



CITY HALL
207 Lafayette Street
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September 8, 2016

Planning Commissioners
Winona, Minnesota 55987

Dear Commissioner:

The next meeting of the Planning Commission will be held on **Monday, September 12, 2016, at 4:30 p.m. in the Council Chambers** of the Winona City Hall.

1. **Call to Order**
2. **Approval of Minutes – May 23, 2016 and August 22, 2016**
3. **Discussion – Development Code Update**
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: May 23, 2016

TIME: 4:30 p.m.

PRESENT: Chairperson Hahn, Commissioners Boettcher, M. Olson, L. Olson, Shortridge, Buelow, Porter

ABSENT: Commissioner Ballard

STAFF PRESENT: City Planner Carlos Espinosa and City Planner Mark Moeller

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

Approval of Minutes – April 25, 2016

The minutes from the Commission's meeting of April 25, 2016 were reviewed and upon motion by Commissioner M. Olson and second by Commissioner Boettcher were unanimously approved as submitted.

Public Hearing – Comprehensive Plan Amendment Request: Traditional Neighborhood to Downtown Fringe

Chairman Hahn noted that this request related to a petition from Kwik Trip Inc. to Re-zone the present YMCA property from R-2 to B-1 for a future Kwik Trip store. Given the request, two actions are required of the Commission. The first being consideration of an amendment to the City's Comprehensive Plan, the second, consideration of the actual rezoning request. The Comprehensive Plan Amendment will be heard first. As part of that process, he noted that the Commission would hear comments from the petitioner as well as YMCA representatives. This would be followed by Commission questions, at which point a public hearing would be opened. He again reminded those present that the Commission's role in these matters is advisory to Council. As such, following Council's receipt of Commission recommendations, it would hold additional hearings, prior to action.

At this point, Chairman Hahn called on a YMCA representative to provide comment.

Derrick Madsen, Executive Director of the YMCA, noted that the YMCA has existed for approximately 130 years as a charitable non-profit organization. Although the organization serves a number of purposes, the general umbrella of these, fall under health and wellness categories.

Mr. Madsen stated that the present Y facility has existed on its current site since approximately 1940. Since that time, the facility has grown in response to increased

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membership/programming. Although the facility has served to meet general membership needs, the current site is inadequate to support further growth. Additionally, increased neighborhood traffic flow, resulting primarily from interstate bridge has resulted in safety concerns. Given the previous, the Y is presently looking at alternatives, and has undertaken a capital campaign to begin raising money to construct a new facility within the near future. Mr. Madsen noted that although the sale of the building is not being actively promoted at this point, he has had discussion with persons to discuss ways in which the current building could be repurposed. From these discussions, Kwik Trip Inc. has expressed an interest in redeveloping the property. Given that its offer to the Y was a viable one. Both the Y and Kwik Trip were now approaching the City with the request to rezone the site for future commercial use. He noted that although the present site is zoned R-2, given its location at the base of the interstate bridge and traffic resulting from this, he felt that the block was no longer a true residential block and that the site was transitioning to more of a commercial focus. In concluding, he suggested that although the present Comprehensive Plan has identified the block for residential use, the interstate bridge has significantly affected it to a point where change is now warranted. With this, he encouraged the Commission to support modification to both the Comprehensive Plan and the zoning classification of the site to support future commercial use.

Hans Zietlow, representing Kwik Trip Inc, 1528 Oak Street, LaCrosse, WI, noted that his company had been approached by the Y with a proposal to acquire the property. Given consideration, Kwik Trip decided it was interested, thereby resulting in needed requests to modify the Comprehensive Plan and rezone the site. Mr. Zietlow noted that the current comprehensive plan calls for the total block to be used for traditional neighborhood purposes. Given neighborhood characteristics, he did not feel that this classification dovetailed with its intent. As such, the Comprehensive Plan will more than likely need to change to facilitate any form of reasonable use of the block. He further stated that whether Kwik Trip develops the site or not, a commercial oriented classification would be good for the site.

As related to a potential Kwik Trip facility, Mr. Zietlow noted that a number of perceived impacts resulting from sound and lighting would be addressed during the site plan phase of the project. In this, Kwik Trip would be more than willing to work with the City and neighborhood in resolving issues.

In concluding, Mr. Zietlow encouraged the Commission to support the Comprehensive Plan and zone map changes as requested by Kwik Trip this afternoon.

Commissioner M. Olson stated that the current 1.75 acre Y site seemed to be quite large. Mr. Zietlow responded that a site of this size is actually small for new Kwik Trip prototypes.

In response to a question from Commissioner M. Olson, Mr. Zietlow stated that the site would not include diesel fueling.

In response to a question from Commissioner Porter, Mr. Zietlow noted that Kwik Trip's preliminary analysis of the site indicates that a Kwik Trip retail store would be feasible here.

In response to a question from Commissioner Buelow, Mr. Zietlow stated that although access to the site could occur at all four sides of the block; he could not be specific as to whether access to all sides would be needed. This would be resolved with future planning.

Commissioner Boettcher noted that although he is a strong business supporter in the community and has supported various Kwik Trip expansion activities, he was not convinced that a full service fuel station at this location was appropriate. Part of his concerns related to safety issues.

There being no further questions of petitioners, Chairman Hahn called on staff to provide a summary of the staff report.

Carlos Espinosa, City Planner, reminded the Commission that consideration of this issue would involve two parts including the amendment of the City Comprehensive Plan from the traditional neighborhood classification to downtown fringe classification. If this request is approved, the Commission would move to the second hearing to consider amending the City Zoning Map from R-2 to B-1 designations.

In addressing the Comprehensive Plan Amendment request, Mr. Espinosa summarized the staff analysis as found on Exhibit A of the permanent minutes. From this analysis, it had been concluded that:

1. Given the subject property is adjacent to Downtown Fringe property (East) and is in a transition area at the foot of the interstate bridge, and because zoning and design standards will apply to future development facilitated by the re-designation, the requested amendment is consistent with policies and objectives of the City Comprehensive Plan.
2. Since the Comprehensive Plan was adopted in 2007, a significant portion of the immediate area's residential character has been removed by the interstate bridge project. This has resulted in a property which is more suitable for transitional commercial development facilitated by Downtown Fringe designation. Thus, the amendment is being requested due to changes which have occurred since adoption of the Comprehensive Plan.
3. The potential for uses facilitated by the re-designation to impact the public health, safety, and welfare will be mitigated by appropriate zoning and design standards. Thus, the amendment will not have an undue (excessive) impact on the health, safety, or welfare of the community.

In consideration of the previous, Mr. Espinosa noted that three options are available to the Commission this afternoon. These include:

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 relate to the analysis above or the general public health, safety, and welfare. In this case, the rezoning public hearing would be tabled.
3. Recommend tabling the request. In this case, the rezoning public hearing should also be tabled.

At this point, Chairman Hahn opened the public hearing calling to modify the City's Comprehensive Plan from traditional neighborhood to downtown fringe of the YMCA property. He asked that any person speaking provide their name and address.

Ken Mogren, 1830 Ralph Scharmer Drive, stated that he was both co-chair to the Y's effort to fundraise for a new facility plus co-chair of Winona Health. He encourages approval of the request.

Scott Turner, 375 West Fifth Street, submitted written comments (Exhibit B of permanent minutes) encouraging denial of the request.

Kathy Christenson, 275 Harriet Street, submitted written comments (Exhibit B of the permanent minutes) encouraging denial of the request. Along with her comments, she submitted a petition signed by 152 persons, and requesting Commission denial of the request.

Karin Sonneman, 54 Lois Lane, submitted written comments (Exhibit B of the permanent minutes) encouraging denial of the Comprehensive Plan Amendment.

Alan Dunbar, 275 West Broadway, noted that he was opposed to the Comprehensive Plan Amendment and felt that rezoning of the site would be a bad precedent and that it could severely compromise the integrity of the Windom Park Historic District. He explained that he had purchased his property approximately a year ago and has plans to rehabilitate it. He did not feel that Kwik Trip was needed at this location because of noise and traffic. Although his wife is a member of the Y, he did not favor a new Y facility at the expense of the neighborhood.

Erika Thibodeaux, 249 East Lake Blvd, noted that although she was a Y member, she was fully against any land use reuse proposal that would result in the conversion of the site to a gas station.

Laurel Eschweiler, 207 Washington Street, stated that although she understood traffic issues at this location and didn't begrudge the Y's goal of creating a bigger and better facility, she did not support the commercial reuse of the Y property. As an option, she

suggested that all parties take some time in reevaluating the issue to define a solution that better dovetails with the neighborhood.

Dee Cipov, 474 Glenview Court, provided written comments (Exhibit B of the permanent minutes) in which she discouraged approval of the Comprehensive Plan Amendment. She noted that as a member of the Y for over 30 years, she does support the facilities philosophy of creating and maintaining strong and healthy minds and bodies. She encouraged reuse of the current structure in accordance with the traditional neighborhood concept as proposed by the Comprehensive Plan. She also questioned why such a plan could be so easily changed without more significant discussion.

Hans Madland, 710 Main Street, stated that he had been involved in the 2007 preparation of the Comprehensive Plan and felt that reuse of the present property under its traditional neighborhood designation was feasible. In his opinion, if this proposal is not approved, the Y will not automatically cease to exist. He encouraged the Y to consider other viable users and uses for the site.

Will Oberton, 121 Jay Bee Drive, noted that as co-chair of the Y's fundraising committee, he too had talked to a number of entities relative to a repurpose of the current Y building/site. Given those, no specific interest has come forward. He personally did not feel that reuse of the property under its current Comprehensive Plan and zoning classifications was feasible. As such, he requested Commission approval of both the Comprehensive Plan Amendment and Zone Change Request.

In response to a question from Chris Sanchez, City Board of Adjustment Member, Mr. Espinosa noted that as classified as a club, the construction of a new Y facility would require commercial zoning.

Ray Dretske, 255 Harriet Street, submitted written comments (Exhibit B of the permanent minutes) encouraging denial of the Comprehensive Plan Amendment.

David Christenson, 275 Harriet Street, submitted written comments (Exhibit B of the permanent minutes) encouraging denial of both the Comprehensive Plan and Zoning Map Amendments. He also encouraged that the Y conduct more professional and wider search for a developer who would be interested in repurposing the site for a use compatible with the neighborhood. Options might include condominiums or town homes.

Kendall Larson, Chair of the Winona Heritage Preservation Commission, generally outlined the purpose of the Commission and noted that the group is currently considering the creation of a new historic district in the Windom Park area. Given this, she noted that the Y, as identified through previous surveys, would be eligible for National Register designation. She felt this designation could be used to encourage reuse of the current building for a purpose permitted under the sites present comprehensive plan designation and zoning classification. Given the previous, she

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encouraged all to take a step backward and further evaluate what might be considered a best use for the site.

Chris Welle, 227 Wilson Street, stated that he and his wife have resided at their current location for a number of years and are looking forward to be included within the proposed Windom Park Historic District. He explained that prior to moving to Winona, his family had resided in a historic district located along Minnehaha Parkway. That area did not include gas stations. He emphasized that he and his wife are actively involved in a number of activities throughout the community and felt that options to the present Kwik Trip proposal exist for the site. With this, he suggested that the requested Comprehensive Plan Amendment be denied.

Ruth Bures, 224 Lake Drive, suggested that the City has an adequate number of gas stations. She asked what would happen to all of these once all cars convert to electric.

Vicky Decker, 1620 Edgewood Road, stated that she is a member of both the Y and Winona Health Boards. She emphasized that the Y's decision in this matter had not been an easy one and realized that Windom Park is a City treasure. However, she realized that this was an opportunity for the Y to move from the site and to develop a new facility that better meets member needs. Given changes to the neighborhood, she did not feel that the blocks designation as a traditional neighborhood was appropriate. As such, she supported the requested Comprehensive Plan Amendment.

Kevin Brady, representing 211 Huff Street, noted that he had presented an offer to purchase the current Y building for residential reuse. However, that offer was not considered. In his opinion, reuse of the building for multiple family residential purposes could be a viable alternative to the site.

Les Hittner, 1340 Conrad Drive, encouraged approval of the Comprehensive Plan Amendment. As reflected in the staff report, significant land use changes have occurred northerly of Fourth Street with the construction of the new highway bridge. In his opinion, these changes do impact the site to a point where reuse options, other than those allowed under current land use designations, may be limited. Although he has heard the argument that a gas station should not provide a focal point for this entrance into the City, many cities have gas stations at their entrance. He further explained that if all work together, reasonable buffer options could be developed to the Windom Park neighborhood.

Willy Dickenson, 817 Springbrook Drive, noted that he concurred with Mr. Hittner's comments and supported the change to the Comprehensive Plan Amendment.

Nathan Woodworth stated that as a board member to the Y, he encouraged all to think of what is best for the community. He noted that although the Y's current position to leave the site is based upon sound rationale, it, along with the community, needs to come to a consensus in defining what will happen with the old.

Taft Roberts, 222 West Wabasha Street, submitted written comments (Exhibit B of permanent minutes) and stated that as a resident of his neighborhood for 16 years, he has enjoyed the quality of the neighborhood and has done the best he can to keep up his property. He reminded those present that the current Comprehensive Plan for the City did identify both short and long term goals for it. Through the plan, the block on which the Y is presently located was rightfully designated as a traditional neighborhood. Additionally, given historic preservation goals of the plan, both the YMCA building and the adjacent house are well built brick buildings that echo the historic architecture of downtown Winona. In his opinion, these buildings should be preserved and repurposed to enhance the character of downtown Winona and in accordance with the Comprehensive Plan. In summary, he discouraged approval requested Comprehensive Plan Amendment and rezone requests.

Joe Sherman, 825 Springbrook Drive, noted that as a lifelong member of the Y, he has been involved in its activities for a number of decades. Mr. Sherman stated that a number of years ago, the Y board had looked at ways to modernize and expand the current facility. However, it was decided that the present site was not of adequate size to facilitate future expansion. Given this, consideration is currently being given to construction of a new facility at a different location. He encouraged the Commission to recommend approval of the Comprehensive Plan Amendment request to City Council. He further requested that the City act quickly in order to assist the Y in deciding its future fate.

Anne Plummer, 222 West Wabasha, read a written statement as found on Exhibit B of the permanent minutes from Catherine and Gregory Schmidt, recommending denial of the request to amend the Comprehensive Plan.

Grace Welle, 227 Wilson, emphasized that in purchasing her house, she choose to buy a home in the pending Windom Park Historic District. In her opinion, this district is a drawing card to the community which would be severely compromised with the potential construction of a 24 hour gas station at the Y property. She noted that although she has heard discussion regarding the potential traffic impacts of the bridge at the Y site, construction of a full service gas station on it would only complicate traffic flow. In short, she felt that there were a number of options available for reuse of the site over that being proposed. With this, she recommended denial of the Comprehensive Plan Amendment.

Kathy Turner, 375 West Fifth Street, read a written letter (Exhibit B of the permanent minutes) from John and Marlene Mulrooney requesting denial of Comprehensive Plan and Zone Change Amendments.

Bill Crozier, 464 Wilson Street, presented written comments as found on Exhibit B of the permanent minutes. In these, he explained that the YMCA is currently located in one of the oldest neighborhoods in the City. As such, he felt that the construction of a Kwik Trip store at the present Y site would result in a "marked distraction and a severe

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detriment to the vista we believe will be offered by the new bridge and the proposed river park below". With this, he recommended that the City not approve Comprehensive Plan and Zone Change Amendments.

Jennifer Anderson, PHD, provided written comments (Exhibit B of permanent minutes). In these, she noted that as a faculty member of the GO Science Department at Winona State University, she specializes in light and light pollution. She noted that although Winona is not yet large enough to have completely lost its connection with the "dark sky", if 24 hour a day businesses are permitted, the night skies will be impacted. She encouraged the Commission to consider this in making its decision.

Tess Kruger, 301 West Broadway Street, presented written comments as attached to Exhibit B of the permanent minutes. In these, although she noted that Kwik Trip had acknowledged that diesel fuel would not be sold at the site, she was concerned that once the Comprehensive Plan and Zone Change are made, the decision to do that could be implemented by Kwik Trip. In noting the risk of air quality factors related to the burning of diesel fuel, she urged the Commission to deny requests for amendments to the Comprehensive Plan and Zoning Map.

Preston Lawing, 351 West Broadway, presented written comments as attached to Exhibit B of the permanent minutes. He emphasized that although he fully supports the Y's mission, he did not support the current proposal to convert the YMCA property to a full service gas station. As part of the Windom Park Neighborhood, he felt that such a change could negatively impact the neighborhood. He encouraged the Commission to vote against both the Comprehensive Plan Amendment and the Rezoning Request for the YMCA site.

Laurel Eschweiler, 207 Washington Street, requested that the Commission not recommend approval of the Comprehensive Plan Amendment and Zone Change Request as submitted by Kwik Trip.

Sandra Murnane, 315 West Broadway, submitted written comments (Exhibit B of permanent minutes) stating that she and her husband reside across the street from Windom Park and felt that potential impacts from the construction of a full service gas station at the YMCA site would have negative impacts on her property and would not be appropriate to the neighborhood. She suggested that a consideration be given to retaining the site as green space and encouraged the Commission not to approve proposed amendments.

Erin Gervais, 25000 Echodale Road, noted that she has been a member of the Y for many years. As noted in the staff's report, the site has been impacted by a number of factors since it was initially constructed. Given these, she felt that support should be given to the requested Comprehensive Plan Amendment and Zone Change.

John McCauley, noted that he owns the home that is located adjacent to Kwik Trip site. Given the approval of Comprehensive Plan and Zone Change requests, he felt that a Kwik Trip store at this location would be fully incompatible with the multiple family residential use of his property.

Dave Echelard, 203 West Wabasha, emphasized that the present Comprehensive Plan was developed only following considerable thought and discussion by many community individuals. If approved, the current request to modify the Comprehensive Plan would severely compromise that effort. In his opinion, the change was not warranted and reasonable reuse opportunities exist under the sites current Comprehensive Plan designation.

Tim Goergen, 305 Winona Street, presented written comments as included on Exhibit B of the permanent minutes. In these, he discouraged approval of the Comprehensive Plan Amendment and Rezoning request.

Margaret & Ray Kiihne, 121 West Broadway, submitted written comments as included on Exhibit B of the permanent minutes. In these, she suggested that approval of requested amendments could set a bad precedent to the historic neighborhood and would result in decreased property value and increased traffic and noise. Given these, she requested Commission denial of Comprehensive Plan and Rezoning Amendments.

John Finn, 352 West Fourth Street, noted that the Windom Park Neighborhood has experienced an influx of new and younger families who support the historic integrity offered by the area. In light of this, approval of requested amendments could result in negative influences which discourage this movement. As such, he requested that requested amendments not be approved.

Rich MacDonald, WSU, submitted written comments as found on Exhibit B of the permanent minutes. In these, he suggested that the current situation is a community opportunity that all citizens should embrace with the best ideas to promote Winona rather than leave the area to a 24 hour business. He emphasized that although he has nothing against any particular merchants interest in the property, consideration should be given to how uses relate to the surrounding neighborhood. He encouraged the City to not act too quickly in making its decision.

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

In response to a question from Commissioner Shortridge, Mr. Espinosa noted that staff would be willing to more fully define property value and general economic impacts resulting from approval of the request. Should that be decided, the Commission would table action this afternoon.

Commissioner Buelow suggested that approval of Kwik Trip's request could further exasperate pedestrian/vehicle conflicts in this part of the City. In his opinion, much more discussion was needed before the Commission could act on the request.

Chairman Hahn emphasized that, given its mission, all would like the Y to succeed and most realized that a future move is inevitable. Although he understood the argument that immediate neighborhood, particular to the north, has changed with bridge construction, he felt that a decision on the site at this time was more reactive than proactive. He personally would rather wait to make a decision on the request until the unified development code is complete. Additionally, since he couldn't envision Kwik Trip's future use of the property, he felt that traffic nightmares could result.

Commissioner Porter recognized that since construction of the bridge, patterns of immediate neighborhood use have changed. He further noted that the Comprehensive Plan was approved in 2007 which, by its self, may imply modifications in certain areas.

Commissioner Ballard stated that traffic patterns, affecting the Y site have occurred since the original bridge was constructed. Additionally, it is only a matter of time before the current building will be vacated.

Commissioner M. Olson emphasized that although all in the community support the Y and its mission, the current Kwik Trip proposal was less than desirable at this location. As such, she suggested that Kwik Trip look at an alternative site and suggested that the City acquire a portion of this site. At this point, she had more concerns than anything and was not at all supportive of approving the Comprehensive Plan Amendment as it would not support general welfare goals of the community.

Commissioner Boettcher noted the same concerns as Commissioner M. Olson. Although he had no problem with the Y expanding at a new location, allowing the site to be reused for something like a full service gas station could result in safety and liability issues. Impacts on the adjoining historic district should also be considered. In conclusion, he felt that approval of this afternoon's request could negatively compromise the neighborhood.

In response to a question from Chairman Hahn, Chris Hood, City Attorney, reviewed action items available to the Commission this afternoon. These include:

1. Recommend approval of the request to Council. In this case, the Commission would need to adopt the staff's analysis as findings.
2. Recommend denial of the request to City Council. If implemented, the Commission would need to provide specific reasons for the denial. These reasons could relate to the staff's analysis or to general public health, safety, and welfare concerns. Should this action be recommended, the Commission's second hearing of this matter relating to the zone change request, would need to be tabled.

3. Finally, the Commission could table requests pending the development of additional information to be brought back to the Commission at a later date.

Mr. Hood again reminded the Commission that actions such as those being considered this afternoon are subject to Minnesota State Statutes Chapter 15.99 which requires that land use decisions be made generally within 60 days from their accepted application date.

In addressing another question, Mr. Hood noted that any future development of the site could be subject to a development agreement between the City and future developer.

Following further discussion, it was moved by Commissioner M. Olson to recommend denial of the request from Kwik Trip Inc to amend the Comprehensive Plan designation of the YMCA property from traditional neighborhood to downtown fringe for the following reasons:

- If approved, the change could negatively impact the public welfare of the immediate neighborhood.
- If approved, the modification would support certain reuse activities that would only contribute to pedestrian and vehicular flows and safety concerns occurring adjacent to the site.
- Although it is realized that certain changes occurred within the immediate area of the YMCA site, it was not felt that these were extensive enough to justify the reclassification of the site from its current traditional neighborhood label.

The motion was seconded by Commissioner Boettcher.

Upon discussion, Commissioner Porter stated that he disagreed with the motion in that, in his opinion, the neighborhood has changed enough to warrant a reclassification of the site.

In response to Commissioner Porter's comments, both Commissioner's M. Olson and Shortridge noted that although actions related to the Comprehensive Plan Amendment and Zone Change are independent; the Comprehensive Plan Amendment would open the door to favorable consideration of the zoning request.

Commissioner M. Olson further noted that she would prefer to hold off on the consideration of any form of land use plan amendment until such time that the City has completed the development of its Unified Development Code. She suggested that this might be something that could be discussed during the next Unified Development Code meeting.

In a call for the question, the vote of the Commission was as follows: ayes: Commissioner Boettcher, M. Olson, Buelow, and Shortridge, naves: Commissioners Porter, Ballard, and Hahn, abstaining: none. (Note: Given his earlier departure from the meeting, Commissioner L. Olson was not in attendance to act on the motion.

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Chairman Hahn noted that given the previous action, as well as earlier direction from the City Attorney, it would be necessary to table the Commission's second public hearing relating to Kwik Trip Inc.'s rezoning request of the YMCA site. It was then moved and seconded to table Kwik Trips rezoning request of the YMCA site until such time that Council had considered the Comprehensive Plan Amendment recommendation. When the question was called, the vote of the Commission was unanimous to approve the motion.

Commissioner Hahn stated that given the time, he suggested that the final item on the Commission's agenda this afternoon be carried to the next meeting. This item related to a discussion of levee park connector bicycle routes.

Adjournment

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

Mark Moeller
City Planner

PLANNING COMMISSION MINUTES

DATE: August 22, 2016

TIME: 4:30 p.m.

PRESENT: Chairperson Hahn, Commissioners Boettcher, M. Olson, Paddock, Buelow, Porter, Ballard, and L. Olson

ABSENT: Commissioner Shortridge

STAFF PRESENT: City Planner Carlos Espinosa and Department Heads

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

Approval of Minutes – August 8, 2016

The minutes for August 8, 2016 were approved without changes upon motion by Commissioner L. Olson and second by Commissioner Boettcher.

Joint Review of 2017-2026 Capital Improvement Program

Department heads reviewed the proposed CIP with Commissioners and Council Members. Following questions about various items in the document, staff noted that the CIP would be further revised and returned to the Commission for review and comment on September 26th.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:50 p.m.

Carlos Espinosa
City Planner

PLANNING COMMISSION

AGENDA ITEM: 3. Discussion – Development Code Update

PREPARED BY: Carlos Espinosa

DATE: September 12, 2016

Commissioners please see attachments related to the development code update. This will be a longer meeting – food has been ordered for dinner.

Attachments

MEMORANDUM

Hoisington Koegler Group Inc.



TO: Winona Planning Commission

FROM: Jeff Miller, HKGi
Rita Trapp, HKGi

SUBJECT: Development Code Update Project – September 12th PC Meeting

DATE: September 7, 2016

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

Greetings –

At our meeting with you on Monday, September 12th, our goal is to cover the remaining development code sections that will be part of the Unified Development Code (UDC). We will revisit the form based design standards, including how they will be applied and desired diagrams and example photos to include this section of the UDC. In addition to the form based design standards, the focus of the meeting will be on the parking/loading/circulation, landscaping/screening, definitions, and signage sections.

The following sections of the UDC are attached, which show proposed updates. Highlighted areas in these sections will be elaborated on at Monday's meeting.

- Form based design standards
- Draft illustrations for form based design standards
- Parking, loading, and circulation standards
- Definitions

The signage section is not intended to have substantive updates as part of the UDC project. At Monday's meeting, we will discuss any potential questions and issues related to the signage section at a high level, including issues that have been communicated to staff in the past. Landscaping/screening standards will also be discussed at the meeting.

We will also briefly revisit the development procedures section, which we discussed at length at our last meeting with you. Since that meeting, we have reviewed and discussed this section with the City Attorney and City Staff and will cover any updates as a result of input from the PC, City Attorney, and City Staff.

Finally, we will discuss potential graphics to be added to the UDC. We look forward to discussing all questions, feedback, and ideas on Monday.



**Winona Development Code Update
Meeting with Planning Commission
September 12, 2016**

AGENDA

- A. Revisit updated development procedures
- B. Revisit form-based design standards
- C. Parking, loading, and circulation standards
- D. Definitions
- E. Landscaping/screening standards
- F. Signage standards
- G. Potential UDC graphics
- H. Process for reviewing and competing full UDC draft document

~~located on the pool side of the gate at least three inches below the top of the gate.~~ Gates shall be able to be securely locked.

8) Above ground or partially sunken pools that are accessed by deck must be provided with a gate that meets the ~~same above~~ standards ~~and a guardrail~~. The guardrail around the pool must be at least 36 inches high above the deck surface and at least 48 inches high above the surrounding grade. ~~This Gaps in the guardrail must be provided with intermediate guardrails and any gaps between the guardrails and between the top of the pool structure and the bottom of the barrier shall be no more than four inches.~~ The required fence must be erected prior to filling of the pool.

6)9) Exempt from the fencing requirement shall be ~~rented~~ hot tubs ~~that are present for a period of less than 48 hours. Such hot tubs shall have~~ with locking solid structural covers that shall be in place when the hot tub is not in use.

7)10) Yard Placement. Permanent and temporary private swimming pools are not permitted in front yards.

Ord. No. 3693 5/15/06

G)H) VENDING MACHINES – RESIDENTIAL DISTRICTS

1) The sale or display of a product or commodity by vending machine shall be prohibited except by vending machines that are neither visible nor accessible to nonresidents of the property. This prohibition shall apply to any property or building, any portion of which is used for residential purposes.

Ord. No. 3669 11/21/05

Division 2 Form Based Design Standards

43.03.21 Intent

43.03.22 Applicability

43.03.23 Design Standards for All Mixed Use Districts

A) The form based design standards in this section are required for new buildings and additions of all use types when located in any Mixed Use District.

B) Building Siting Standards

1) Building Placement

a) The maximum front yard setback of a new building/addition shall be based on the pattern of front yard setbacks of adjacent buildings on the same blockfront, which shall be calculated as the average of the front yard setbacks of adjacent buildings on the same blockfront. A new building/addition can be located closer to the front property line than this maximum front yard setback.

b) In any case, a new non-residential or mixed-use building/addition shall not have a front yard setback greater than 10 feet and a new residential building/addition shall not have a front yard setback greater than 20 feet.

c) In a historic district, a new building/addition shall be placed up to the front property line with no setback.

~~d) A new building/addition shall be placed to preserve and frame views toward the riverfront and bluffs from public rights-of-way by orienting the longer dimension of a building perpendicular to the riverfront and bluffs.~~

2) Building Street Frontage

- a) On each lot, the minimum percentage of the street frontage that must be occupied by a building façade, as measured at the required maximum front yard setback, is 75%. This standard applies to the front property line frontage and, for a corner lot, the exterior side property line frontage.
- b) In a historic district, the minimum percentage is 90%.

3) Off-Street Parking Location

- a) Off-street surface parking shall not be allowed between a building and sidewalk.
- b) Parking entrances and exits shall be located on secondary streets or alleys, where possible.
- c) A parking structure shall meet all building siting, height, and facade standards.

C) Building Height Standards

1) Building Height

- a) A new non-residential building/addition shall have a minimum building height of 1.5 stories and a new mixed-use or residential building/addition shall have a minimum building height of 2 stories.
- b) A new building/addition shall not be more than one story taller or shorter than historic buildings on directly adjacent lots.
- c) A new building/addition that is more than one story taller than directly adjacent buildings (non-historic) shall incorporate a minimum 8 feet setback for the stories that are more than one story above directly adjacent buildings.
- d) For an addition to a historic building, the cornice line on the principal façade of an addition shall be equal to or lower than the cornice line on the principal façade of the historic structure. Likewise, the roof ridge line on the principal façade of an addition shall be equal to or lower than the roof ridge line on the principal façade of the historic structure.

2) Ground Story Height

- a) A new building/addition shall have a minimum ground story height of 12 feet; minimum height for upper stories shall be 9 feet.
- b) For an addition to a historic building, ground/upper story heights shall be equal to or lower than the ground/upper story heights of the principal structure.

D) Building Facade Standards

1) Façade Horizontal Articulation/Divisions

- a) A building facade fronting on a public street or open space shall have an architectural feature at the top of the ground story and below the top story.
- b) A non-residential or mixed-use building facade fronting on a public street or open space shall have flat or low-slope roofs with a parapet or cornice cap; residential buildings are allowed to have a variety of roof types.

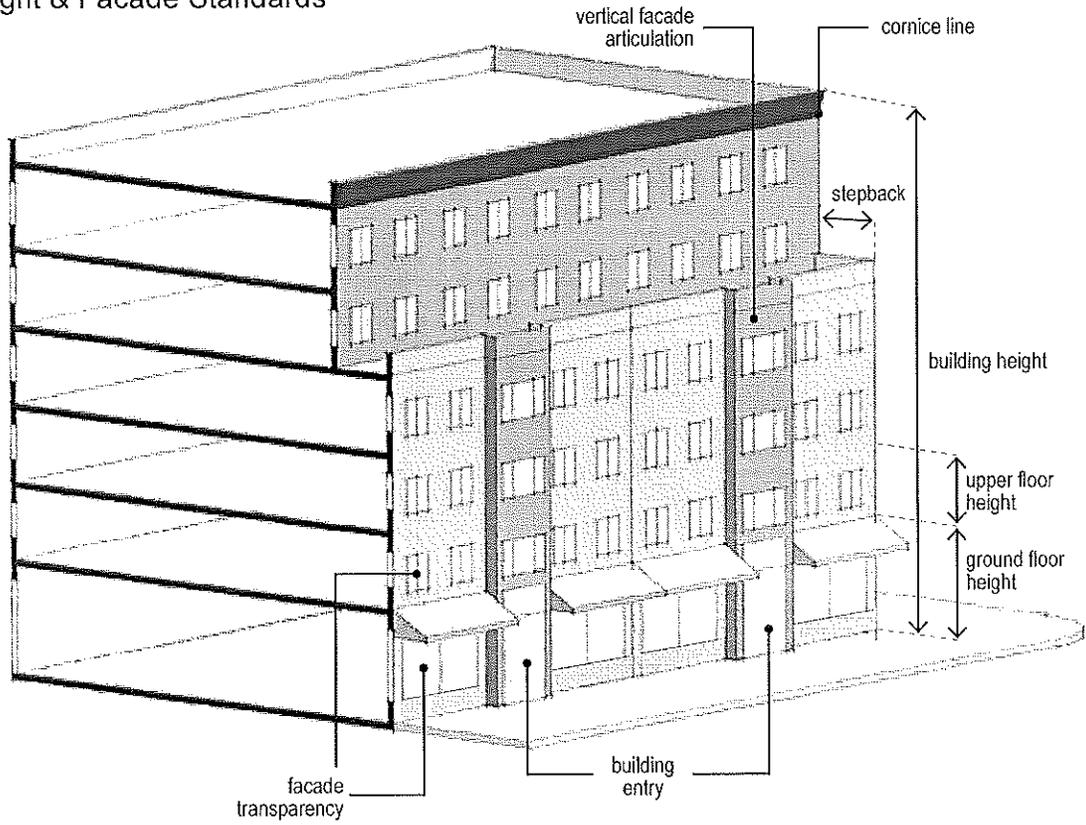
- 2) Façade Vertical Articulation/Divisions
 - a) Any ground story facade fronting on a public street or open space that exceeds 40 feet in width shall be visually divided into smaller sections through articulation of the façade. Articulation techniques include recesses or projections of the building façade, window bays, balconies, and changes in exterior materials.
 - b) For upper stories, façade articulation shall occur for facades exceeding 80 feet in width.
- 3) Façade Transparency
 - a) A ground story façade of a non-residential or mixed-use building fronting on a public street, park, or plaza shall have a minimum transparency of 60%; residential buildings shall have a minimum of 20%.
 - b) Upper story facades fronting on a public street, park, or plaza shall have a minimum transparency of 20%.
 - c) Side and rear facades shall have a minimum transparency of 12%.
 - d) Tinted or reflective glass, and glass block, are prohibited for windows and doors on facades fronting on a public street, park, or plaza.
 - e) Blank wall areas fronting on a public street, park, or plaza shall not exceed a rectangular area greater than 30% of a story's façade, as measured from floor to floor, and shall not exceed a horizontal distance greater than 15 feet of a story's façade.
- 4) Façade Materials
 - a) Dominant materials on a façade fronting on a public street or open space shall be masonry and other high quality, durable finish materials, such as brick, natural stone, textured concrete masonry units, wood and fiber cement siding.
 - b) Prohibited dominant materials on a façade fronting on a public street or open space are exposed concrete, non-textured concrete masonry units, cement-based stucco, synthetic stucco or EIFS, glass block, metal, vinyl, and aluminum.
 - c) Accent materials allowed on a façade fronting on a public street or open space include dominant façade materials, as well as glass, metal, and decorative tile.
- 5) Building Entries
 - a) A principal entry is required on the primary building façade on a façade fronting on a public street or open space, with an entry required per each 50 feet of building frontage.

43.03.24 Design Standards for All Residential Districts

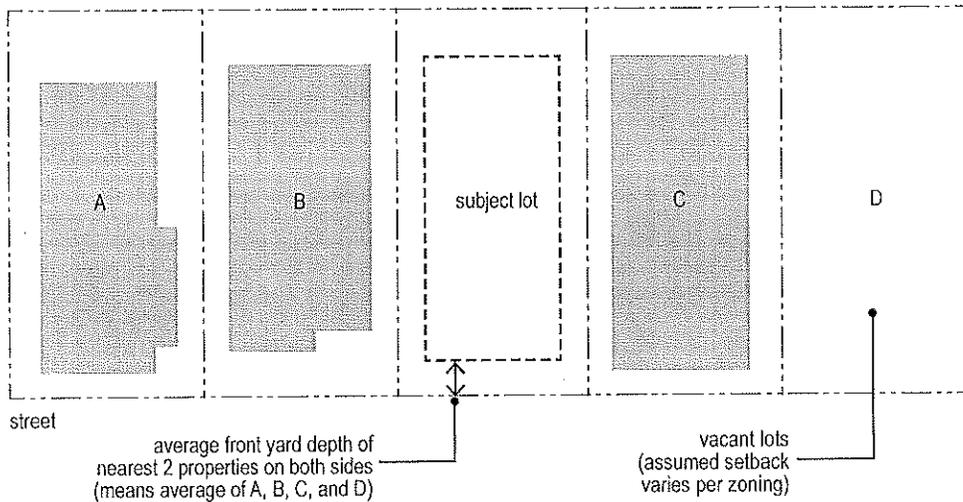
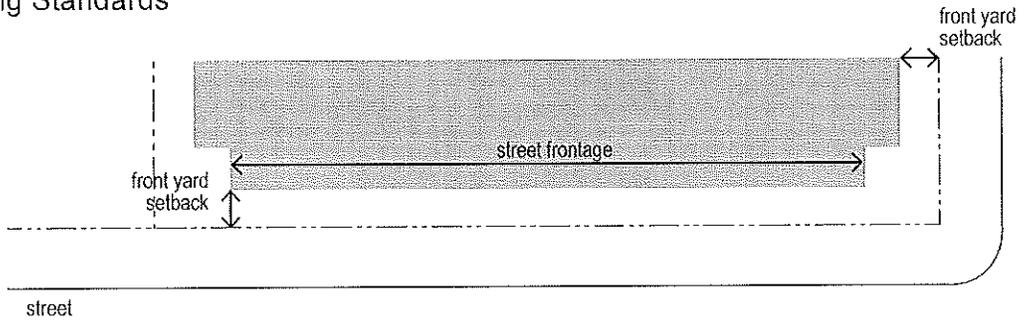
- A) The form based design standards in this section are required for new buildings and additions of the following residential use types when located in any Residential District:
 - 1) Dwelling, attached townhouse or rowhouse
 - 2) Dwelling, apartment
 - 3) Dwelling, apartment mixed use
- B) Building Siting Standards
 - 1) Front Yard Setback

- a) The minimum front yard setback of a new building/addition shall be based on the pattern of front yard setbacks of adjacent buildings on the same blockfront, which shall be calculated as the average of the front yard setbacks of adjacent buildings on the same blockfront.
- C) Building Height Standards
- 1) Upper Stories Stepback
 - a) New buildings/additions that are more than one story taller than adjacent buildings shall incorporate a minimum 8 feet stepback for the stories that are more than one story above adjacent buildings.
- D) Building Façade Standards
- 1) Façade Horizontal Articulation/Divisions
 - a) A building façade fronting on a public street or open space shall have an architectural feature at the top of the ground story and below the top story.
 - 2) Façade Vertical Articulation/Divisions
 - a) A ground story façade fronting on a public street or open space that exceeds 40 feet in width shall be visually divided into smaller sections through articulation of the façade. Articulation techniques include recesses or projections of the building façade, window bays, balconies, and changes in exterior materials.
 - b) For upper stories, façade articulation shall occur for facades exceeding 80 feet in width.
 - 3) Façade Transparency
 - a) A residential building façade fronting on a public street or open space shall have a minimum transparency of 20%.
 - b) Side and rear facades shall have a minimum transparency of 12%.
 - c) Blank wall areas fronting on a public street or open space shall not exceed a rectangular area greater than 30% of a story's façade, as measured from floor to floor, and shall not exceed a horizontal distance greater than 15 feet of a story's façade.
 - 4) Façade Materials
 - a) Dominant materials on a façade fronting on a public street or open space shall be masonry and other high quality, durable finish materials, such as brick, natural stone, textured concrete masonry units, wood and fiber cement siding.
 - b) Prohibited dominant materials on a façade fronting on a public street or open space are exposed concrete, non-textured concrete masonry units, cement-based stucco, synthetic stucco or EIFS, glass block, metal, vinyl, and aluminum.
 - c) Accent materials allowed on a façade fronting on a public street or open space include dominant façade materials, as well as glass, metal, and decorative tile.
 - 5) Building Entries
 - a) A prominent entry is required on any building façade fronting on a public street or open space.

Building Height & Facade Standards



Building Siting Standards



43.03.21 Historic District Design Guidelines

A) A new building or addition within a historic district shall be in substantial conformance with the New Construction Design Guidelines established in the city's Historic District Design Guidelines document. Development proposals will be reviewed as part of the Site Plan and Certificate of Appropriateness processes for conformance with the City Codes and the Historic District Design Guidelines.

Division 3 Parking, Loading, and Circulation

43.03.31 General Provisions

- A) **When Required.** In all districts, in connection with every industrial, business, institutional, recreational, residential or other use, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.
- B) **Off-Street Parking Plan.** In order to obtain a building permit for creation of any residential structure or conversion to a greater number of dwelling units in a residential structure, an off-street parking plan shall be submitted to the Zoning Administrator.
- C) **Modifications.** The board may authorize, on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.
- D) **Units of Measurement.** For purposes of this article the following units of measurement shall apply:
- 1) **Floor area:** In the case of offices, merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices, incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.
 - 2) **Hospital bassinets:** In hospitals, bassinets shall not be counted as beds.
 - 3) **Places of public assembly, benches, etc.:** In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this chapter.
 - 4) **Fractions:** When units of measurements determining number of required parking spaces result in requirement of a fractional space, required parking shall be of the next highest whole number.
- E) **Mixed Occupancies and Uses Not Specified.** In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in Section 43.03.32, the requirements for off-street parking facilities for a use which is so mentioned, and to which such use is similar, shall apply. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified for joint use in Section 43.03.31(E).

- F) Collective Provision of Parking Space. Nothing in this article shall be construed to prevent collective provision of off-street parking facilities for 2 or more buildings or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also, that the requirements set forth in Section 43.03.31(E) as to maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provisions of parking.
- G) Joint Use of Facilities.
 - 1) Not more than 50 percent of the off-street parking facilities required under this article for a theatre, bowling alley, dance ball, or an establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, and up to 100 percent of such facilities required for a church or an auditorium incidental to a public or parochial school may be supplied by off-street parking facilities provided for certain other kinds of buildings or uses specified in paragraph (2) below, which are not normally open, used or operated during the principal operating hours of theatres, churches, or the aforesaid establishments. Not more than 50 percent of the off-street parking facilities required under this article for certain buildings or uses specified in paragraph (2) below may be supplied by such facilities provided for theatres, churches or other aforesaid establishments; provided, that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the city attorney, shall be filed with the application for a building permit.
 - 2) Buildings or uses not normally open, used or operated during the principal operating hours of theatres, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings and similar uses.

43.03.32 Required Parking Spaces

A) Number of Off-Street Parking Spaces Required. The minimum number of off-street parking spaces required by use under this article shall be as follows:

Table 43.36: Number of Off-Street Parking Spaces Required

Use	Parking Spaces Required
Assisted living facility	0.5 for each unit plus 1 for each employee on maximum shift
Automobile or machinery sales and service garages	1 for each 800 sq. ft. floor area
Banks, business and professional offices	1 for each 400 sq. ft. floor area
Bowling alleys	5 for each alley
Churches and schools	1 for each 8 seats in an auditorium or one for each 17 classroom seats; whichever is greater
College/University Housing	1 space per resident
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings	2 for each family or dwelling unit
Funeral homes, mortuaries	4 for each parlor or 1 for each 50 sq. ft. of floor area
Furniture and appliance stores, household equipment or furniture repair shop over 1,000 sq. ft. floor area	1 for each 400 sq. ft. of floor area
Hospitals	1 for each 2 beds
Hotels, motels and motor hotels	1 for each living or sleeping unit

Libraries, museums or art galleries	1 for each 500 sq. ft. of area
Lodging houses, roominghouses, fraternities and sororities	1 space per person certified as established by the Housing Code
Manufacturing plants, research or testing laboratories, bottling plants, over 1,000 sq. ft. in area	1 for each 3 employees in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater
Medical or dental clinics	1 for each 200 sq. ft. of floor area
Restaurants, beer parlors and night clubs, of over 1,000 sq. ft. in area	1 for each 200 sq. ft. of floor area
Retail stores, shops, etc., of over 2,000 sq. ft. floor area	1 for each 150-250 sq. ft. of floor area
<u>Roominghouse</u>	<u>1 for each unit</u>
Sanitariums, convalescent homes children's homes Long-term or transitional care facility and residential care facility	1 for each 6 beds
Sports arenas, auditoriums, theaters, assembly halls other than schools	1 for each 6 seats
Wholesale establishments or warehouses	1 for each 3 employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater

A)

B) In the MU-DC and MU-DF districts, the following uses shall have alternative minimum off-street parking space requirements from those established in Table above:

- 1) All commercial uses – none required.
- 2) Dwelling, attached rowhouse or townhouse - 1 for each dwelling unit.
- 3) Dwelling, apartment - 1 for each dwelling unit
- 4) Dwelling, apartment mixed use – 1 for each dwelling unit above four units.

C) In the MU-N district, the following uses shall have alternative minimum off-street parking space requirements from those established in Table above:

- B)1) All uses classified as household living residential in Table – 1 for each dwelling unit.

D) In the case of any building, structure or premise, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which such use is similar, shall apply.

43.03.33 Location

A) Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- 1) Type of Use. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this chapter.
- 2) Location. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:
 - a) One and two family dwellings. On the same lot with the building they are required to serve.
 - b) Multiple dwellings. On the same lot as, not more than 200 feet from the building they are required to serve.
 - c) **Commercial and institutional uses. For uses located and first permitted in the B-1, B-2, and B-3 districts and for hospitals, sanitariums, asylums, orphanages, rooming houses, lodging**

houses, clubrooms, fraternity and sorority houses, theme houses, not more than 300 feet from the building they are required to serve.

- d) Other uses. For uses other than those specified heretofore not more than 300 feet from the building they are intended to serve.
- 3) Front Yard Location. In no case shall parking or hard or gravel surfacing for parking be located within five feet of the public right-of-way, not including alleys, other than the driveway. In any R district and on any property used primarily for residential use, off-street parking spaces shall not be located within any required front yard or side yard adjacent to the public right-of-way other than the driveway.

43.03.34 Design and Maintenance Standards

A) Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

- 1) Parking Space and Vehicle Aisle Dimensions.
 - a) All parking spaces must comply with the minimum space dimensions stated in Table 43.37 (1), save for compact car spaces, which must comply with the minimum dimensions stated in Table 43.37 (2).
 - b) Smaller parking spaces for compact cars are allowed only on parking lots that consist of 10 or more off-street parking spaces. These parking spaces must comply with the minimum dimensions for spaces stated in Table 43.37 (2). No more than 20 percent of the required off-street parking spaces shall be designated for compact cars. All compact car spaces shall be clearly identified with signs. When computing the number of permitted compact car spaces results in a fractional number, the number of permitted compact car spaces shall be rounded to the next lowest number.
 - c) If the degree of parking angle provided is not listed in Table 43.37 (1) or Table 43.37 (2), the aisle width shall be based on the next largest parking angle shown in Table 43.37 (1) or Table 43.37 (2). In circumstances in which a strict application would result in unnecessary practical difficulties, the Board of Adjustment may, after notice and hearing, authorize such specific, limited exceptions to the below tables of dimensions as it shall find warranted and consistent with:
 - i. Protecting landscaping features; and
 - ii. Adequate space for maneuvering of trucks, vans and full-size passenger vehicles. No exceptions shall be allowed for any other feature of these off-street parking rules.
- d) No exceptions shall be allowed for any other feature of these off-street rules.

Table 43.37 (1): Full-Sized Vehicles Parking Space and Aisle Requirements

Parking Angle	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length per Space	N/A	26.3'	18.0'	14.0'	12.7'	11.7'	10.4'	9.6'	9.1'	9.0'
Space Depth	9.0'	15.0'	17.3'	19.1'	19.8'	20.3'	21.0'	21.0'	20.3'	19.0'
Access Aisle Width	12.0'	12.0'	12.0'	12.0'	13.0'	15.0'	18.0'	19.0'	24.0'	24.0'
Space Width	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'

Table 43.37 (2): Compact Vehicles Parking Space and Aisle Requirements

Parking Angle	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length per Space	N/A	23.4'	16.0'	12.4'	11.3'	10.4'	9.2'	9.5'	8.1'	8.0'
Space Depth	8.0'	13.0'	14.9'	16.4'	17.0'	17.4'	17.9'	17.8'	17.1'	16.0'
Access Aisle Width	12.0'	12.0'	12.0'	12.0'	13.0'	15.0'	18.0'	19.0'	24.0'	24.0'
Space Width	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'

- 2) Access. There shall be adequate provision for ingress and egress to all required parking spaces. Where a lot does not abut on a street or alley, there shall be provided an access drive not less than 8 feet in width in the case of a one family dwelling, equaling widths called for in **Tables 43.37 (1) and (2)** in all other cases for parking, and 18 feet leading to the storage areas or loading or unloading spaces required by this section in such manner as to secure the most appropriate development of the property in question. Easements of access or access drives to a use in a nonresidential district shall not be located within a residential district.
- 3) **Screening and Landscaping. Off-street parking areas for more than 3 vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R district or institutional premises by a masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than 4 feet or more than 6 feet in height and shall be maintained in good condition and the area between such wall or fence and the nearest side lot line or the front lot line, shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.**
- 4) Surfacing.
 - a) Any off-street parking area or driveway shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable surface, shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M district if more than 200 feet from any R district or a residential unit with eight or fewer spaces, provided that no part of the driveway or parking area is within three feet of a neighboring property line and provided that in all cases, such parking areas and driveways shall be covered with at least a six- inch depth of class 5 aggregate and shall be reasonably maintained in such a manner so as to not constitute a nuisance pursuant to Section 32.01 (b).
 - b) Notwithstanding the foregoing, the use of any off-street parking area or driveway that has not been hard surfaced as of February 24, 2006, shall be permitted as a non- conforming use, provided that such area shall meet the above stated requirements for gravel.
- 5) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R district.
- 6) Rear Yard Coverage. In R districts, a maximum of 50 percent of the rear yard on a residential lot shall be used for parking, which does not include any garage or vehicle maneuvering area. However any residence shall be allowed three parking spaces regardless of the proportion of the rear yard they occupy. All spaces must meet the parking lot size requirement in 43.03.34 (1).
- 7) Driveway Approaches. All properties shall conform to the regulations hereinafter specified and in sections (g) and (h) above.

- a) Anyone wishing to create a driveway approach shall apply to the Engineering Department to obtain a permit.
- b) Residential properties with public alley access that house one to four residential units shall not be permitted to have a driveway approach.
- c) Residential properties without public alley access that house one to four residential units shall be permitted one driveway approach.
- d) Residential properties housing more than four residential units and non-residential properties shall be permitted one driveway approach for each lineal 150 feet or fraction thereof of public right-of-way frontage.
- e) Driveways shall lead directly to a garage opening or parking area that conforms to the provisions of Section 43.03.34.

43.03.35 Off-Street Loading Standards

- A) When Required. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.
- B) Size. Each loading space shall not be less than 10 feet in width, 25 feet in length and 14 feet in height.
- C) In Yards. Subject to the limitations in the following section, no off-street loading space shall be permitted within a required front yard or in any required side yard which faces or adjoins a residential district.
- D) Distance from R Districts. No off-street loading space, maneuvering area, access aisle or drive shall be located closer than 50 feet to any lot located in any R district, unless effectively screened from the residential district by a wall or uniformly painted solid board fence not less than 6 feet in height.
- E) Required Surfacing. Requirements shall be the same as required under Section 43.03.34(h).
- F) Lighting. Requirements shall be the same as required under Section 43.03.34(i).

- B) Conditional Use
 - 1) Establishing
 - 2) Major Amendment
 - 3) Minor Amendment
- C) Variance

43.06.15 Subdivision Review

- A) General Provisions – Modifications and Exceptions
- B) Preliminary Plat
- C) Final Plat
- D) Natural State Area
- E) Cluster Development

43.06.16 Regulatory Amendments

- A) UDC Text Amendment
- B) UDC Map Amendment
- C) Comprehensive Plan Amendment

43.06.17 Enforcement and Penalties

Article 07 Definitions

43.07.11 Rules of Construction

43.07.12 Definitions

- A) For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:
 - 1) Accessory Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.
 - 2) Adult Use - Body Painting Studio: An establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".
 - 3) Adult Use - Bookstore: A business, a significant portion of which, is devoted to the barter, rental, or sale of books, magazines, printed matter, pictures, slides, records, audiotapes, videotapes or motion picture film, that are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
 - 4) Adult Use - Cabaret: A nightclub, bar, restaurant, or similar establishment that provides dancing or other live entertainment that is distinguished or characterized by an emphasis on the performance, depiction or description of "specified sexual activities" or "specified anatomical areas".

- 4)5) **Adult Use - Companionship Establishment:** A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished, and characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". The term Adult Use - Companionship Establishment shall include any "rap parlor", "conversation group", "adult encounter group", "adult sensitivity group", "personal escort service", "model service", "dancing service", or "hostess service", which is both defined and required to be licensed, pursuant to Winona City Code Section Chapter 52, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 5)6) **Adult Use - Establishments:** Any business that is characterized by, or places a significant emphasis on, providing its patrons with merchandise, services or entertainment that is characterized by an emphasis on the depiction, exposing, describing, discussing of "specified sexual activities" or "specified anatomical areas". For purposes of this definition, Adult Use - Establishments include, without limitation, adult bookstores, adult motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 6)7) **Adult Use - Hotel or Motel:** Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
- 7)8) **Adult Use - Massage Parlor, Health Club:** A massage parlor or a health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". The term Adult Use - Massage Parlor shall include any massage parlor which is both defined and required to be licensed pursuant to Winona City Code Chapter 52, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 8)9) **Adult Use - Modeling Studio:** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- 9)10) **Adult Use - Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".
- 10)11) **Adult Use - Motion Picture Theaters:** A business premises within an enclosed building used for presenting visual media material that is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- ~~41~~12) Adult Use - Novelty Business: A business that is characterized by, or places a significant emphasis on, the sale or rental of merchandise, paraphernalia, instruments or devices that are marketed or sold primarily to simulate human genitals or to provide sexual stimulation.
- ~~42~~13) Adult Use - Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas". The term Adult Use - Sauna shall include any sauna which is both defined, and required to be licensed, pursuant to Winona City Code Chapter 52, if such service is characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- ~~43~~14) Adult Use - Specified Anatomical Areas: Anatomical areas consisting of (a) less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and, (b) human male genitals in a discernable turgid state, even if completely and opaquely covered.
- ~~44~~15) Adult Use - Specified Sexual Activities: Activities consisting of the following: (a) actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or (b) clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or (c) use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation, or other sexually-oriented contact.
- ~~45~~16) Adult Use - Substantial or significant portion: Means at least Twenty-five (25) percent of the inventory, stock and trade, or publicly displayed merchandise, or at least Twenty-five (25) percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basement or any portion of the business not open to the public).
- ~~46~~17) Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:
- a) Field crops, including but not limited to: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat.
 - b) Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, rabbits, mink, buffalo, and deer.
 - c) Livestock products, including but not limited to: milk, butter, cheese, eggs, meat, fur, and honey.
 - d) Fruits and vegetables.
- ~~47~~18) Airport: Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- ~~48~~19) Alley or Lane: A public or private way not more than 20 feet wide affording only secondary means of access to abutting property.

~~19) Alley or Service Drive: A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation~~

~~20) Animal Hospital or Veterinary Clinic: A facility for the diagnosis, treatment, or hospitalization of animals. Boarding of animals shall be allowed as an accessory use.~~

20)21) Animal Unit: A unit of measure used to compare differences in the production of animal manure that employs as a standard, the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer based upon Minn. Rules 7020:

a) Animal Units

i. One horse	1.0
ii. One slaughter steer or heifer	1.0
iii. One mature dairy cow	1.4
iv. One swine over 55 pounds	0.4
v. One swine under 55 pounds	0.1
vi. One sheep	0.1
vii. One turkey	0.018
viii. One chicken	0.01
ix. One duck	0.02

b) For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

~~21) Apartment Efficiency: A dwelling unit in a multi-family building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.~~

~~22) Apartment Hotel: An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.~~

~~23) Apartment House: See Dwelling, multi-family.~~

24)22) Automotive Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

25)23) Automobile Automotive Repair, Minor: Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons' capacity, but not including any operation named under "Automobile Repair, Major," or any other similar thereto.

26)24) Automobile or Trailer Sales Area: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

27)25) Automobile Service Station or Filling Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

- ~~28)~~26) Automobile Wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- ~~29)~~27) Basement: A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit.
- ~~30)~~28) Bed and Breakfast: A building or part thereof, other than a hotel or motel, where lodging and breakfast are provided to transient guests by a resident family for compensation.
- ~~31)~~29) Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings.
- 30) Block: The enclosed areas within the perimeter of streets; watercourses; railroad rights-of-way; and City boundaries.
- ~~32)~~31) Blockfront: A blockfront is that portion of a block consisting of all of the zoning lots fronting on a single street.
- ~~33)~~32) Bluff Face: That area between United States Geological Survey Contour intervals of 1180 and 800 feet.
- ~~34)~~33) Bluff Slope: The average slope between United States Geological Survey Contour intervals of 800 and 1180 mean sea level.
- ~~35)~~34) Board: The board of adjustment of the city.
- ~~36)~~35) Brewery. A facility which produces malt liquor for sale.
- ~~37)~~36) Brewery, Large. A brewery that produces more than 60,000 barrels of malt liquor annually for sale and wholesale distribution purposes. Such uses shall be licensed and conducted in accordance with all applicable federal, state, and local laws.
- ~~38)~~37) Brewery, Small. A brewery that produces no more than 60,000 barrels of malt liquor annually for sale and/or wholesale distribution purposes. Such uses shall be licensed and conducted in accordance with all applicable federal, state and local laws, and exclude brewpubs and brew on premises stores as defined herein.
- ~~39)~~38) Brew on Premises Store. A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the facility for personal use. Such uses shall comply with all applicable federal, state, and local laws.
- ~~40)~~39) Brewpub. A bar, restaurant, or similar retail establishment, in which no more than 3500 barrels of malt liquor are brewed annually for retail on and off sale purposes. Such facilities shall be licensed in accordance with provisions of City Code Chapter 55 and Minnesota Statutes 340A.301 subd.6 while their use and operation must comply with these and all other applicable federal, state, and local laws.
- 40) Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements, as hereinafter provided.
- 41) Building Cornice Line: The line which marks the horizontal edge at the top of the principal front wall plane of a structure.

- 42) Building Façade: The exterior elevation of a building or structure extending from the ground to the top of the wall, cornice, parapet, or eaves and the entire width of the building elevation.
- 43) Building Façade Articulation: A recess or projection in the building façade that gives texture to the building surface, creates the impression that one building is two or more buildings, incorporates a unique building element, and improves the building's overall composition and aesthetic. Minimum requirements for a building break are a depth of two (2) feet and a width of four (4) feet.
- 44) Building Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.
- 45) Building Parapet: A low wall or protective barrier that extends vertically above the roof line of a building.
- 46) Building Roof Ridge Line: The line which marks the highest point of a pitched roof.
- 47) Building Stepback: A setback of a building's upper floor(s) in order to reduce the building's bulk, articulate the base of the building, ensure a more comfortable street environment, and provide light and air at street level
- 41)48) Building Street Frontage: The proportion of a lot's frontage on a public street that is occupied by a building as measured at the required maximum front yard setback. Corner lots must meet maximum front yard setback requirements for both public street frontages.
- 49) Building Transparency: Openings in the street-facing façade of a building that are transparent, including windows and doors, which enable increased physical and/or visual interaction between street/sidewalk/plaza activities and a building's interior uses and activities.
- 42)50) Cellar: That portion of a building between floor and ceiling underground, but having half or more than half of its clear height below the adjoining finished grade.
- 43)51) Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- ~~44) Central Business District Core: An area defined as follows: Beginning at the intersection of Fourth and Johnson Streets; north to the center line of the alley between Levee Park and Second Street; east to the center line of Lafayette street; south to the center line of the alley between Second and Third Streets; east to the center line of Market Street; south to the center line of the alley between Third Street and Fourth Street; west to the center line of Lafayette Street; south to the center line of Fourth Street; west to the point of beginning.—~~
- 45)52) Change of Use: Altering the character of the existing use of land, a building, or a structure.
- 46)53) City Engineer: The city engineer of the City of Winona.
- 47)54) Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.
- 48)55) Club: A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

- 56) Commercial Recreation Facilities (Indoor): Facilities operated as a business and which are open to the public for a fee that shall include, but is not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.
- 57) Commercial Recreation Facilities (Outdoor): Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to, golf courses, outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.
- 58) Commission: The city planning commission.
- 59) **Construction Site Home: A home for the temporary occupancy and/or office use of watchmen, supervisory, or other special personnel for a construction site.**
- 49)60) **Construction Contractor Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials customarily required in the building trades by a construction contractor. This definition includes architects, engineers, surveyors, real estate sign placement services, showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other materials in connection with contracting services.**
- 50)61) Council: The city council.
- 54)62) County Engineer: The County engineer of Winona County.
- ~~— Court: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.~~
- 52)63) **Detached Heating System: A detached heating system shall include any system for the production of heat for any residential or other structure used for human habitation, whether fueled by the burning of wood or other approved natural or processed materials, which is located outside of the structure for which the heat is generated. Such shall include but not be limited to outdoor wood-burning furnaces, wood-burning boilers and other detached energy systems, whether the same be free-standing or encompassed within a separate building or structure not intended as the primary beneficiary of the heat produced thereby, and regardless of the method of heat exchange.**
- 53)64) District: A portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term "R-district" shall mean any R-S, R-1, R-1.5, R-2 or R-3 district, the term "B-district" shall mean any B-1, B-2 or B-3 district, the term "MU-District" shall mean any MU-DC, MU-F, and MU-N district, and the term "I-district" shall mean any I-1, I-2, or I-A district.
- 54)65) Dormitory: A structure specifically designed for a long-term stay by students of a college, university, or nonprofit organization. Such structures contain facilities for living, sleeping, and sanitation; and may include separate group facilities for cooking and eating.
- 55)66) Driveway: A private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.
- 56)67) Driveway Approach: An area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from

the roadway to the adjacent property. On roadways with curbs, this includes a lowered curb level.

~~57)68)~~ Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, boardinghouse or rooming house.

~~58)69)~~ Dwelling, Single Family: A building designed for or used exclusively for residence purposes by one family.

70) Dwelling, Two to Four Family: A building designed for or used exclusively for residence purposes by two to four families.

~~59)71)~~ 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.

72) Dwelling, Multi-FamilyApartment: A building ~~or portion thereof~~ designed for or used by ~~three~~ five or more families or ~~housekeeping-dwelling~~ units and sharing a joint entrance from the outside.

~~60)73)~~ Dwelling, Apartment Mixed Use: A building designed for or used by one 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.

~~61)74)~~ Dwelling Unit: A unit containing a habitable room or suite of rooms forming a single housekeeping unit for one or more persons and containing complete, independent facilities for living, sleeping, cooking, eating and sanitation, and containing only one kitchen or kitchenette.

~~62)~~ Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

~~63)75)~~ Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

~~64)76)~~ Extraction Pits: Any artificial excavation of the earth which is intended to remove more than 1,500 cubic yards of organic or inorganic material from the property on which the excavation activity is being conducted. An extraction pit shall not include any such excavation, which is:

- a) Incidental to any activity with an active building permit, provided that the building or installation shall be completed immediately following such excavation.
- b) Incidental to the construction of any subdivision for which a grading management plan has been submitted and approved by the Planning Commission and City Council.
- c) Incidental to the creation of water impoundments for agricultural purposes.

~~65)~~77) Family: Persons living together on the premises in a single dwelling unit under one of the following conditions:

- a) One person living alone.
- b) Any number of persons related by blood, marriage or adoption, including foster children.
- c) Three (3) or fewer unrelated persons.
- d) Any number of persons related by blood, marriage or adoption, including foster children and up to two (2) unrelated persons.
- e) Exempt from this definition shall be any state-licensed residential facilities.

78) Flood Plain Management: See definitions contained in Section 43.02.33.

~~66)~~79) Fraternity or Sorority: A residential building which is occupied only by a group of university or college students and support staff who are associated together in a fraternity or sorority, which is officially recognized by a college or university offering an accredited course of study, and who receive from the fraternity or sorority lodging or meals on the premises for compensation. Building shall be owned by a non-profit or housing corporation which transfers all assets to non-profit upon dissolution.

~~67)~~80) Frontage: All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

~~68)~~81) Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident upon the premises.

~~69)~~82) Garage, Public: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

~~70)~~83) Grading Management Plan: A document which fully describes the location, method, timing, and erosion control measures of any grading activity, which is incidental to the development of a subdivision or other site.

~~71)~~84) Heavy Commercial Vehicle: Any vehicle with a gross vehicle weight rating over 33,000 pounds.

~~72) —Highways, Thoroughfares and Parkways: The highways, thoroughfares, or so designated on the Thoroughfare Plan.~~

~~73)~~85) Home Occupation: Any occupation which is customarily incidental to the principal use of the premises and is conducted by a resident occupant.

~~74)~~86) Horizontal Plane: A plane tangent to a level surface.

~~75)~~87) Hospital: A building or portion thereof used for the accommodation of sick, injured, or infirm persons, including sanitarium, sanatoria.

~~76)~~88) Hotel: Any building or portion thereof operated as a commercial establishment containing 5 or more guest rooms or suites that are accessed through an inside lobby or office and are

~~offered to the general public for transient lodging accommodations, where no provision for cooking is made in any individual guest room or suite, except hospitals and jails.~~

- ~~77)89)~~ Improvement Area: A land area to be prepared for construction upon it, including the area for utilities, driveways, sidewalks, structures, accessories and other activities customarily associated with development.
- ~~78)90)~~ Industry: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
- ~~79)91)~~ Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- ~~80)92)~~ Kennel: Any structure or premises on which 3 or more dogs or cats over 6 months of age are temporarily or permanently boarded, including animal day care/spa facilities, kept.
- ~~84)93)~~ Kitchen: Any room in a building or dwelling unit which is used for cooking or the preparation of food.
- ~~82)94)~~ Land Alteration: The excavation, grading or filling of land involving the moving of earthen materials, when none of the materials will be removed from the property on which the land alteration is to take place.
- ~~83)95)~~ Land Use Plan: The long-range plan for the desirable use of land in the city as officially adopted and as amended from time to time by the city planning commission; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs in the subdividing and use of undeveloped land, and in the acquisition of rights of way or sites for public purposes such as streets, parks, schools and public buildings.
- ~~84)96)~~ Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- ~~85)97)~~ Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having frontage on a public street.
- ~~86)98)~~ Lot Area: The computed area contained within the lot lines.
- ~~87)99)~~ Lot, Corner: A lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the "corner."
- ~~88)100)~~ Lot, Depth: The mean horizontal distance between the front and the rear lot lines. Lot, Interior: A lot other than a corner lot.
- ~~89)101)~~ Lot Lines: The property lines bounding the lot.

- ~~90)~~102) Lot Line, Front: The line separating the lot from a street.
- ~~91)~~103) Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- ~~92)~~104) Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- ~~93)~~105) Lot Line, Street or Alley: A lot line separating the lot from a street or alley.
- ~~94)~~106) Lot of Record: Any part of a subdivision, the plat of which has been duly recorded in the office of the County Recorder, or a parcel of land, the deed to which was recorded in the office of said recorder, prior to adoption of this Chapter or any amendment thereto.
- ~~95)~~107) Lot, Through: A lot having frontage on 2 parallel or approximately parallel streets. Lot, Width: The mean width of the lot measured at right angles to its depth.
- ~~96)~~108) Malt Liquor. Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.
- 109) Manufactured Home: "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Also, this term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.
- 110) Manufactured Home Park: "Manufactured home park" means any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.
- 111) Manufacturing, Heavy: An establishment or use of land that manufactures, assembles, or fabricates using processes that generally create odor, noise, vibration, illumination or particulates that may impact surrounding properties. This category shall also include any use of land that needs large unscreened outdoor structures or storage that cannot be incorporated into the building. Examples include, but are not limited to the following: large-scale food and bottling operations; lumber, milling and planing facilities; grain milling; aggregate, concrete, and asphalt plants; foundries, forge shops, and other intensive metal fabrication; and chemical manufacturing.
- ~~97)~~112) Manufacturing, Light: An establishment or use of land for the assembly or processing of previously processed components or manufactured parts using processes that do not create significant amounts of noise, vibration, illumination, or particulates that may impact surrounding properties. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples include, but are not limited to the following: food; pharmaceuticals; clothes; furniture (where wood is milled off-site); hardware; toys; light sheet metal products; mechanical components; printing; small vehicle assembly; and computer software.
- ~~98)~~113) Microwave Receiving Dish: Any conical or dish-shaped device or structure used for receiving television or other telecommunication signals transmitted from satellites or earth based transmitters.

- ~~99) Mobile Home: The words "mobile home" shall mean a transportable, single family dwelling unit suitable for year round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration, as such, under the provisions of Minnesota Statutes, Chapters 168 or 273 and having no foundation other than wheels, jacks or skirtings.~~
- ~~100) Mobile Home Park: The words "mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. —~~
- 404)114) Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guest or occupants.
- 402)115) Natural Slope: That slope established by U.S.G.S. topographic map and existing prior to grading of any kind.
- 403)116) Nonconformity: Any land use, structure, lot, or site characteristic, which existed lawfully at the effective date of a zoning ordinance or subdivision ordinance, has been continued since that time, but which would not have been permitted to become established under the terms of the City Code as now written.
- 404)117) Nonconforming use: A use that was legally conforming at the time it was established but which does not comply with the current City Code.
- 405)118) Nonconforming structure: A structure that was legally conforming at the time it was constructed but which does not comply with the current City Code.
- 406)119) Nonconforming lot: A lot lawfully established prior to the effective date of the City Code, or subsequent amendments to it, which fails to meet requirements for lot area, and/or width, depth, lot frontage, or other requirement of the existing City Code.
- 407)120) Nonconforming site characteristic: A site characteristic lawfully established prior to the effective date of the City Code, or subsequent amendments to it, which fails to meet requirements of the existing City Code. For the purposes of nonconformities, "site characteristics" are physical improvements to the site beyond structures, and may include but are not limited to: impervious surface coverage, storm water facilities, parking and parking lots, driveway surfaces, screening, fences, landscaping, sidewalks, patios, man-made water features such as ponds or swimming pools, and similar features.
- 408)121) Nonconformity Agreement. A recordable agreement between the City and the property owner of a nonconformity, which imposes reasonable regulations or conditions upon nonconformities to prevent and abate nuisances and to protect the public health, safety, or welfare. Such agreement may only be approved by the City Council.
- 409)122) Nonconformity, legal: A nonconformity that was legally conforming at the time it was established and received all required approvals.
- 410)123) Nonconformity, illegal: A nonconformity that was not legal at the time it was established or did not receive all required approvals.
- ~~111) Park and Playground Plan: The plan of parks, playgrounds or other open public grounds adopted by the city planning commission.~~
- 412)124) Parking Area, Private: An open area for the same uses as private garage.

- ~~413)~~125) Parking Area, Public: A **publicly owned** open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, **or free, or as an accommodation for clients or customers.**
- 126) Parking Space: A permanently surfaced area of not less than 160 square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.
- ~~414)~~127) **Personal service and repair business: An establishment that is engaged in the provision of personal improvement, personal care, and similar services. Examples include, but are not limited to, salons, tailors, and optical and optician services.**
- ~~415)~~128) Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The term "recreational vehicle" includes the following:
- ~~416)~~a) Camper Trailer: A folding or collapsible vehicular structure, without its own power designed as a temporary living quarters for travel, camping, recreation, and vacation uses; and eligible to be licensed or registered and insured for highway use.
- ~~417)~~b) Travel Trailer: A rigid vehicular structure without its own motive power, designed as a temporary dwelling for travel, camping, recreation and vacation use; eligible to be licensed or registered and insured for highway use; and which when equipped for the road, has a body width of not more than eight (8) feet.
- ~~418)~~c) Truck Camper: A portable structure, without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which in combination with the carrying vehicle is eligible to be licensed or registered and insured for highway use.
- ~~419)~~d) Motor Home: A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use; and which is eligible to be licensed or registered and insured for highway use.
- ~~420)~~e) Boat and/or Utility Trailer: A vehicular structure without its own motive power designed or used for the transportation of all manner of motor vehicles and boats, goods, materials and eligible to be licensed or registered and insured for highway use.
- ~~421)~~129) Resident Family: A resident family is a family that resides in an owner-occupied home.
- 130) Residential care facility: A building that houses persons, on a 24 hour basis, who because of age, mental disability, or other reasons live in a supervised residential environment who provide personal care services. This classification shall include, but not be limited to residential board and care facilities, halfway houses, group homes, congregate facilities, social rehabilitation facilities, and alcohol and drug abuse centers.
- ~~422)~~131) Residential Retreat Center: A single family detached residential structure/property with sleeping and living quarters, including cooking facilities, that is wholly rented to one (1) common party for the purpose of overnight lodging for one (1) night or longer, but less than one (1) week. Retreat Centers shall not be rented to more than one (1) common party at a time, the premises shall not be the primary residence of the owner, the owner or a representative of the owner shall not occupy the premises during the rental period, no meals shall be catered, and the number of guests shall be limited to a maximum of twelve (12) guests at any one time.

- ~~423)~~132) **Ridgeline:** The uppermost boundary of the conservancy district, which is represented by the contour line of 1,180 feet, as shown on a United States Geological Survey Topographic Map, 1972.
- ~~424)~~133) **Road Use Agreement:** An agreement between a developer or property owner and a road authority identifying the road improvements, road impacts, and impact mitigation and remediation measures necessary to preserve the condition of road infrastructure and to make such improvements as may be necessary to handle the volume, weight, size, turning radius, and other attributes of the truck traffic generated by a land use.
- ~~425)~~134) **Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.
- ~~426)~~135) **Roominghouse:** A single family dwelling occupied by a resident family in which one or more rooming units are occupied, or intended to be occupied, by one or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the occupying owner or operator; or a single family dwelling occupied by persons other than a family; or a dwelling containing 2 or more dwelling units, one or more of which is occupied by other than a family as defined herein; or a portion of a dwelling housing one or more rooming units independent of a dwelling unit.
- ~~427)~~136) **Rooming Unit:** A unit containing one or more habitable rooms located in an operator-occupied dwelling or dwelling unit and so arranged as to provide a private habitable unit used, or intended to be used, for living and sleeping but not for cooking purposes, along with private or shared sanitation facilities; or a dwelling unit in a rooming house containing more than one dwelling unit and occupied by other than a family.
- ~~428)~~137) **School:** A school is defined in Minnesota Statutes Section 120A.05 or a school, nonpublic school, or nonsectarian nonpublic school as defined in Minnesota Statutes Section 123B.41.
- ~~429)~~138) **Sign, Abandoned Sign.** A sign that is left behind after a business or corporation departs from a building.
- ~~430)~~139) **Sign, Area of:** The total exterior surface computed in square feet of a sign having but one exposed exterior surface; one-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
- ~~434)~~140) **Sign, Awning, Canopy, Marquee.** A sign that is painted on or attached to an awning, canopy, or marquee.
- ~~432)~~141) **Sign, Banners.** Any sign of lightweight fabric or similar material that is mounted to a pole, rope, or building at one or more edges. National, State, or Municipal flags flown in accordance with protocol established by the United States Congress shall not be considered banners.
- ~~433)~~142) **Sign, Billboard.** See Off Premise Sign.
- ~~434)~~143) **Sign, Display:** A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, billboard and advertising device of any kind.
- ~~435)~~144) **Sign, Dynamic Displays.** Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or

mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. Time and temperature and gas pricer signs are not considered dynamic displays.

- ~~436)~~145) Sign, Ground Sign. A sign which is supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.
- ~~437)~~146) Sign, Height. The distance measured from a sign's uppermost feature to the finished grade located directly below the sign.
- ~~438)~~147) Sign, Industrial Park. A sign which identifies a group of offices, warehouses or manufacturing plants that are two or more in number.
- ~~439)~~148) Sign, Mobile. Signs on wheels, trailers, or legs that are capable of being moved from place to place.
- ~~440)~~149) Sign, Multi-Faced. A spherical or other sign with more than one face.
- ~~441)~~150) Sign, Non-conforming. A sign which does not meet the requirements of this section or which failed to receive a sign permit under previous sign ordinances.
- ~~442)~~151) Sign, Off-Premise (Billboard). A sign which directs attention to a business, profession, activity, commodity, service, or entertainment offered or existing elsewhere than upon the same lot where such sign is displayed.
- ~~443)~~152) Sign, On-Premise. A sign which directs attention to a business, profession, activity, commodity, service, or entertainment, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a non-commercial message.
- ~~444)~~153) Sign, Painted Wall. A sign painted directly on an exterior wall of a building or structure.
- ~~445)~~154) Sign, Park. A sign or symbol identifying public park lands or directions to said land and activities available within said lands.
- ~~446)~~155) Side, Political. A sign urging voters to vote for or support specific issues or candidates.
- ~~447)~~156) Sign, Projecting. A sign which is attached to a building wall or sign structure and which extends more than 12 inches from the face of such wall or sign structure.
- ~~448)~~157) Sign, Real Estate. A sign offering property (land and/or buildings) for sale, lease or rent. Such signs shall contain no commercial messages, other than the logo and contact information of the listing agent and shall be located upon the same lot as the property which is being offered for sale, lease, or rent. Such signs shall be accessory only to the immediate sale, lease or rental of property upon which they are located and shall be removed from the property once it is sold, leased or rented.
- ~~449)~~158) Sign, Roof. A sign erected upon or above a roof or parapet of a building.
- ~~450)~~159) Sign, Shopping Center. A business sign which identifies a group of shops or offices that number four or more.
- ~~454)~~160) Sign, Sidewalk. A non-mobile temporary sign, which may be an A-frame or sandwich board type sign, placed on the sidewalk or boulevard area within the public right-of-way and associated with the abutting commercial establishment in compliance with these standards.

- ~~452~~161) Sign, Face. The surface of the sign including letters and background upon, against or through which the message is displayed or illustrated.
- ~~453~~162) Sign, Area. The entire area within a continuous perimeter enclosing the extreme limits of the sign message and background. However, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- ~~454~~163) Sign, Structure. The supports, uprights, braces and framework of the sign.
- ~~455~~164) Sign, Temporary or Seasonal. A sign placed on a lot or parcel of land without a permit pursuant to the provisions of Section **43.43(i)**.
- ~~456~~165) Sign, Wall. A sign which is attached to the wall of a building, with the face in a plane parallel to such wall and not extending more than 12 inches from the face of such wall.
- ~~457~~166) Sign, Window. Any sign, picture, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event or service that is attached to a window, and is visible from the exterior of the window.
- ~~458~~167) Silica Sand: naturally existing well-rounded, high compressive strength, high quartz (silicon dioxide) level sand having a composition of nearly pure quartz (few impurities from other minerals) and a grain-size distribution required for industrial applications, including the hydraulic fracturing of shale rock to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, or sand with a low quartz level.
- ~~459~~168) Stable, Commercial: A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.
- ~~460~~169) Stable, Private: An accessory building for the keeping of horses, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
- ~~461~~170) Standard, Equipment: A criterion for the control of type and placing of industrial equipment.
- ~~462~~171) Standard, Performance: A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.
- ~~463~~172) Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- ~~464~~173) Story, First: The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact surface ground level at the exterior walls of the building.
- ~~465~~174) Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.
- ~~466~~175) Story, Mezzanine: A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath such mezzanine story.
- ~~467~~176) Street: A public right of way, 60 feet or more in width, which provides a public means of access to abutting property or any such right of way more than 30 feet and less than 60 feet in

width; provided, that it existed prior to the original enactment of the regulations of this chapter. The term street shall include avenue, drive, circle, road, parkway, boulevard, thoroughfare or any other similar terms.

~~468)~~177) Street, Local or collector: A street intended to serve and to provide access to neighborhoods or sub neighborhoods.

~~469)~~178) Street, Minor: Any street not a highway, primary or secondary thoroughfare, parkway, or local or collector street, and intended to serve and to provide access exclusively to the properties abutting thereon.

179)179) Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders.

~~174)~~180) Subdivision: means the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

- a) Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for agricultural and residential zoning districts, and five acres or larger in size, and 300 feet in width, for commercial and industrial zoning districts;
- b) Creating cemetery lots;
- c) Resulting from court orders;
- d) Involving the sale, or exchange, of land between adjoining land owners provided that additional parcels, or lots, are not created and resulting lots meet dimensional, area, and structural yard requirements of underlying zoning.

~~172)~~181)

182) Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

183) **Swimming Pool, Private:** A private swimming pool is any pool or tub designed to be used for recreational purposes such as swimming or bathing, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point 24 inches or greater.

~~173)~~184) **Swimming Pool, Temporary:** A temporary swimming pool is any inflatable or portable pool intended for the sole non-commercial use of the occupants of the property on which it is located and their guests, which has a water depth of at least 24 inches.

~~174)~~185) Theme House: A university/college sanctioned structure of a residential nature, housing students with a common academic interest. Such a structure resembles single-family houses in the vicinity and contains full-kitchen facilities. Theme houses shall only be established within a campus overlay.

~~175)~~186) Thoroughfare, Primary or Secondary: An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the city or a county or other road or street designated as a secondary thoroughfare on such plan, respectively.

~~176) Thoroughfare Plan: The official plan of highways, primary and secondary thoroughfares, and parkways.~~

~~177) Thoroughfare, Plan: The official thoroughfare plan of, and as adopted by the city planning commission of the city, establishing the location and official right-of-way width of principal highways and streets in the city, on file in the office of the city engineer and the city planning commission, dated August 17, 1959, together with all amendments subsequently adopted.~~

~~178)~~187) Tourist Home: A building or part thereof, other than a hotel or motel, where lodging is provided to transient guests by a residence family for compensation.

~~179)~~188) Trailer Park or Camp: Any lot or part thereof, or any parcel of land, which is used or offered as a location for 2 or more trailers or mobile homes.

~~180)~~189) Use: The purpose for which land or a building or a structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

~~184)~~190) Use, First Permitted in "X" District: A use which in the sequence is successively less restricted districts occurs as a permitted use for the first time in the "X" district.

~~182)~~191) Used: The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.

~~183)~~192) Yard: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

~~184)~~193) Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

~~185)~~194) Yard, Front, How Measured: Such depth shall be measured, from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established on the thoroughfare plan or on the official map of the city differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the thoroughfare plan or official map.

~~186)~~195) Yard, Rear: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

~~187)~~196) Yard, Side: A yard between the side lot line and a line parallel thereto on the lot and extending from the front yard, or the front lot line if no front yard exists, to the rear yard, or the rear lot line if no rear yard exists.

~~188) Side Yard, Least Width, How Measured: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the thoroughfare plan or on the official map of the city differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the thoroughfare plan or official map.~~

~~189)~~197) Zoning Map: The zoning map of the city, dated August 17, 1959, together with all amendments subsequently adopted.

~~490~~198 Zoning Certificate: A document issued by the zoning or building inspector authorizing building, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

Article 08 Development Applications