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Development Code Diagnosis and Annotated Outline

Winona, MN | March 2016

DRAFT



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Introduction

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

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

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

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

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

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

Major Code Issues Identified

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

Downtown Mixed Use Development

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

Residential Neighborhood Development

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

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

Simpler Structure for Zoning Districts

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

Compatibility between Different Uses

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

Overall Code Reorganization and Format

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

Current Development Code Diagnosis

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

Chapter 22: City Administration Code

22.21 Board of Adjustment

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

22.27 Heritage Preservation Commission

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

Chapter 41: City Planning Code

41.01 Planning Commission

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

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

Chapter 42: Subdivision Code

42.01 Territorial Limits of Regulations

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

42.02 Definitions

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

42.03 Procedure

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

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

42.03 The Preliminary Plat

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

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

42.05 Improvements

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

42.06 The Final or Record Plat

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

42.07 Modifications and Exceptions

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

42.08 Fees

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

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

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

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

Chapter 43: Zoning Code

Article I In General

43.01 Definitions

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

43.02 Compliance with Chapter

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

43.03 Purpose and Scope of Chapter

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

43.04 Requirements of Chapter Deemed Minimums

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

43.05 Districts, Enumerated

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

43.06 District Zoning Map Adopted and Established

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

43.07 District Boundaries

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

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

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

43.08 Additional Permitted Uses

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

43.09 Additional Prohibited Uses

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

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

This section will not be included in the UDC.

43.11 Use of Rear Dwellings for Residential Purposes

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

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

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

43.13 Street Frontage

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

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

43.14 Courts

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

43.15 Required Area or Space Not to be Reduced

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

43.16 Off-Street Parking and Loading

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

43.17 Garage Doors

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

43.18 Essential Services

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

43.19 Unsafe Buildings

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

43.20 Erection of Dwellings and Accessory Buildings on Lots of Record

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

43.21 Height Modifications

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

43.22 Lot Area Requirements

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

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

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

43.23.1 Private Swimming Pools

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

43.23.2 Drainage Designs

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

Article II Zoning Administration

DIVISION 1. ENFORCEMENT OF CHAPTER

43.24 Zoning Administrator

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

43.25 Zoning Certificate

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

43.26 Penalties

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

43.27 Injunctions Against Illegal Uses

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

43.28 Architectural Review

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

43.29 Architectural Review Board

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

DIVISION 2. PLANNING COMMISSION

43.30 Performance Standards Procedure

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

DIVISION 3. AMENDMENTS OF CHAPTER

43.31 Amendments

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

DIVISION 4. CONDITIONAL USE PERMITS

43.31.1 Conditional Use Permits

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

Article III Nonconformities

43.32 Nonconformities

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

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

Article VI Performance Standards

43.33 Performance Standards, Regulations

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

43.33.1 Detached Heating System

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

Article V Off-Street Parking and Loading Requirements

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

43.34 Off-Street Loading Space

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

43.35 Off-Street Parking Space

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

43.36 Number of Off-Street Parking Spaces Required

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

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

43.37 Location, Design and Maintenance of Parking Area

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

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

43.38 Modifications

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

43.39 Central Business District

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

Article VI Trailers, Trailer Parks, Motels and Motor Hotels

43.40 Trailer Parks and Motels

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

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

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

43.41 Parking of Trailers

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

43.42 Trailer Parks

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

Article VII Display Signs and Outdoor Advertising

43.43 Signs

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

Article VIII Automobile Service Stations, Public Garages and Parking Areas

43.44 Service Stations, Public Garages and Parking Areas

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

Article IX Dwelling Groups

43.45 Dwelling Groups

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

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

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

Article X Cluster Development

43.46 Purpose

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

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

Article XI Integrated Neighborhood and Community Shopping Centers

43.47 Integrated Neighborhood and Community Shopping Centers

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

Article XII Extraction Pits

43.48 Extraction Pits

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

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

Article XIII Residential Districts

43.49 Traffic Visibility across Corner Lots

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

43.50 Parking of Trucks

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

43.51 Transitional Uses

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

43.52 Accessory Buildings

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

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

43.53 Yard Modifications and Projections

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

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

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

43.54 Private Swimming Pools (Repealed, See 43.23.1)

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

43.54.1 Bed and Breakfast and Tourist Homes

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

43.54.2 Microwave Receiving Dish

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

43.54.3 Vending Machines – Residential Districts

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

43.54.4 Home Occupations

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

43.54.5 Residential Retreat Centers

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

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

Sections 43.55 through 43.58 – Residential Districts

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

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

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

43.55 Residential Suburban (R-S) District

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

43.56 R-1 One-Family Residence District

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

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

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

43.56.1 R-1.5 One to Four Family Medium Density Residential

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

43.57 R-2 One to Four Family Residence District

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

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

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

43.58 R-3 Multi-Family Residence District

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

Identified issues to address include:

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

Article XIII.I Residential Mobile Home Park District

43.58.1 Residential Mobile Home Park District

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

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

Article XIV Nonresidential Districts

43.58.2 Rural Residential (R-R) District

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

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

Sections 43.59 through 43.65.1 – Non-Residential Districts

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

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

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

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

43.59 B-1 Neighborhood Business District

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

43.60 B-2 Central Business District

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

43.60.1 B-2.5 Mixed-Use Business District

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

43.61 B-3 General Business District

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

43.62 M-1 Light Manufacturing and Warehouse District

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

43.63 M-2 General Manufacturing District

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

43.64 Airport Industrial Park District

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

43.65 Conservancy District

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

43.65.1 Agricultural (AG) District

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

Article XV Flood Plain Management Ordinance

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

Article XVI Adult Use Establishments

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

43.78 Findings and Purpose

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

43.79 Definitions

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

43.80 Adult Use Establishments – Permitted

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

43.81 Nonconforming Uses

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

Article XVII Bluffland Protection

Sections 43.82 through 43.84

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

Article XVIII Campus Overlays

Sections 43.85 through 43.88

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

Article XIX Transportation Impact Analyses and Road Use Agreements

Sections 43.89 through 43.92

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

Chapter 44: Building Code

44.03 Certificate of Occupancy Requirements

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

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

44.06 Site Plans

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

Chapter 69: Shoreland Management Code

Sections 69.01 through 69.07

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

Major Themes for Improvement

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

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

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

1. Restructure and Reformat Development Code

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

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

Revise code structure

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

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

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

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

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

Improve Referencing

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

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

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

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

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

2. Clarify Development Procedures and Roles

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

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

Consolidate Procedures

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

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

Clarify Roles and Responsibilities

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

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

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

3. Clarify and Evaluate Zoning Districts' Uses and Standards

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

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

Revise the District Structure

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

Reorganize Permitted and Conditional Uses

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

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

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

Update Dimensional Standards

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

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

4. Implement the Comprehensive Plan

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

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

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

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

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

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

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

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

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

6. Update Residential Districts' Housing Types and Standards

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

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

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

Annotated Outline of the New Unified Development Code

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

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

Article 1 General Provisions

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

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

Article 2 Zoning Districts

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

Division 1 General Provisions

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

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

Division 2 Residential Districts

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

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

Division 3 Non-Residential Districts

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

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

Division 4 Mixed Use Districts

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

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

Division 5 Overlay Districts

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

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

Article 3 Development Standards

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

Division 1 Use Specific Standards

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

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

43.03.11 Purpose and Applicability

43.03.12 Use Specific Standards for Residential Principal Uses

43.03.12 Use Specific Standards for Non-Residential Principal Uses

43.03.14 Use Specific Standards for Accessory Uses

Division 2 Form Based Design Standards

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

43.03.21 Intent

43.03.22 Applicability

43.03.23 Standards

Division 3 Parking, Loading, and Circulation

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

43.03.31 Applicability

43.03.32 Required Parking Spaces

43.03.33 Location

43.03.34 Design and Maintenance Standards

43.03.35 Off-Street Loading Standards

Division 4 Landscaping

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

43.03.41 Applicability

43.03.42 Landscaping Standards

Division 5 Screening, Walls, and Fences

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

43.03.51 Applicability

43.03.52 Screening Standards

43.03.63 Fence and Wall Standards

Division 6 Exterior Lighting

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

43.03.61 Applicability

43.03.62 Design and Illumination Standards

Division 7 General Performance Standards

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

43.03.71 Applicability

43.03.72 General Performance Standards

Article 4 Subdivision Standards

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

Division 1 Basic Subdivision Requirements

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

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

Division 2 Subdivision Design Standards

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

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

Article 5 Signage

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

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

Article 6 Administration and Procedures

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

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

Article 7 Definitions

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

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

Appendix A Development Applications

Appendix A will include development application requirements.