from any residential zoning district boundary, school, place of worship, any adjacent municipal boundary or licensed daycare center. For purposes of this section, distances shall be determined by a straight horizontal line measured between the building or structure containing the Adult Use Establishment to the property line of the nearest residential zoning district, school, place of worship, adjacent municipal boundary, or licensed daycare centers.
 - b) No Adult Use Establishment shall be located closer than 1,200 feet to any other Adult Use Establishment. For purposes of this section, distances shall be determined by a straight horizontal line measured between the closest exterior walls of the structure in which each business is located.

- c) No Adult Use Establishment shall be conducted in any manner which permits the perception or observation from any property, not approved as an Adult Use Establishment, of any materials depicting, describing, or related to "specified sexual activities" or "specified anatomical areas" by any visual or auditory media including display, decoration, sign, show window, sound transmission or other means.
- d) No Adult Use Establishment shall sell or dispense 3.2 percent malt liquor or intoxicating liquor, or be located within a building which contains a business which sells or dispenses 3.2 malt liquor or intoxicating liquor.
- e) No Adult Use Establishment shall permit any person under the age of 18 onto the premises of said establishment. Nor shall any person under the age of 18 be permitted access to material displayed or offered for sale or rent by the Adult Use Establishment.
Ord. 3500 09/04/01

- 4) Nonconforming Uses. Any Adult Use Establishment lawfully operating on the adoption date of this Article and which is in violation of ~~Section 43.78 standards~~ (a) through (e) ~~of this Article above~~, shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed five years unless sooner terminated for any reason. Such nonconforming uses shall be maintained in accordance with the provisions of Section 43.3201.25.
Ord. 3500 09/04/01

C) ANIMAL HOSPITAL OR VETERINARY CLINIC

- 1) The enclosure or building in which the animals are kept shall be at least 200 feet from any R or MU district and at least 100 feet from any B-1 district.
- 2) Any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.
- 3) Exercise runs shall be enclosed on four sides by a sight-obscuring, unpierced fence or wall at least five feet in height.

D) ANIMAL KENNEL

- 1) Agricultural use provided that the number of animal units permitted on a property may not exceed a total of 1 per acre and provided further that any building which is used to house said animals shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet

E) ~~AUTOMOTIVE FUEL~~GAS STATION

- 1) In the Mixed Use districts, a gas station constructed after June 30, 2017 shall be located at least 150 feet from any R district.
- 2) In the Mixed Use districts, a gas station constructed after June 30, 2017 which is open 24 hours a day shall be located at least 300 feet from any R district. A gas station that is not open 24 hours a day but has gas pumps that are in operation 24 hours a day shall not be considered open 24 hours a day.

3) In the Mixed Use districts, a gas station constructed after June 30, 2017 shall be located on an arterial street.

~~4)4)~~ Except in the downtown-Mixed Use districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block ~~or on another street which the lot in question does not abut.~~

~~2)5)~~ No automotive fuel station shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any R district, except where such appliance or pit is within a building.

F) AUTOMOTIVE REPAIR, MAJOR

- 1) Use shall not be located within ~~50-100~~ feet of any R district.
- 2) Except in the downtown-Mixed Use districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, ~~except where such property is in another block or on another street which the lot in question does not abut.~~

G) AUTOMOTIVE REPAIR, MINOR

- 1) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
- 2) ~~Parking lots are permitted subject to applicable requirements of Sections 43.33 and 43.44.~~
- 3) Except in the downtown districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

H) AUTOMOTIVE SALES AND LEASING

- 1) Use shall not be located within 50 feet of any R district.

I) BILLBOARD OR OUTDOOR ADVERTISING, OFF-PREMISE SIGN

- 1) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of Article 5 of this chapter.

~~H)J)~~ COMMERCIAL RECREATION OR ENTERTAINMENT, INDOOR

- 1) Building shall be located no less than 100 feet from any R district.

K) PUBLIC RECREATIONAL FACILITY, INDOOR

- 1) Building shall be located no less than 100 feet from any R district.

~~J)L)~~ RESTAURANT, DRIVE-THROUGH OR DRIVE-IN

- 1) Principal building is distant not less than 200 feet from any R-S or R-1 district.

~~K)M)~~ THEATER

- 1) Building shall be located no less than 100 feet from any R district.

43.03.15 Use Specific Standards for Manufacturing Principal Uses

A) BREWERY, LARGE

- 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than ~~400-200~~ feet from any R district.

B) BREWERY, SMALL

- 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than 100 feet from any R district, ~~and said uses shall comply with those performance standards of Section 43.33.~~

C) CONSTRUCTION CONTRACTOR YARD

- 1) Use shall be conducted either wholly within a completely enclosed building, except storage of vehicles.
- 2) ~~Contractor yard buildings shall be distant at least 100 feet from any R district, unless such building has no openings other than stationary windows and required fire exits within such distance.~~
- 3) ~~Contractor yard buildings shall not be located within 50 feet of any R district in any case, or when conducted within an area completely enclosed on all sides with a solid wall or uniformly painted solid board fence not less than 6 feet high, but not within 200 feet of any R district.~~
- 4) All storage yards shall be enclosed by a solid board fence not less than 6 feet high on all sides which face a residential or commercial zoning district.

D) CREMATORY

- 1) Building shall be located no less than 200 feet from any R or MU district.

E) MANUFACTURING, LIGHT

- 1) For bottling works and wholesale bakeries, a building shall be at least 200 feet from any ~~R-S or R-1 district and 100 feet from any R-2 or R-3R~~ district.
- 2) For specialized metal working, sheet metal shops, welding shops, and machine shops, provided that no use shall employ punch presses, drop hammers, or similar equipment and provided further that no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any ~~R-S or R-1 district and within 50 feet from any R-2 or R-3R~~ district.
- 3) All uses shall be conducted wholly within a completely enclosed building except for the incidental display of finished merchandise, or the storage of vehicles and raw materials.
- 4) ~~provided further that a~~ All material storage yards shall be located a minimum of 50 feet from any residential district and shall be screened ~~from the district by a solid board fence or other suitable screening which is not less than 6 feet in height~~ by a solid board fence not less than 6 feet high on all sides which face a residential or commercial zoning district.

F) MANUFACTURING, HEAVY

- 1) ~~In the M-1 district, n~~ No part of a building occupied by heavy manufacturing uses shall have any opening other than stationary windows or required fire exits, within 200 feet of ~~any R-S or R-1 district and within 100 feet of any R-2 or R-3R~~ district.

- 2) Any building which includes the cutting of stone through saw or hydraulic methods shall be located a minimum of ~~70-100~~ feet from any residential district. ~~Additionally, any such building which is located within 100 feet of a residential district shall be constructed to meet those noise source requirements of Section 39.03.~~

G) MICRODISTILLERY

- 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than 100 feet from any R district, and said uses shall comply with those performance standards of Article 3, Division 7, of this chapter.

G)H) PRINTING

- 1) Use shall not be located within 100 feet of any R-S or R-1 district.

H)I) SCRAP OR SALVAGE YARD

- 1) ~~If Such use shall not be~~ located ~~not~~ less than 200 feet from any R district
- 2) ~~;~~ ~~provided, that the~~Such use shall not involve the handling or storage of putrescible solid waste materials.
- 3) ~~;~~ ~~and a~~ny outside storage areas ~~are shall be~~ enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high.
- 4) ~~;~~ ~~and that s~~Such operation shall not be visible from the nearest street or highway.

H)J) SILICA SAND PROCESSING FACILITY

- 1) Silica sand processing facilities, including silica sand washing and drying facilities. In addition to the general performance standards set forth in ~~Article 3, Division 7, of this chapter~~Section ~~43.33~~, silica sand processing facilities shall also comply with the following specific conditions:
- 2) Hard Surfacing. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area.
- 3) Truck Washing Equipment and/or Tracking Pads. Truck washing equipment or tracking pads, or a combination of both, shall be required at each facility.
- 4) Truck Route Designation. All trucks entering and leaving such facilities shall enter and exit Winona on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
- 5) Transportation Impact Analysis. Notwithstanding the provisions of Section 43.03.36 (1) ~~89 (a)~~, all silica sand facilities shall complete a Transportation Impact Analysis in accordance with ~~Article XIX of this Chapter~~43.03.36.
- 6) Maximum Permitted Daily Trip Volume. A maximum number of daily truck trips shall be established for each facility.
- 7) Enclosure and Covering of Processing Equipment and Stockpiles. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any R or B district shall be enclosed by a structure. Stockpiles greater than 500 feet from an R or B district and undisturbed for more than one week shall be covered.
- 8) Setback. All ~~silica sand processing or transportation uses including access drives structures housing processing equipment and stockpiles~~ shall be located a minimum of 500' ~~feet~~ from a residential property.

- 9) Stockpile Watering. Uncovered stockpiles shall be watered regularly to prevent surface areas from drying out and becoming susceptible to wind erosion.
- 10) Hours of Operation. Hours of operation for truck traffic and equipment/ machinery with back-up alarms shall be limited to 7 a.m. – 7 p.m.
- 11) Landscaping and Screening. Sufficient landscaping and screening, including but not limited to fences, earthen berming, walls and/or vegetative screens, as approved by the City of Winona, shall be provided to mitigate visual impacts of operation-a facility on adjacent properties.
- 12) Contact Information. Facility operators shall provide current contact information to the City of Winona to facilitate response to concerns.
- 13) Permits and Reports Obtained and Placed on File. Any applicable state or federal permits shall be obtained and placed on file with the City of Winona. Any reports generated to fulfill permit requirements shall be submitted to the City of Winona.

43.03.16 Use Specific Standards for Recreation and Open Space Principal Uses

A) CAMPGROUND

- 1) General Requirements.
 - a) The sanitary regulations prescribed by the board of health or other authority having jurisdiction, the regulations of the Building Code of the city and as may otherwise be required by law shall be complied with by trailer parks.
 - b) ~~Area and yard requirements. Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.~~
 - c) Lot area occupancy. The building(s) of any trailer park, together with any non-accessory buildings already on the lot, shall not occupy, in the aggregate, more than 25 percent of the area of the lot.
 - d) ~~Parking. All areas used for automobile access and parking shall comply with the applicable provisions of article V of this chapter.~~
 - e) Entrance to motels. No vehicular entrance to or exit from any trailer park, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
 - f) Landscaping of unused areas. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
 - g) Enlargement. Any enlargement or extension to any existing trailer park shall require application for a zoning certificate, as if it were a new establishment.
 - h) No enlargement or extensions to any trailer park shall be permitted, unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.
- 2) Submission of Plans. An application for the establishment of a trailer park shall be filed with the zoning administrator and must be accompanied by a scale drawing certified by a registered civil engineer. Such drawing shall contain the following information:
 - a) Accurate dimensions of the proposed trailer park in feet.

- b) All roads and approaches and the method of ingress and egress from public highways.
- c) The complete electric service installation, wire service outlets and lighting facilities.
- d) A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
- e) The location of electric power distributing systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with such business.
(08/17/59)

3) Design and Maintenance. Trailer parks shall be designed and maintained in accordance with the following requirements:

- a) Park area. The minimum trailer park area shall be 40,000 square feet.
- b) Lot area. The minimum lot area per trailer unit shall be 2,000 square feet.
- c) Distance between trailers. The minimum distance between neighboring trailers shall be not less than 20 feet. Each trailer unit shall set back not less than 10 feet from the exterior lines of the trailer unit lot upon which it is located.
- d) Concrete slab. Each trailer unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Such slab shall have a minimum horizontal dimension of 8 x 10 feet and a minimum thickness of 4 inches.
- e) Utilities. Each trailer unit shall be equipped with one electric outlet. A sanitary sewer and water system shall be installed in accordance with city specifications. Trailer units not directly connected with the water and sewer system shall be located not more than 200 feet from a community utility building providing separate toilet and shower facilities for each sex.
- f) Interior streets. The minimum width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum width of two-way streets with parking permitted on one side shall be 26 feet. Such streets shall be graveled or paved, maintained in a good condition and lighted at night.
- g) Length of occupancy. No trailer shall remain in a trailer park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.
- h) Additional requirements. In addition to the foregoing, the board may impose such other conditions, requirements or limitations concerning the design, development and operation of such trailer parks as it may deem necessary for the protection of adjacent properties and the public interest.
(08/17/59)

Ord. No. 2327 03/1/76

B) COMMERCIAL RECREATION, OUTDOOR

- 1) ~~Any type of commercial recreation, including baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open-air facilities; provided, that such establishments~~ shall be distant at least 200 feet from any R district except city parks.

C) PUBLIC RECREATION, OUTDOOR

- 1) Public recreation uses shall be distant at least 200 feet from any R district except city parks.

43.03.17 Use Specific Standards for Natural Resources and Agricultural Principal Uses

A) AGRICULTURE – RAISING OF LIVESTOCK

- 1) In R-R districts, Agricultural uses, commercial nurseries and greenhouses, but not including kennels; provided, that any lot or tract in such use shall not be less than 3 acres in area that no more than 1 animal unit per acre shall be permitted, and that any building in which animals are kept shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet
- 2) In AG districts, Agricultural use provided that the number of animal units permitted on a property may not exceed a total of 1 per acre and provided further that any building which is used to house said animals shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet

B) ANIMAL STABLE

- 1) Agricultural use provided that the number of animal units permitted on a property may not exceed a total of 1 per acre and provided further that any building which is used to house said animals shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet

C) COMMERCIAL GREENHOUSE, NURSERY, TREE FARM, OR ORCHARD

- 1) In R-R districts, Agricultural uses, commercial nurseries and greenhouses, but not including kennels; provided, that any lot or tract in such use shall not be less than 3 acres in area that no more than 1 animal unit per acre shall be permitted, and that any building in which animals are kept shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet

D) EXTRACTION PITS

- 1) General Requirements. Unless otherwise provided, the Planning Commission shall grant a conditional use permit for all such uses in accordance with Section 43.06.14 (B); Section 43.30 Article 3, Division 7; the underlying zoning district, and the following conditions:
 - a) No part of an extraction operation shall be conducted closer than 500 feet to any residential or commercial structure. No extraction operation or any stock pile placed closer than 50 feet to any property line, unless a greater distance is specified by the Commission where

such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner of the abutting property.

- b) No excavation shall occur within 200 feet of a top of bluff as defined in [Article XVII Section 43.02.32](#) Bluffland Protection.
- c) In the event that the site of the extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 30 feet to the nearest line of such right-of-way.
- d) Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Commission, such fencing is necessary for the protection of the public safety, and shall be of a type and height specified by the Commission.
- e) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment, as may be specified by the Commission, following consultation with the City Engineer.
- f) Washing, refining or other similar processing may be authorized by the Commission as an accessory use; provided that such accessory processing shall not be in conflict with the land use regulations of the district in which the operation is located.
- g) Hours of operation for all mines shall be 6:00 a.m. to 9:00 p.m.
- h) All local, state or federal laws applicable to the specific extraction activity and subsequent rehabilitation must be met.
- i) Water Quality Monitoring. The mine operator/owner shall install groundwater monitoring wells adjacent to the proposed mine site where the site is adjacent to residential plats or suburban development, springs, sinkholes and/or wellhead protection areas or community wells and shall provide the City with groundwater testing by an independent environmental engineer, approved by the City, at the time of commencement of disturbance activities and twice per year until 1 year after the mine has been completely reclaimed.
- j) Phase 1 Archeological Study. Any land disturbance activity (e.g. excavation, construction, alteration of existing vegetation) within 1000 feet of a top of bluff as defined in [Section 43.02.32 Article XVII](#) shall complete a Phase 1 Archeological Study. The study shall be prepared by a qualified professional, as defined by MS 138.31, subd. 10, or who is listed on the Minnesota State Historic Preservation Office Archeological Contractors list, and in accordance with protocols of the State Historic Preservation Office document entitled "SHPO Manual for Archeological Projects in Minnesota", July, 2005, or as amended. The scope of the study shall include all land located within 150 feet from the limits of any proposed land disturbance activity, or at the applicant's property line, whichever is less. The study shall follow the process detailed in [Section 43.02.32 Article XVII](#).
- k) Prohibited Activities. Blasting and crushing shall not be permitted at the mine site, except by specific Planning Commission approval with specified time limits, mitigation of airborne particulate, and in compliance with Chapter 63. Applicants intending on blasting must submit detailed information as to the frequency, duration, schedule and vibration standard/thresholds for review and approval by the Planning Commission.
- l) Project Manager/ Contact Person Required. Owner/applicant shall at all times have an agent whose name, fax number, telephone number/cellular number and email address are

on file with the City in order to respond promptly to concerns. The agent's name and contact information shall be available on site on a 2' x 3' placard or sign at the site entrance.

- m) **Contact with Other Jurisdictions.** Mines with property and/or entrances/exits in other jurisdictions shall obtain appropriate permits from such jurisdictions and provide the permits to the City of Winona.
- n) **Access Permit.** Owner/applicant shall obtain an access permit from the road jurisdiction where mine traffic enters or exits. Such permit shall be placed on file with the City.
- o) **Tracking Pad Required.** The owner/applicant shall be responsible for asphalt paving the approach to adjacent roads for a minimum distance of 40 feet.
- p) **Reporting Vehicle Weights.** Owner/Applicant shall be required to identify a method of positive controls regarding the weight of vehicles leaving the mine and method to insure vehicles do not exceed the weight limits of the roads and bridges upon which they will travel, and obtain approval by the City Engineer on the methods and frequency of inspection used. Controls such as scales and regular reporting on vehicle weights shall be implemented with weekly reporting to the City Engineer.
- q) **Street Maintenance and Sweeping Required.** Owner/applicant shall be responsible for monitoring roadways and roadway sweeping as necessary to maintain safe conditions. All transportation routes used by the mine shall not have any accumulation of visible debris or sand from the mine site. The owner/applicant shall take all necessary precautions to avoid spillage on roadways.
- r) **Requirement for Secure Loads.** No vehicle shall be driven or moved on any roadway unless such vehicle has the load securely covered as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from vehicles.
- s) **Transportation Impact Analysis.** Notwithstanding the provisions of 43.03.36 (1), all extraction operations/mines shall complete a Transportation Impact Analysis in accordance with [Article XIX 43.03.36](#) "Transportation Impact Analyses and Road Use Agreements."
- t) **Road Use Agreement.** A road use agreement shall be required in accordance with Section [43.0443.03.36 \(3\)](#) for projects subject to a Transportation Impact Analysis.
- u) **Reclamation Plan Required.** A complete and detailed reclamation plan shall accompany all applications which meets or exceeds the requirements of paragraph (e) of this section.
- v) **Subterranean Engineering Analysis Required.** Owner/applicant shall submit an analysis prepared by a qualified independent engineering firm of the existing geologic conditions both in the extraction area and sub-extraction area and the impacts of the mining operations, including the applicability of the reclamation plan including any potential adverse effect on area hydrology, springs or Karst formations. The City reserves the right to have this data reviewed by state geologists/hydrologists and/or SWCD staff.
- w) **Performance Guarantees Required.** Performance bonds shall be required for the following:
 - i. 110% of the estimated cost of reclamation for a period equal to the life of the quarry plus 2 years. Performance bonds for reclamation may only cover the areas of disturbance for the duration of mining activity and may 'roll' with disturbance activity accordingly in order to minimize financial burden on the applicant.
 - ii. A performance surety shall be provided in the amount of \$1,000 per acre for the total proposed site disturbance. The surety shall be used to reimburse the City for any

monies, labor, or material expended to bring the operation into compliance with the conditions of the permit.

- x) An EAW or EIS May be required. Discretionary environmental review can be initiated by the Planning Commission and City Council upon review of a discretionary EAW checklist on file in the office of the City Planner. If ordered, the owner/applicant shall provide an Environmental Assessment Worksheet for the proposed site in accordance with standards determined by the City of Winona.
- 2) Performance Standards. Extraction uses shall also comply with the following performance standards:
- a) Water Resources: The extraction pit or land alteration operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the operation. The work done shall not adversely affect the quality of surface or subsurface water resources. Surface water originating outside and passing through the mining district shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site.
 - b) Access Roads: The location of the intersection of access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance or public road in view so that any turns onto the public road can be completed with a margin of safety.
 - c) Appearance: All buildings, structures and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
 - d) Topsoil Management:
 - i. Removal: Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, prior to any mining activity associated with any specific phase of the mining operation.
 - ii. Volume: The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.
 - iii. Storage: Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.
 - e) Driveway/Access to the commercial/industrial site shall not be located within twenty-five (25) feet of adjacent property boundaries.
- 3) Financial Ability of Applicant. In accepting such plan for review, the Commission must be satisfied that the proponents are financially able to carry out the proposed extraction and rehabilitation operation in accordance with the plans and specifications submitted.
- 4) Application. An application for such operation shall set forth the following information:
- a) The name of the owner of the land from which removal is to be made.

- b) The name of the applicant making request for such a permit.
- c) The name of the person or corporation conducting the actual removal operation.
- d) A legal property description and acreage of the area to be mined.
- e) Maps of the entire site and all areas within two thousand (2,000) feet of the site. Such maps shall show land use, zoning, bluffland, and shoreland information. In addition, the maps described below shall be provided for the entire site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.
- f) Map/Document A - Existing conditions to include:
 - i. Contour lines at five (5) foot intervals.
 - ii. Existing vegetation.
 - iii. Existing drainage & permanent water areas.
 - iv. Existing structures.
 - v. Existing wells.
- g) Map/Document B – Proposed operations to include:
 - i. Structures to be erected.
 - ii. Location of sites to be excavated showing depth of proposed excavation.
 - iii. Location of excavated deposits showing maximum height of deposits.
 - iv. Location of storage of excavated materials, showing the height of storage deposits.
 - v. Location of vehicle parking.
 - vi. Location of storage of explosives.
 - vii. Erosion and sediment control structures.
- h) Map/Document C – Reclamation Plan to include:
 - i. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
 - ii. Location and non-invasive species of vegetation to be replanted.
 - iii. Location and nature of any structures to be erected in relation the end use plan.
 - iv. Stipulations and standards of paragraph (e) below.
- i) The type of resources or materials to be removed.
- j) The proposed method of removal and whether or not the use of explosives will be required.
- k) A description of all equipment to be used.
- l) Hours of operation.
- m) A soil erosion and sediment control plan.
- n) A plan for dust and noise control.
- o) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.

- p) Responses to stipulations of paragraphs (a), (b), and (e) of this section.
 - q) Any other information requested by the Planning Commission.
- 5) Reclamation.
- a) Reclamation shall be complete within one (1) calendar year after the operation ceases. A performance bond shall be required for 110% of the estimated cost of reclamation for a period equal to the life of the quarry plus 2 years. Performance bonds for reclamation may only cover the areas of disturbance for the duration of mining activity and may 'roll' with disturbance activity accordingly in order to minimize financial burden on the applicant. The plan shall specify a systematic approach to land reclamation for the mining site, including phases and schedule for reclamation. The City reserves the right to review the conditional use permit annually to enforce compliance.
 - b) Reclamation plans for sand mining sites shall include a land use/cover plan equal to the actual land use/cover types previous to mining operations. Areas intended for post-mining agricultural uses must include approval by SWCD for best management practices.
 - c) Inactivity at the mine site shall require reclamation in accordance with the terms of an NPDES permit. The NPDES permit shall be placed on file with the City of Winona before extraction/mining operations commence. Inactivity shall be defined as when an operator of a surface mining operation has curtailed production at the site/operation with the intent to resume at a date more than one year in the future.
 - d) Within a period of three (3) months after the termination of an operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a permit, all buildings, structures and plans incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.
 - e) The following standards shall apply to the reclamation plan:
 - i. When the post-mining land use includes a body of water, all excavation shall be made to a water producing depth, not less than 5 feet below the bow watermark. A slope no steeper than 3:1 shall be created to allow for a safe exit.
 - ii. Excavation may also be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure (a) that the excavated area shall not collect and permit to remain therein stagnant water or (b) that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
 - iii. Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 4:1 horizontal to vertical incline, unless demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the extraction pit site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.
 - iv. Topsoil Redistribution for Reclamation: Topsoil or topsoil substitute material shall be redistributed in a manner which minimizes compacting and prevents erosion. Topsoil or

topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

- v. Vegetation shall be restored by appropriate seeding of grasses or planting of shrubs or trees in all parts of such extraction area where such area is not to be submerged under water.
- f) The criteria for assessing when reclamation is complete shall be specified in the reclamation plan. Criteria to evaluate reclamation success shall be quantifiable.
- g) Compliance with the re-vegetation success standards in the approved reclamation plan shall be determined by:
 - i. On-site inspections by the City of Winona or its agent;
 - ii. Reports presenting results obtained during reclamation evaluations including summarized data on re-vegetation, photo documentation or other evidence that the criteria in the reclamation plan have been met; or
 - iii. A combination of inspections and reports. In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
- h) Re-vegetation success may be determined by:
 - i. Comparison to an appropriate reference area;
 - ii. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
 - iii. Comparison to an approved alternate technical standard.
- i) Re-vegetation using a variety of plants indigenous to the area is encouraged.
- j) Maintenance: During the period of the site reclamation the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution.
- k) In addition to the foregoing, the Commission may impose such other conditions, requirements, or limitations concerning the nature, extent of the use, and operation of the extraction pit as the Commission may deem necessary for the protection of adjacent properties and the public interest. The conditions shall be determined by the Commission prior to issuance of the conditional use permit.

ORD. NO. 3921 2/4/2013, ORD NO. 3934 6/17/2013 Ord. No. 3981 11/17/14

43.03.18 Use Specific Standards for Utilities and Transportation Principal Uses

A) PARKING, STRUCTURAL OR NON-STRUCTURAL

- 1) Use shall not be located within 50 feet of any R district.
- 2) Except in the downtown-Mixed Use districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

~~3) In the Mixed Use districts, any parking area for more than three vehicles shall be enclosed by a decorative fence and/or landscaping as approved by the Community Development Department.~~

~~2)4) In R districts, any surface parking area for more than three vehicles shall be enclosed by a solid board fence that is a minimum of four feet in height.~~

~~0) No parking garage shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any R district, except where such appliance or pit is within a building.~~

~~C)B) RAILROAD YARD OR FREIGHT STATION~~

~~1) Such Use, including access drives, shall be located not less than 200 feet from any R district.~~

~~D)C) TRANSFER STATION~~

~~1) Use shall be located not less than 300 feet from any R or B district; that any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high, and that such operation shall not be visible from the nearest street or highway.~~

~~E)D) TRANSPORTATION FACILITY USED TO SHIP SILICA SAND~~

~~1) Transportation facilities used to ship silica sand, except for dredged material (e.g. river sand) from the Mississippi River. In addition to the general performance standards set forth in Section 43.33, transportation facilities used to ship sand shall also comply with the specific conditions set forth under 43.63 (b) (39) 43.03.15 J) above.~~

~~a) Section 43.63~~

~~Silica Sand processing facilities, including silica sand washing and drying facilities. In addition to the general performance standards set forth in Section 43.33, silica sand processing facilities shall also comply with the following specific conditions:~~

~~ii. Hard Surfacing. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area.~~

~~iii. Truck Washing Equipment and/or Tracking Pads. Truck washing equipment or tracking pads, or a combination of both, shall be required at each facility.~~

~~iv. Truck Route Designation. All trucks entering and leaving such facilities shall enter and exit Winona on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.~~

~~v. Transportation Impact Analysis. Notwithstanding the provisions of Section 43.89 (a), all silica sand facilities shall complete a Transportation Impact Analysis in accordance with Article XIX of this Chapter.~~

~~vi. Enclosure and Covering of Processing Equipment and Stockpiles. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any R or B district shall be enclosed by a structure. Stockpiles greater than 500 feet from an R or B district and undisturbed for more than one week shall be covered.~~

~~vii. Setback. All structures housing processing equipment and stockpiles shall be located a minimum of 500' from a residential property.~~

~~viii. Stockpile Watering. Uncovered stockpiles shall be watered regularly to prevent surface areas from drying out and becoming susceptible to wind erosion.~~

- ix.—Hours of Operation. Hours of operation for truck traffic and equipment/ machinery with back-up alarms shall be limited to 7 a.m.—7 p.m.
- x.—Landscaping and Screening. Sufficient landscaping and screening, including but not limited to fences, walls and/or vegetative screens, as approved by the City of Winona, shall be provided to mitigate visual impacts of operation on adjacent properties.
- xi.—Contact Information. Facility operators shall provide current contact information to the City of Winona to facilitate response to concerns.
- xiii.i. Permits and Reports Obtained and Placed on File. Any applicable state or federal permits shall be obtained and placed on file with the City of Winona. Any reports generated to fulfill permit requirements shall be submitted to the City of Winona.

43.03.19 Use Specific Standards for Accessory Uses

A) ACCESSORY BUILDING

- 1) ~~Generally. An accessory building may be erected detached from the principal building or, except when a stable, may be erected as an integral part of the principal building or may be connected therewith by a breezeway or similar structure. Except as provided in Section 43.53(f) and (g),~~ No accessory building shall be erected in any required front or side yard or court, except a rear yard, and shall occupy more than 15 percent of a required rear yard.
- 2) ~~Corner Lots. In any R district, where a corner lot adjoins in the rear a lot fronting on the side street and located in an R district, no part of an accessory building on such corner lot within 25 feet of the common lot line shall be nearer a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot. In no case shall any part of such accessory buildings~~ shall ~~be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is necessary.~~
- 3) ~~Front Setback. No accessory use or structure in any R district, except an off-street parking area subject to the provisions of article V, shall be permitted nearer to any front lot line than 60 feet, unless such use or structure is contained within or constitutes an integral part of the main building; provided, that in case of a corner lot where the board approved the choice by the owner of the longer street lot line as the front lot line, this requirement shall apply only to the distance of an accessory building from the shorter street lot line.~~
- 4) ~~Yard Requirements. Except as provided in Section 43.53(a) through (e), an accessory building, if not located in the rear~~ located in a front or side ~~yard, shall be an integral part of or connected with the principal building to which it is accessory and shall be so placed as to meet all yard and court requirements for a~~ the ~~principal building of the same height and other dimensions as such accessory building.~~
- 5) ~~Not to be Built Prior to Construction of Main Building. In any R district no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.~~
(08-17-59)

B) ACCESSORY DWELLING UNIT

- 1) For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and

obstructed accessway, not less than 20 feet wide, to a public street for each dwelling unit in such dwelling, or not less than 50 feet wide for 3 or more dwelling units.

C) BILLBOARD OR OUTDOOR ADVERTISING, OFF-PREMISE SIGN

- 1) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of Section 43.43.

B)D) CONSTRUCTION SITE HOME

- 1) A construction site home may be located at or immediately adjoining a major construction or demolition site. The occupancy of such use shall be concurrent with the building permit of the project, and shall be removed upon completion of the project. Such homes may be located upon either temporary or permanent foundations.

G)E) DETACHED HEATING SYSTEM

- 1) Permit Required. No person shall allow, maintain or use any detached heating system in the City of Winona without first obtaining a mechanical permit for the installation/operation of said appliance. The permit will be issued to install only new "listed" appliances. All detached heating systems are to meet emission standards currently required by the Environmental Protection Agency (EPA) and the Underwriters Laboratories (UL) listing. This documentation must be provided to the Building Inspector at the time the Permit Application is made.
- 2) Compliance Requirements. Any existing detached heating system shall immediately comply with all manufacturer's requirements and appropriate fuel requirements. Any person having installed a detached heating system without a mechanical permit must obtain a permit and conform to the requirements of this section within 60 days of adoption. Detached heating systems without a mechanical permit that do not conform to the requirements of this section shall be removed within 60 days of adoption. Detached heating systems installed with a mechanical permit shall comply as closely as possible with the requirements of this section. Legal non-conforming detached heating system shall not be replaced once it is no longer operational.
- 3) Location.
- a) No detached heating system shall be located in a front or street yard. The intended location shall be behind the rear building line of the principal structure served by the appliance.
- b) Setbacks shall be as follows: Side and rear yard setbacks shall be not less than 150 feet to the lot line.
- c) Distance to buildings served by the appliance shall be per the manufacturer's installation instructions.
- d) Distance to any structures of adjoining properties not served by the appliance, and related stack heights, will be as follows:
- i. 150-250 feet away from adjoining property structure: stack height to meet or exceed the peak line of the residence plus two feet.
- ii. 250 feet away from adjoining property structure: 20 foot minimum stack height measured from the adjoining grade to the appliance. The minimum chimney height shall be 20 feet unless a greater height is required by the above requirements.
- iii. Stacks shall be designed, constructed and maintained to withstand horizontal wind pressures of not less than 30 pounds per square feet.

- 4) Operation of Detached Heating System.
- a) Installation.
- i. All detached heating systems shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.
 - ii. The heating appliance shall be installed on a concrete slab that extends a minimum of 2 feet past the rear and sides of the appliance and shall provide a minimum 5 foot by 5 foot area at the loading end of the appliance.
- b) Fuel. Fuel shall be only natural untreated dry wood or wood specifically permitted by the manufacturer or other fuels listed by the manufacturer of the unit. Notwithstanding the foregoing following fuels are strictly prohibited:
- i. The burning of processed wood products and other non-wood products, including but not limited to pallet lumber.
 - ii. Kerosene
 - iii. Garbage/Trash
 - iv. Painted wood and/or any "treated" wood
 - v. Any other item not specifically allowed by the manufacturer or this provision.
- 5) Enforcement/Penalties. Any person violating any provision of this section, including the operation of a detached heating system without a permit, shall be guilty of a misdemeanor. Every twenty-four (24) hours of continued unauthorized or illegal use after the initial citation may be cited as a separate occurrence. Any enforcement officer with citation powers may issue the citation for the offense.

D)F) HOME OCCUPATIONS

- 1) Professional Offices. The office or studio in the residence of a physician, dentist, artist, lawyer, planner, engineer, teacher, minister, architect, cosmetologist, barber, daycare provider, or other member of a recognized service profession, but not including schools of any kind with organized classes or similar activity provided that:
- a) Not more than one person, not a resident of the premises, is employed.
 - b) The use is established in accordance with applicable local and state licensing requirements.
 - c) Exclusive of licensed daycare facilities, the use shall be designed to serve no more than one client at a time.
 - d) Exclusive of licensed daycare facilities, not more than one half of the floor area of one floor of the principal dwelling shall be devoted to the use.
- 2) Home Occupations. Customary home occupations, such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided, that such occupations shall be conducted exclusively by resident occupants, and that no more than one quarter of the area of one floor of the dwelling shall be used for such purpose.
- In addition to the previous, the following standards shall be applicable to all professional office or home occupation uses: