



March 4, 2019

Citizens Environmental Quality Committee
Winona, Minnesota 55987

Dear Committee Members:

The next meeting of the Citizens Environmental Quality Committee meeting will be held on **Thursday, March 7th, 2019 at 4:30 p.m. in the Misato Room of City Hall.**

1. **Call to Order**
2. **Review and approval of Feb. 7, 2019 meeting notes**
3. **Recap of Council meeting on Energy Efficiency (10 minutes)**
4. **Unified Development Code Review – Article 3, Division 7 (40 minutes)**
5. **Ongoing Initiatives Update (5 minutes)**
 - 5.1. **Partners in Energy**
 - 5.2. **GreenStep Cities**
6. **Other Business (5 minutes)**
7. **Adjournment**

Sincerely,

John Howard

Natural Resources Sustainability Coordinator

CITIZENS ENVIRONMENTAL QUALITY COMMITTEE MEETING NOTES

DATE: Thursday Feb. 7, 2019
TIME: Scheduled for 4:30 pm at the City Hall Misato Room
PRESENT: Dan Hall, Lynette Power, Julie Fassbender, David Schmidt and Bruno Borsari
GUESTS: Mickey Maslowski
STAFF: Natural Resources Sustainability Coordinator John Howard

1. Call to order at 4:36pm
2. **Minutes:** Bruno noted that in the January minutes, biochar is listed as an “amender” and it should be called an “amendment”. Motion to approve minutes with this one amendment was made by Bruno, seconded by Julie. Approved unanimously.

3. **Letter and discussion with Mickey Maslowski:**

Ms. Mickey Maslowski is hoping to discuss with the CEQC how she can help facilitate and raise awareness about climate change? This is a major priority for her. She noted the torrential rain and wildfires as worrisome indicators and impacts from climate change. She works, recreates and spends much of her time in Winona, but is not a resident. Mickey sees demand for electric charging stations. Dan asked if the coop charger is being frequently used? Julie and Mickey believe it is. Mickey sees chargers as a draw to visit Winona, and a lack of them is a deterrent to electric vehicle owners.

Dan stated that the CEQC is not a regulatory body, so does not make requirements. Mickey wants to affirm the value of having a body such as the CEQC, and sees potential for such a body to engage the people who want to find a role.

Lynette provided background that the CEQC was inactive for a number of years. Dan noted that hiring of Natural Resource coordinator facilitated re-engagement of the committee. Lynette sees emergent leadership from the City on environmental topics. Mickey agrees there is a more proactive approach going on as well, and is important that this is happening. However Mickey believes the status quo mind set remains for development. Dan suggests way of making change is by engagement in policy. Julie said talking with elected officials is another good way to express views. David says strategic engagement is key, don't want to be too outspoken as it may set back the work. CEQC still needs to provide advice though. David said an example might be tying TIF to electric vehicle charging where the City incentivizes but does not require.

Bruno noted that state is looking at setting a net zero energy goal by 2050, and Winona can be visionary as well. Julie says Winona is small enough to make change, and big enough to make a difference. David complimented Mickey on her letter. CEQC thanked Mickey for attending, and she thanked the CEQC for the opportunity to speak with them.

4. **WSU Sustainability Fair:**

John shared some flyers regarding the Home Energy Squad, Oriental Bittersweet removal, and stormwater management that he intends to take to the event. John also showed the group a table top stormwater map that he has used as an educational aid. John will be manning a City booth at the fair on Feb. 27th as well as the City's GreenCorps member, but welcomes CEQC participation.

Lynette suggests having a water bar using the City water supplies to compare to bottled water. Julie wonders if doing tabling takes away from the policy emphasis of the CEQC. Dan asked for elaboration, and Julie explained that policy bodies tend not to do events such as tabling.

David suggests having a drop box/comment box to get suggestions for the CEQC.

5. **Unified Development Code Review – Article 3, Divisions 1-6:**

David suggests adding “non-invasive or noxious weeds, including but limited to buckthorn, honeysuckle, and Japanese Barberry” to the buffer requirement on p. 85 (43.03.23.3)c).

Julie: replace “his” in p. 80 to gender neutral “their”.

43.03.12: General Performance Standards:

Lynette wondered about the performance standards, and if they apply to existing buildings, or just new ones? John believes it applies to all.

Julie noted the “morals” in 11) as seeming very vague.

Julie asked what sections of the General performance standards seemed vague to John. John noted the “dangerous radioactivity” in 2) – seems this could be quantified or better specified. John wondered if this provision would technically prohibit radon mitigation devices. Dan stated there are gamma gauges that can detect radiation for testing. Lynette shared that her son works for sprint, and electromagnetic fields are something his employer warns against. Seems electromagnetic fields are not directly addressed in the UDC, but Lynette believes they maybe should be. David wonders if there is an OSHA code or something similar to set a good radiation standard. Dan shared that workplace standards developed by OSHA are not as stringent as what is allowed in the general public.

Lynette brought up 7), and the ability to monitor air quality. Seems the City waited on state standards. Dan said environmental testing can be expensive and takes a specialty skill set.

Julie asked if vibration would apply to moving vehicles? Dan said standard rules probably do not apply to vehicles. David thought of trains. Julie believes truck vibrations detract from housing. Lynette noted that car speakers can rattle houses, and wishes police would enforce noise rules.

Julie asked how people can appeal or challenge ruling of compliance? Is there anything in code particularly if a use is deemed to be in compliance but residents feel otherwise? David sees 43.03.11 D) as place to add challenge text.

Lynette had comment on parking (43.03.22), and need for more parking for libraries. Art gallery and museum seem reasonable. School parking seems too general – very different for elementary school vs. high school, yet one standard.

CEQC had comments in regards to exterior lighting (43.03.52): David believes it would be great to have restriction on upward light pollution. Not explicit in current code, simply that it must focus on structure. Lynette would like to see 30 foot height lowered to 20 feet – should lead to less light spread. John asked about light color/temperature? CEQC is supportive of keeping exterior lighting to warm end of spectrum. May also be wise to specify lumen intensity. Lynette would like motion lights – seems it would save electricity and reduce light pollution if lights only turned on when someone was near them.

43.03.24.3)a Surfacing: expand to be more than cement and asphalt. Should include pervious pavers.

Lynette noted that downtown development looks to be more restrictive, although what gets built should look nice. Dan cited example of Boulder, CO and price impacts of increasing development standards – very difficult for average person to afford to live there.

6. Planning Commission action on revised EQB Environment Review rules:

Dan briefly relayed that the Planning Commission passed the CEQC's recommendations unanimously. CEQC commended letter that was sent to the EQB.

7. Ongoing Initiatives: Tabled for another meeting.

8. Other Business:

Lynette wonders about the current number of openings of the CEQC. John replied there is one opening, and the person needs to be a resident.

Julie believes it would be valuable to have a business type representative on the CEQC.

9. Meeting adjourned at 6:04 pm by acclamation.

Minutes prepared by John Howard.

CITIZENS ENVIRONMENTAL QUALITY COMMITTEE

AGENDA ITEM: 3. Recap of Council meeting on Energy Efficiency

PREPARED BY: John Howard

DATE: March 7, 2019

On Monday, March 4th, John and GreenCorps Member Sarah gave a presentation to the City Council about energy efficiency opportunities for City facilities. John will relay any conclusions and next steps.

Included for information is a memo prepared for the City council describing four energy efficiency program strategies.

City Building Energy Saving Options

Prepared by John Howard and Sarah Bruihler

Introduction:

In 2018, the City of Winona paid slightly over \$1,050,000 for natural gas and electricity services, up approximately \$75,000 from 2017. While not the largest budget item, staff believes there is sufficient potential to cost effectively save energy and meaningfully lower the carbon footprint of the City, in line with the 2050 carbon neutrality goal for Winona set by the City's Energy Action Plan. To achieve this end, staff and the MN GreenCorps member serving with the City met with City building operators and superintendents to understand their energy usage and potential energy efficiency opportunities. Staff and the MN GreenCorps member also researched program options to achieve energy efficiency improvements. Four basic strategies emerged: performance contracting, two Minnesota Department of Commerce Programs called GESP and LEEP, and self-auditing. The ensuing report describes and compares each methodology, and concludes with a recommendations section. An appendix provides additional details on the four methodologies.

The Basics of the Four Strategies:

In all options, the City is likely to follow a pattern: evaluating opportunities, implementing the conservation measures, and then monitoring and evaluating the results.

In brief, the four strategies:

Energy Savings Performance Contracting (ESPC): Also known as Energy Performance Contracts. A performance-based procurement and financing mechanism that utilizes energy cost savings to implement projects at no net cost increase to the entity. Project implementation is designed and implemented by an energy service company (ESCO), who also receives their compensation from the energy savings. The contract will guarantee savings, and if savings are not achieved, the ESCO will pay the difference to the City. Past work with McKinstry was a form of ESPC.

Guaranteed Energy Savings Program (GESP): A program through the Minnesota Department of Commerce providing technical and financial assistance to public entities with ESPCs that are within their master contract program. The Department of Commerce helps with contract specifications and project design. Typically used for large projects with a cost > \$1million, often using third-party lease purchase financing.

Local Energy Efficiency Program (LEEP): A program through the Minnesota Department of Commerce whose main focus is assisting public entities to complete investment grade energy audits. LEEP is geared for projects that have a lower estimated cost than those covered by GESP. Energy efficiency implementation projects are specified based on the audit, and likely utilize ESPC and lease-purchase financing; low-cost financing also available through St. Paul Port Authority Energy Savings Partnership.

City Building Energy Saving Options

Self-Auditing: Utilizing building managers and other relevant City staff to determine energy saving project potential on a building by building basis. Likely contracting services per individual building and project, and paid via program or CIP budgets. No guarantee of savings like with ESCP and GESP.

Summary:

	Independent ESCOs	GESP	LEEP	Self-Auditing
Energy Savings Performance Contract	✓	✓	Likely	✗
State government-backed	✗	✓	✓	✗
Project size (approx. cost)	Variable	> \$1 million	> \$70 thousand	Any
Financing plan	Variable	Lease purchase financing	Likely lease purchase financing	City Budget
Project design, bidding, & implementation	Performed by local government	Performed by ESCO under master contract	Performed by Dept. of Commerce and local government	Performed by local government
Locked in with same contractor	✓	✓	✗	✗
Degree of flexibility	High	Structured	Moderate	Maximal

Recommendation:

GESP presents the most complete option with very minimal risk, and if City projects would meet the size threshold, staff would suggest the GESP path. However, Department of Commerce staff has doubts about whether the City of Winona would have sufficiently large projects to meet GESP criteria. However, there is not a definitive size for GESP participation, so the City may be able to enter the program.

If GESP is not available, staff suggests working through LEEP to conduct energy audits. Staff does not feel adequately trained to conduct audits on their own, and internal audits would not be sufficient for performance contracting. Once the audits are complete, the City would have the information needed to solicit proposals to conduct the energy efficiency work. Staff believes performance contracting would be the preferable way to implement projects because it guarantees savings, thus ensuring the projects are cost effective, and that they will work. By using LEEP, the Department of Commerce would still be able to be a resource in putting together RFPs and understanding contracting nuances, but would not be nearly as involved as they would be with GESP.

Staff prefers LEEP to starting with an ESCO because of the Department of Commerce assistance in RFP scoping and eventual project design. There is also the potential to phase or break out projects with LEEP whereas performance contracting tends to be more all or nothing. The disadvantage to utilizing LEEP rather than beginning with an ESCP is that the audits would be an out of pocket cost, and there would be two RFP processes: selecting the energy auditor, and then again for project implementation.

Appendix: Program Option Specifics

ESCO and ESPC Information:

- Accumulated savings from decreased energy, operational, and maintenance costs are used to pay for all project and financing costs. Savings are guaranteed by the contractor, so if savings are not achieved, the ESCO will pay the city the difference.
- Typical tasks performed by the ESCO:
 - Provide an Investment Grade Audit
 - Engineer projects of appropriate size and scope
 - Arrange project financing and assist the organization in understanding the available financing options
 - Procure and install the equipment
 - Monitor and verify energy savings for as long as the customer wishes often the entire contract term
 - Provide, if requested, ongoing operations and maintenance savings
 - Prepare reports for the customer detailing energy savings and a reconciliation plan if energy savings were to fall below projections
- Examples of typical energy conservation opportunities in an ESPC:
 - Architectural /Structural – roofing, doors, insulation, weather-stripping, window treatment
 - Electrical – lighting retrofits, emergency power, power and distribution, IT/communications networks, life safety systems
 - Mechanical – HVAC systems, plumbing and drainage, energy management and building controls
 - Property/Site – underground utilities, lighting improvements, swimming pools, ice arenas
 - Renewable Energy – photovoltaic (PV) solar, thermal solar, wind, biomass, hydroelectric
 - Water and Waste – water purification systems, water sewage facilities, landfill gas capturing, waste utilization, faucet conservation, low flow toilets
 - Operational Best Practices – staff training and development programs associated with energy conservation

GESP Information:

- Program goal: Promote awareness and implementation of energy efficient and renewable energy measures in public facilities by state and local governments, school districts, and institutions of higher learning that result in millions of dollars in annual energy savings while creating jobs, reducing energy consumption, improving facility infrastructure and reducing carbon emissions.
- Develop and administer Master Contract for Energy Savings Performance Contracting Services for use by public entities.
- Pre-qualify Energy Service Companies (ESCO) for participation in GESP.
- Provide technical, contractual and financial assistance to public entities seeking to leverage the State's GESP Master Contract to implement energy efficiency and renewable energy projects.
- Assist public entities with:
 - Evaluating their facilities for potential energy efficiency and renewable energy investment opportunities.
 - Analyzing the available financing options.
 - Soliciting and awarding site-specific Request for Proposals from pre-qualified ESCOs to perform Energy Savings Performance Contracting Services.
 - Evaluating the technical and financial feasibility of ESCO proposals.

City Building Energy Saving Options

- Negotiating and awarding of contracts to pre-qualified ESCO to implement Energy Conservation Measures (ECM).
- Project management oversight of ESPC project's construction process.
- Providing technical assistance to ensure the ESPC Measurement and Verification (M&V) Plan is properly performed throughout the performance period of the contract.
- Minnesota's Better Buildings Challenge - Summary of Minnesota's work through the DOE Better Buildings partnership to accelerate state owned building efficiency.
- Project development through a four step process
 - Opportunity Assessment Phase – Public entity works with Department of Commerce to review needs, issues, and goals, and come up with a general project scope.
 - Investigation Phase – Public entity advertises site-specific request for proposal (SSRFP) to the pre-qualified ESCOs. Under GESP Master Contract, selected ESCO will perform an investment grade audit (IGA). The IGA creates the basis for the ESPC, including guaranteed maximum price and annual guaranteed savings.
 - Implementation Phase – ESCO obtains quotes for financing and public entity amends Work Order Contract. Once the Lease Purchase Agreement and Work Order Contract Amendment are approved, ESCO completes engineering and design specifications, bids the work to be performed and oversees construction and commissioning work.
 - Performance Phase – ESCO follows savings measurement and verification (SMW) plan to quantify energy savings achieved, and presents findings annually in a report to public entity and DER. ESCO is obligated to make payment to public entity in case of annual guaranteed savings not being achieved.

LEEP Information:

- Program goal: Promote awareness and implementation of energy efficiency and renewable energy measures in public facilities at local units of governments by completing investment grade audits (IGA). By focusing on studying technically and economically feasible energy conservation measures, the program will encourage local governments to implement projects that reduce annual facility energy costs, create jobs across the state, improve facility infrastructure, and reduce carbon emissions.
- Pre-qualify Contractors through a standard State RFP process to participate in LEEP and administer a master contract of these Contractors.
- Develop and administer master contract for use by local units of government.
- Provide technical and contractual assistance to local governments seeking to utilize LEEP to complete IGAs.
- Assist local units of government with:
 - Evaluating their facilities for potential energy efficiency investment opportunities and the best program fit with the Department of Commerce to achieve those goals.
 - Soliciting and awarding Site-Specific Request for Proposals from pre-qualified Contractors to perform an IGA.
 - Evaluating the technical and financial feasibility in both the preliminary and final energy audit reports.
 - Analyzing the available financing options if the local unit of government decides to pursue energy project implementation.

City Building Energy Saving Options

- The major different between LEEP and GESP is that LEEP ends with the opportunity evaluation. From that point, the City would then have the option of energy performance contracting or self-implementing.

Self-Auditing and Implementation:

- Utilize staff and building operator knowledge and experience to determine energy saving options.
- Contract much of the work through building specific contracts. In many cases an energy audit would precede energy efficiency implementation, but would be determined on a building by building basis.
- Integrate funding through annual budget, or possibly bonding if projects are amalgamated.
- May work with multiple different consultants and contractors to implement projects.
- Monitoring and verification of savings would likely be calculated by staff, or an additional expense.
- Since projects would be staff driven, should present the greatest opportunity to gain staff buy-in.
- Staff would seek a MN GreenCorps member for 2019-2020 to assist with implementation.
- Savings would not be guaranteed

CITIZENS ENVIRONMENTAL QUALITY COMMITTEE

AGENDA ITEM: 4. Unified Development Code Review – Article 3, Division 7

PREPARED BY: John Howard

DATE: March 7, 2019

For this meeting, please read Article 3, Division 7 that outlines use development standards.

One topic that staff would particularly like CEQC input on is whether 43.03.79 L) Small Scale Wind Energy Turbines and Solar Panels is appropriate (page 122 of the UDC). If you have a technical question, feel free to contact John so that he may ask the City Planners.

If you would like to read ahead or see past parts of the UDC, the full document is available here: <https://www.cityofwinona.com/city-services/planning-zoning/development-code-update/>. If you would like a paper copy, please notify John.

- a) Dominant materials, constituting a minimum 75% of a façade (excluding glass windows), fronting on a public street, park, or plaza shall consist of masonry (clay or concrete brick, natural or cast stone), wood and fiber cement siding, and other high quality, durable finish materials. Other modern materials will be considered by the City if they provide similar visual character, color, and quality to that of adjacent buildings in the residential district.
 - b) Prohibited materials on a façade fronting on a public street, park, or plaza are lower quality, less durable finish materials that do not complement materials of adjacent buildings in the residential district, including non-textured cast concrete, cement-based stucco, synthetic stucco or EIFS (below the third story), glass block, , vinyl, aluminum, and other materials resulting in similar visual character. These materials may be used on rear and side building facades.
 - c) Accent materials, constituting a maximum 25% of a façade (excluding glass windows), allowed on a façade fronting on a public street, park, or plaza include dominant façade materials, as well as glass, architectural or decorative metal, architectural exposed concrete panels, decorative tile, and stucco/EIFS (above the second story).
 - d) The façade materials standards above shall apply to all facades for stories above the second story, which are clearly visible from a public street, park, or plaza..
- 5) Building Entries
- a) A prominent entry is required on any building façade fronting on a public street, park, or plaza.

43.03.64 Historic District Design Guidelines

- A) A new building or addition within a historic district shall be in substantial conformance with the New Construction Design Guidelines established in the city’s Historic District Design Guidelines document. Development proposals will be reviewed as part of the Certificate of Appropriateness and Site Plan processes for conformance with the Historic District Design Guidelines and City Codes.
- B) In cases where standards of this section conflict with historic district design guidelines, the historic district design guidelines shall govern.

Start Here

Division 7 Use Specific Standards

43.03.71 Purpose and Applicability

- A) The purpose of the following regulations is to establish development standards that address the unique characteristics of certain principal and accessory land uses. These use-specific development standards are cross-referenced in the last columns of both the Principal Use Table and the Accessory Use Table in Section 43.02.22. The principal and accessory uses listed in Sections 43.03.72 - 43.03.79 below are subject to these specific development standards, in addition to all other applicable regulations in the UDC.
- B) Unless noted, required setbacks apply to principal structures, access drives, and parking. Required setbacks shall not apply to landscaping, stormwater facilities or required fencing or buffering.

43.03.72 Use Specific Standards for Residential Principal Uses

- A) Bed And Breakfast, Owner-Occupied Tourist Homes. All Bed and Breakfast and Tourist Homes shall be subject to the following conditions:

- 1) The home shall be located on a lot that is owned by and includes the primary residence of the host or host family. The host or host family shall reside on the lot during any period of guest stay.
 - 2) The home may be located within a principal or accessory structure, provided that all applicable building, housing, and sanitation codes are met.
 - 3) Minimum lot area shall be computed at the rate of 1,500 square feet per guest room. This computation shall not include any portion of a lot that is considered to be undevelopable by local or state law.
 - 4) Paying overnight guests may be served only breakfast by the host or host family. The preparation of food by paying overnight guests may be permitted within guest rooms if properly inspected and licensed for that purpose.
 - 5) Guest stay shall be limited to a maximum of twenty-nine (29) continuous days within a sixty (60) day period.
 - 6) Off-street parking shall be provided on the basis of two spaces for the host or host family, plus one space per guest room.
 - 7) One unlighted exterior sign shall be permitted. The sign shall not exceed two square feet in area and be attached flat to the wall of the principal structure.
 - 8) Bed and Breakfast homes shall be subject to all terms and conditions of the hotel/motel tax as defined in Chapter 64 and be operated in accordance with state law.
 - 9) A home must be annually inspected and licensed pursuant to all city, county and state housing, building, fire and environmental health codes and ordinances. Proof of such licensing must be submitted to the Community Development Department by the host or host family.
 - 10) In the R-R and R-S districts, the number of guest rooms may be increased from two to three if all are located within existing habitable floor space of the principal structure.
 - 11) In the AG/NR district, the number of guest rooms may be increased from two to five if all are located within existing habitable floor space of the principal structure.
- B) Dwelling, Apartment.
- 1) In the B districts, an apartment dwelling is permitted if it is a permitted use in the residential district adjoining the B district.
- C) Dwelling, Apartment Mixed Use.
- 1) In the Mixed Use districts:
 - a) Exclusive of required entrances, the residential use and any parking may occupy no portion of the front one-half of the first story floor area. For corner or through lots, the standard shall be applied to one street frontage as determined by the Community Development Department in consultation with the applicant. As permitted in [Table 43-1](#) (Principal Uses Table), non-residential uses allowed in the front one-half of the first story floor area include, but are not limited to, the following:
 - i. Retail sales;
 - ii. Personal services;
 - iii. Business and technical services;

- iv. Artist studio, gallery, performance space, and work space;
 - v. Makerspace.
 - b) For a corner building, residential and parking uses may occupy the rear one-half of the first floor story area.
 - c) For any part of a rear building line located within 100 feet of a public parking lot, no residential use may occupy the rear one-half of the first story floor area.
- D) Dwelling, Attached Townhouse or Rowhouse.
 - 1) The minimum width of each individual dwelling unit in such townhouse or rowhouse, measured from interior wall to interior wall along the exterior wall, shall be not less than 18 feet.
 - 2) In the R-1, R-1.5, and R-2 districts, an attached townhouse or rowhouse dwelling constructed after June 21, 2017 shall only be located on a corner lot with access to an arterial or collector street.
 - 3) In the B districts, an attached townhouse or rowhouse dwelling is permitted if it is a permitted use in the residential district adjoining the B district.
- E) Dwelling, Conversion to Two, Three, and Four Family.
 - 1) Conversion of a dwelling into a two, three or four-family dwelling; provided, that these conform with the lot area frontage and yard requirements prescribed for such two, three and four-family dwellings in this chapter and with all other applicable requirements of this chapter.
- F) Dwelling, Two to Four Family.
 - 1) In the R-1 district, two to four family dwellings constructed after June 21, 2017 shall only be located on a corner lot with access to an arterial or a collector street.
- G) Fraternity or Sorority.
 - 1) The use shall be located within one-half ($\frac{1}{2}$) mile of the educational facility served.
 - 2) The fraternity or sorority shall be chartered by a national or local organization officially recognized by the educational institution.
 - 3) On-site services shall be for residents of the facility only.
 - 4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
 - 5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
 - 6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
 - 7) A minimum of one parking space per resident shall be provided on the site.
 - 8) Such use shall be subject to the 30% Rental Housing Rule.
- H) Manufactured Home Park.
 - 1) Unless specified as follows, no manufactured or mobile home, as defined in [Article 07](#) of this chapter, which is to be used for human occupancy, shall be located outside of an approved

manufactured home park. Manufactured homes may be placed on permanent foundations in any zone which permits single family detached dwellings provided that the following criteria are met:

- a) The home is to be occupied only as a residence.
 - b) The home will meet all pertinent zoning requirements.
 - c) The home meets manufactured home building specifications pursuant to appropriate state laws.
 - d) The home is located on a permanent foundation which is approved by the building inspection office.
 - e) The home will not be in conflict with covenants or restrictions applicable to the lot on which it is to be located.
 - f) In order to provide for the purpose and scope of this chapter, the proposed home shall bear a reasonable aesthetic relationship to existing dwelling within the immediate area of the lot to be developed.
- I) Motel or Motor Hotel.
- 1) The sanitary regulations prescribed by the board of health or other authority having jurisdiction, the regulations of the Building Code of the city and as may otherwise be required by law shall be complied with by motels and motor hotels.
 - 2) Area and yard requirements. Motels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
 - 3) Lot area occupancy. The building(s) of any motel, together with any non-accessory buildings already on the lot, shall not occupy, in the aggregate, more than 25 percent of the area of the lot.
 - 4) Entrance to motels. No vehicular entrance to or exit from any motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
 - 5) Landscaping of unused areas. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
- J) Residential Retreat Centers, Non-Owner-Occupied Tourist Homes.
- 1) Retreat center shall not be rented to more than one common party at a time.
 - 2) The premises shall not be the primary residence of owner.
 - 3) The owner shall not occupy the premises during the rental period.
 - 4) No meals shall be catered.
 - 5) Number of guests limited to a maximum of twelve (12) at one time.
 - 6) The use shall be subject to the 30% Rental Housing Rule.
 - 7) The use shall be subject to the city's hotel/motel tax.

- 8) Parking – one off-street parking space per guest room, provided that if a single-family dwelling is rented as a single dwelling unit to no more than three (3) unrelated people, two off-street parking spaces shall be required.
- 9) All units shall be certified in accordance with applicable local, county or state standards.

43.03.73 Use Specific Standards for Public and Institutional Principal Uses

A) Emergency Service Facility.

- 1) Building shall be located a minimum of 60 feet from any lot line.

B) Hospital.

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

C) Municipal, County, State, or Federal Administrative Building.

- 1) In the A-G, R-R, and R-S districts, buildings shall be located a minimum of 60 feet from any lot line.
- 2) Warehouses, storage yards and similar facilities are not included.

D) Religious Facility.

- 1) In any R or AG/NR district, building shall not be located less than 40 feet from any lot line.
- 2) In any B, MU, or I district, building shall not be located less than 40 feet from any R district.

E) School.

- 1) In any R or AG/NR district, building shall not be located less than 40 feet from any lot line. This shall not apply to college or university buildings.
- 2) In any B or MU district, buildings shall not be located less than 40 feet from any R district. This shall not apply to college or university buildings.

43.03.74 Use Specific Standards for Commercial Principal Uses

A) Adult Use Establishment.

- 1) Findings. The Minnesota State Attorney General's Office and the cities of St. Paul, Minneapolis, Rochester, and Ramsey, Minnesota, as well as Phoenix, Arizona, Seattle, Washington, Indianapolis, Indiana, and Adams County, Colorado, have conducted studies of the impact of Adult Use Establishments on their respective communities. The American Society of Planning Officials (ASPO) has also issued a report providing an overview of concerns related to the regulation of adult entertainment businesses. On the basis of these studies and reports and other information available to it, the City Council of the City of Winona finds that Adult Use Establishments generate harmful secondary effects which negatively impact neighborhoods. These secondary effects, include but are not limited to, the following:
 - a) Residential neighborhoods located within close proximity to adult theaters, bookstores, and other Adult Use Establishments experience increased crime rates (sex-related crimes in particular), lowered property values, increased transiency, neighborhood blight, and potential health risks.
 - b) Adult Use Establishments can have an adverse impact on adjacent commercial uses.

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

- d) No Adult Use Establishment shall sell or dispense 3.2 percent malt liquor or intoxicating liquor, or be located within a building which contains a business which sells or dispenses 3.2 malt liquor or intoxicating liquor.
 - e) No Adult Use Establishment shall permit any person under the age of 18 onto the premises of said establishment. Nor shall any person under the age of 18 be permitted access to material displayed or offered for sale or rent by the Adult Use Establishment.
- 4) Nonconforming Uses. Any Adult Use Establishment lawfully operating on the adoption date of this Article and which is in violation of standards (a) through (e) above, shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed five years unless sooner terminated for any reason. Such nonconforming uses shall be maintained in accordance with the provisions of Section [43.01.25](#).
- B) Animal Hospital or Veterinary Clinic.
- 1) The enclosure or building in which the animals are kept shall be at least 200 feet from any R or MU district and at least 100 feet from any B-1 district.
 - 2) Any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.
 - 3) Exercise runs shall be enclosed on four sides by a sight-obscuring, unpierced fence or wall at least five feet in height.
- C) Animal Kennel.
- 1) Agricultural use provided that the number of animal units permitted on a property may not exceed a total of 1 per acre and provided further that any building which is used to house said animals shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet
- D) Automotive Repair, Major.
- 1) Use shall not be located within 100 feet of any R district.
 - 2) Except in the Mixed Use districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, religious facility, hospital, public library or institution for dependents or for children.
- E) Automotive Repair, Minor.
- 1) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
 - 2) Except in the downtown districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, religious facility, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
- F) Automotive Sales and Leasing.
- 1) Use shall not be located within 150 feet of any R district.

- G) Billboard or Outdoor Advertising, Off-Premise Sign.
- 1) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of [Article 05](#) of this chapter.
- H) Commercial Recreation or Entertainment, Indoor.
- 1) Building shall be located no less than 100 feet from any R district.
- I) Gas Station.
- 1) In the MU-DF district, a gas station constructed after June 21, 2017 shall be located at least 150 feet from any R district.
 - 2) In the MU-DF district, a gas station constructed after June 21, 2017 which is open 24 hours a day shall be located at least 300 feet from any R district. A gas station that is not open 24 hours a day but has gas pumps that are in operation 24 hours a day shall not be considered open 24 hours a day.
 - 3) In the MU-DF district, a gas station constructed after June 21, 2017 shall be located on an arterial street.
 - 4) Except in the MU-DF district, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, religious facility, hospital, public library or institution for dependents or for children, except where such property is in another block.
 - 5) No automotive fuel station shall be permitted where any oil draining pit or visible appliance for any such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any R district, except where such appliance or pit is within a building.
- J) Office - Business, Professional or Administrative.
- 1) In the R-3 district, office uses shall meet the following standards:
 - a) Site location: Offices of low intensity shall be located on premises which front only on a street officially classified as an arterial on the official Roadway Functional Classification map or on premises which adjoin a "B" commercial zone.
 - b) Uses: Goods, wares or merchandise shall not be commercially created, exchanged or sold.
 - c) Intensity of development: The sum total of the ground area covered by all structures on the lot on which the structures are located shall not exceed 50 percent.
 - d) Employees: The ratio of total workers to total finished building space shall be no more than one worker per 300 square feet, at any given time.
 - e) Parking: Off-street parking space shall be provided on hard surface lots. The ratio of parking shall be one space for each 350 square feet of finished building space and must be sufficient to meet the parking needs generated by the occupancy and use of such building.
 - f) Landscaped buffer strip: A landscaped buffer strip shall be constructed and maintained between all off-street parking lots and driveways and adjoining residential lots. This buffer strip shall not be less than 5 feet in width and shall consist of a fence or plant materials sufficient to adequately screen the parking areas from adjoining residential lots.
 - g) Compatibility of design: The exterior of structures shall be compatible in design with the neighboring residential structures.

- h) Special limitations: No off-street parking shall be located in a required front yard. There shall be no displays from windows, doors and other openings.
- K) Personal Service with Drive-Through
 - 1) Principal building is distant not less than 200 feet from any R-S or R-1 district.
- L) Public Recreational Facility, Indoor.
 - 1) In the R-2 and R-3 districts, the building shall be located no less than 100 feet from any property line.
 - 2) Building shall be located no less than 100 feet from any R district.
- M) Restaurant, Drive-Through or Drive-In.
 - 1) Principal building is distant not less than 200 feet from any R-S or R-1 district.
- N) Retail Sales with Drive-Through
 - 1) Principal building is distant not less than 200 feet from any R-S or R-1 district.
- O) Theater.
 - 1) Building shall be located no less than 100 feet from any R district.

43.03.75 Use Specific Standards for Industrial Principal Uses

- A) Brewery, Large.
 - 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than 200 feet from any R district.
- B) Brewery, Small.
 - 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of malt liquors, shall be located closer than 100 feet from any R district.
- C) Construction Contractor Yard.
 - 1) Contractor yard buildings shall be distant at least 100 feet from any R district, unless such building has no openings other than stationary windows and required fire exits within such distance.
 - 2) Contractor yard buildings shall not be located within 50 feet of any R district in any case.
 - 3) All storage yards shall be a minimum of 200' from any R district and shall be enclosed by a solid board fence not less than 6 feet high on all sides which face a residential or commercial zoning district.
- D) Crematory.
 - 1) Building shall be located no less than 200 feet from any R or MU district.
- E) Manufacturing, Light.
 - 1) For bottling works and wholesale bakeries, a building shall be at least 200 feet from any R district.
 - 2) For specialized metal working, sheet metal shops, welding shops, and machine shops, provided that no use shall employ punch presses, drop hammers, or similar equipment and provided

further that no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 100 feet of any R district.

- 3) All uses shall be conducted wholly within a completely enclosed building except for the incidental display of finished merchandise, or the storage of vehicles and raw materials.
- 4) All outdoor material storage yards and vehicle/trailer storage areas shall be located a minimum of 50 feet from any residential district and shall be screened from any residential use, residential zoning district, commercial zoning district, or public street, park, or plaza by a solid board fence not less than 6 feet high.

F) Manufacturing, Heavy.

- 1) No part of a building occupied by heavy manufacturing uses shall have any opening other than stationary windows or required fire exits within 200 feet of R district.
- 2) Any building which includes the cutting of stone through saw or hydraulic methods shall be located a minimum of 100 feet from any residential district.
- 3) Enclosure not required. Any use may be conducted in the I-2 district within or without a building or enclosure, provided that such use shall be screened from any residential use, residential zoning district, commercial zoning district, or public street, park, or plaza by a solid board fence not less than 6 feet high.
- 4) Any of the following uses shall be located not less than 600 feet from any R district and not less than 200 feet from any I-1 or B district:
 - a) Manufacturing uses involving primary production of the following products from raw materials:
 - i. Asphalt, cement, charcoal and fuel briquettes.
 - ii. Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulfuric acids.
 - iii. Coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, gelatin, animal glue and size.
 - iv. Turpentine.
 - v. Rubber and soaps, including fat rendering.
 - b) The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins.
 - c) Stockyards, etc. Stockyards and slaughterhouses, except for poultry.
 - d) Explosives. Storage of explosives or fireworks, except where incidental and accessory to a use which is not subject to a distance requirement.
 - e) Other uses. Any other use which is determined by the commission to be of the same general character as the uses in this subsection.

G) Microdistillery.

- 1) No portion of any structure, which is used for the production (excluding warehousing or storage) of distilled spirits, shall be located closer than 100 feet from any R district, and said uses shall comply with those performance standards of **Article 03, Division 1**, of this chapter.
- H) Printing.
- 1) Use shall not be located within 100 feet of any R-S or R-1 district.
- I) Scrap, Salvage or Storage Yard.
- 1) Such use shall not be located less than 200 feet from any R district.
 - 2) Such use shall not involve the handling or storage of putrescible solid waste materials.
 - 3) Any outdoor scrap or salvage storage areas shall be enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high.
 - 4) Any outdoor storage yard (other than scrap and salvage yards) shall be enclosed on all sides with a solid wall or uniform tight board fence, not less than 6 feet high.
- J) Silica Sand Processing Facility.
- 1) Silica sand processing facilities, including silica sand washing and drying facilities. In addition to the general performance standards set forth in **Article 03, Division 1**, of this chapter, silica sand processing facilities shall also comply with the following specific conditions:
 - 2) Hard Surfacing. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area.
 - 3) Truck Washing Equipment and/or Tracking Pads. Truck washing equipment or tracking pads, or a combination of both, shall be required at each facility.
 - 4) Truck Route Designation. All trucks entering and leaving such facilities shall enter and exit Winona on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
 - 5) Transportation Impact Analysis. Notwithstanding the provisions of **Article 06, Division 6**, all silica sand facilities shall complete a Transportation Impact Analysis in accordance with **Article 06, Division 6**.
 - 6) Maximum Permitted Daily Trip Volume. A maximum number of daily truck trips shall be established for each facility.
 - 7) Enclosure and Covering of Processing Equipment and Stockpiles. Processing equipment (including dryers, washers, screeners, and loading/unloading equipment) and stockpiles within 500 feet of any adjacent property shall be enclosed by a structure. Stockpiles greater than 500 feet from an adjacent property and undisturbed for more than one week shall be covered.
 - 8) Setback. All silica sand processing or transportation uses including access drives shall be located a minimum of 500 feet from a residential property.
 - 9) Stockpile Watering. Uncovered stockpiles shall be watered regularly to prevent surface areas from drying out and becoming susceptible to wind erosion.
 - 10) Hours of Operation. Hours of operation for truck traffic and equipment/ machinery with back-up alarms shall be limited to 7 a.m. – 7 p.m.

- 11) Landscaping and Screening. Sufficient landscaping and screening, including but not limited to fences, earthen berming, walls and/or vegetative screens, as approved by the City of Winona, shall be provided to mitigate visual impacts of a facility on adjacent properties.
- 12) Contact Information. Facility operators shall provide current contact information to the City of Winona to facilitate response to concerns.
- 13) Permits and Reports Obtained and Placed on File. Any applicable state or federal permits shall be obtained and placed on file with the City of Winona. Any reports generated to fulfill permit requirements shall be submitted to the City of Winona.

43.03.76 Use Specific Standards for Recreation and Open Space Principal Uses

A) Campground.

- 1) General Requirements.
 - a) The sanitary regulations prescribed by the board of health or other authority having jurisdiction, the regulations of the Building Code of the city and as may otherwise be required by law shall be complied with by a campground.
 - b) Lot area occupancy. The building(s) of any campground, together with any non-accessory buildings already on the lot, shall not occupy, in the aggregate, more than 25 percent of the area of the lot.
 - c) Entrance to campground. No vehicular entrance to or exit from any campground, wherever such may be located, shall be within 200 feet along streets from any school, public playground, religious facility, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
 - d) Landscaping of unused areas. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
- 2) Submission of Plans. An application for the establishment of a campground shall be filed with the Community Development Department and must be accompanied by a scale drawing certified by a registered civil engineer. Such drawing shall contain the following information:
 - a) Accurate dimensions of the proposed campground in feet.
 - b) All roads and approaches and the method of ingress and egress from public highways.
 - c) The complete electric service installation, wire service outlets and lighting facilities.
 - d) A complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
 - e) The location of electric power distributing systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with such business.
- 3) Design and Maintenance. Campgrounds shall be designed and maintained in accordance with the following requirements:
 - a) Park area. The minimum campground area shall be 40,000 square feet.

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

B) Commercial Recreation, Outdoor.

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

C) Public Recreation, Outdoor.

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

43.03.77 Use Specific Standards for Natural Resources and Agricultural Principal Uses

A) Agriculture – Raising Of Livestock.

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

- c) More than 10 Animal Units - 200 Feet

B) Animal Stable.

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

C) Commercial Greenhouse, Nursery, Tree Farm, or Orchard.

- 1) In the R-R district, any lot or tract in such use shall not be less than 3 acres.
- 2) In the B-2 district, commercial greenhouses with retail sales outlets shall meet the following standards:
 - a) No wholesaler or bulk storage warehouse shall be associated with the greenhouse on the zoning lot.
 - b) The sum total of the ground area covered by all structures on the lot on which the structure(s) are located shall not exceed 60 percent.
 - c) Off-street parking spaces shall be developed in accordance with [Article 03, Division 2](#). The ratio of parking shall be one space for each 750 square feet of gross floor area and must be sufficient to meet the parking needs generated by the occupancy and use of such building.
 - d) The following minimum bulk requirements shall be observed, except as provided in Section [43.02.16\(B\)\(6\)](#) and [43.02.16\(B\)\(7\)](#): Lot areas and frontage, no requirements; front yard depth, 25 feet; side yard width, none, except when the side yard is adjoining a residential district, then not less than a distance equal to the total height of the structure; rear yard, 10 feet, except when the rear yard is adjoining residential district, then not less than required in the adjoining residential district.
 - e) All processing or services shall be conducted primarily within a completely enclosed building.
 - f) The storage of materials essential for the day to day operation of the use shall be permitted, but shall be enclosed or screened in such a way as not be objectionable to any adjacent property.

D) Extraction Pits.

- 1) General Requirements. Unless otherwise provided, the Planning Commission shall grant a conditional use permit for all such uses in accordance with Section [43.06.24\(B\)](#); [Article 03, Division 1](#); the underlying zoning district, and the following conditions:
 - a) No part of an extraction operation shall be conducted closer than 2,000 feet to any residential district and 500 feet to commercial structure. No extraction operation or any stock pile placed closer than 50 feet to any property line, unless a greater distance is specified by the Commission where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner of the abutting property.

- b) No excavation shall occur within 200 feet of a top of bluff as defined in Section [43.02.32](#) Bluffland Protection.
- c) In the event that the site of the extraction operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than 30 feet to the nearest line of such right-of-way.
- d) Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Commission, such fencing is necessary for the protection of the public safety, and shall be of a type and height specified by the Commission.
- e) All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment, as may be specified by the Commission, following consultation with the City Engineer.
- f) Washing, refining or other similar processing may be authorized by the Commission as an accessory use; provided that such accessory processing shall not be in conflict with the land use regulations of the district in which the operation is located.
- g) Hours of operation for all mines shall be 6:00 a.m. to 9:00 p.m.
- h) All local, state or federal laws applicable to the specific extraction activity and subsequent rehabilitation must be met.
- i) Water Quality Monitoring. The mine operator/owner shall install groundwater monitoring wells adjacent to the proposed mine site where the site is adjacent to residential plats or suburban development, springs, sinkholes and/or wellhead protection areas or community wells and shall provide the City with groundwater testing by an independent environmental engineer, approved by the City, at the time of commencement of disturbance activities and twice per year until 1 year after the mine has been completely reclaimed.
- j) Phase 1 Archeological Study. Any land disturbance activity (e.g. excavation, construction, alteration of existing vegetation) within 1000 feet of a top of bluff as defined in Section [43.02.32](#) shall complete a Phase 1 Archeological Study. The study shall be prepared by a qualified professional, as defined by MS 138.31, subd. 10, or who is listed on the Minnesota State Historic Preservation Office Archeological Contractors list, and in accordance with protocols of the State Historic Preservation Office document entitled "SHPO Manual for Archeological Projects in Minnesota", July, 2005, or as amended. The scope of the study shall include all land located within 150 feet from the limits of any proposed land disturbance activity, or at the applicant's property line, whichever is less. The study shall follow the process detailed in Section [43.02.32](#).
- k) Prohibited Activities. Blasting and crushing shall not be permitted at the mine site, except by specific Planning Commission approval with specified time limits, mitigation of airborne particulate, and in compliance with Chapter 63. Applicants intending on blasting must submit detailed information as to the frequency, duration, schedule and vibration standard/thresholds for review and approval by the Planning Commission.
- l) Project Manager/ Contact Person Required. Owner/applicant shall at all times have an agent whose name, fax number, telephone number/cellular number and email address are on file with the City in order to respond promptly to concerns. The agent's name and contact information shall be available on site on a 2' x 3' placard or sign at the site entrance.

- m) Contact with Other Jurisdictions. Mines with property and/or entrances/exits in other jurisdictions shall obtain appropriate permits from such jurisdictions and provide the permits to the City of Winona.
- n) Access Permit. Owner/applicant shall obtain an access permit from the road jurisdiction where mine traffic enters or exits. Such permit shall be placed on file with the City.
- o) Tracking Pad Required. The owner/applicant shall be responsible for asphalt paving the approach to adjacent roads for a minimum distance of 40 feet.
- p) Reporting Vehicle Weights. Owner/Applicant shall be required to identify a method of positive controls regarding the weight of vehicles leaving the mine and method to insure vehicles do not exceed the weight limits of the roads and bridges upon which they will travel, and obtain approval by the City Engineer on the methods and frequency of inspection used. Controls such as scales and regular reporting on vehicle weights shall be implemented with weekly reporting to the City Engineer.
- q) Street Maintenance and Sweeping Required. Owner/applicant shall be responsible for monitoring roadways and roadway sweeping as necessary to maintain safe conditions. All transportation routes used by the mine shall not have any accumulation of visible debris or sand from the mine site. The owner/applicant shall take all necessary precautions to avoid spillage on roadways.
- r) Requirement for Secure Loads. No vehicle shall be driven or moved on any roadway unless such vehicle has the load securely covered as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from vehicles.
- s) Transportation Impact Analysis. Notwithstanding the provisions of [Article 06, Division 6](#), all extraction operations/mines shall complete a Transportation Impact Analysis in accordance with [Article 06, Division 6](#) "Transportation Impact Analyses and Road Use Agreements."
- t) Road Use Agreement. A road use agreement shall be required in accordance with Section [43.06.63\(1\)](#) for projects subject to a Transportation Impact Analysis.
- u) Reclamation Plan Required. A complete and detailed reclamation plan shall accompany all applications which meets or exceeds the requirements of [43.03.77\(D\)\(5\)](#).
- v) Subterranean Engineering Analysis Required. Owner/applicant shall submit an analysis prepared by a qualified independent engineering firm of the existing geologic conditions both in the extraction area and sub-extraction area and the impacts of the mining operations, including the applicability of the reclamation plan including any potential adverse effect on area hydrology, springs or Karst formations. The City reserves the right to have this data reviewed by state geologists/hydrologists and/or SWCD staff.
- w) Performance Guarantees Required. Performance bonds shall be required for the following:
 - i. 110% of the estimated cost of reclamation for a period equal to the life of the quarry plus 2 years. Performance bonds for reclamation may only cover the areas of disturbance for the duration of mining activity and may 'roll' with disturbance activity accordingly in order to minimize financial burden on the applicant.
 - ii. A performance surety shall be provided in the amount of \$1,000 per acre for the total proposed site disturbance. The surety shall be used to reimburse the City for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit.

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

- c) The name of the person or corporation conducting the actual removal operation.
- d) A legal property description and acreage of the area to be mined.
- e) Maps of the entire site and all areas within two thousand (2,000) feet of the site. Such maps shall show land use, zoning, bluffland, and shoreland information. In addition, the maps described below shall be provided for the entire site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.
- f) Map/Document A - Existing conditions to include:
 - i. Contour lines at five (5) foot intervals.
 - ii. Existing vegetation.
 - iii. Existing drainage & permanent water areas.
 - iv. Existing structures.
 - v. Existing wells.
- g) Map/Document B – Proposed operations to include:
 - i. Structures to be erected.
 - ii. Location of sites to be excavated showing depth of proposed excavation.
 - iii. Location of excavated deposits showing maximum height of deposits.
 - iv. Location of storage of excavated materials, showing the height of storage deposits.
 - v. Location of vehicle parking.
 - vi. Location of storage of explosives.
 - vii. Erosion and sediment control structures.
- h) Map/Document C – Reclamation Plan to include:
 - i. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
 - ii. Location and non-invasive species of vegetation to be replanted.
 - iii. Location and nature of any structures to be erected in relation the end use plan.
 - iv. Stipulations and standards of **43.03.77(D)(5)** below.
- i) The type of resources or materials to be removed.
- j) The proposed method of removal and whether or not the use of explosives will be required.
- k) A description of all equipment to be used.
- l) Hours of operation.
- m) A soil erosion and sediment control plan.
- n) A plan for dust and noise control.
- o) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- p) Responses to stipulations of **43.03.77(D)(1)**, **(2)**, and **(5)**.

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

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

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

E) Land Alteration.

- 1) Subject to the requirements of Chapter 63, Blasting Operations.

43.03.78 Use Specific Standards for Utilities and Transportation Principal Uses

A) Parking, Standalone Structural or Non-Structural.

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

- 3) In the Mixed Use districts, any parking area for more than three vehicles shall be enclosed by a decorative fence and/or landscaping as approved by the Community Development Department.
- B) Railroad Yard or Freight Station.
- 1) Such use, including access drives, shall be located not less than 200 feet from any R district.
- C) Regional Utility Lines and Towers.
- 1) Subject to the requirements of Section **43.02.16(C)**.
- D) Transfer Station.
- 1) Use shall be located not less than 300 feet from any R or B district; that any outside storage areas are enclosed on all sides with a solid wall or uniform tight board fence, not less than 8 feet high, and that such operation shall not be visible from the nearest street or highway.
- E) Transportation Facility Used To Ship Silica Sand.
- 1) Transportation facilities used to ship silica sand, except for dredged material (e.g. river sand) from the Mississippi River. In addition to the general performance standards, transportation facilities used to ship sand shall also comply with the specific conditions set forth under **43.03.75(J)**.

43.03.79 Use Specific Standards for Accessory Uses

- A) Accessory Building or Structure.
- 1) In any R district, no detached accessory building or structure shall be erected in any required front or side yard.
 - 2) Corner Lots. In any R district, where a corner lot adjoins in the rear a lot fronting on the side street and located in an R district, no part of an accessory building shall be nearer to the side street lot line than the principal building to which it is necessary.
 - 3) Setbacks. In addition to the other restrictions of this Section, no accessory building or structure shall be located closer than 5 feet to a property line, except for lots of record as provided in **43.01.17**.
 - 4) Yard Requirements. Except as provided in Section **43.02.16(B)(2)**, an accessory building, if located in a front or side yard, shall be an integral part of or connected with the principal building to which it is accessory and shall be so placed as to meet all yard and court requirements for the principal building.
 - 5) Not to be Built Prior to Construction of Main Building. In any R district no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.
 - 6) Garage Doors. Every garage building or portion of a main building used for garage purposes shall be so equipped that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located. When such doors open to an alley the wall or portion thereof containing such doors shall be at least 6 feet from the line forming the common boundary between such lot and the alley.
- B) Accessory Dwelling Unit (ADU).
- 1) One ADU is permitted per lot.
 - 2) Lot must be a minimum of 7,000 square feet to accommodate an ADU.

- 3) An ADU shall not have more than 800 square feet of usable floor area.
 - 4) An ADU must be detached from the primary structure.
 - 5) An ADU shall only be located in a rear yard
 - 6) The maximum occupancy of an ADU is two (2) persons.
 - 7) One off-street parking space shall be provided for the ADU in addition to any parking required for the primary dwelling.
 - 8) An ADU shall be inspected and certified for rental by the City of Winona.
 - 9) The primary dwelling shall be owner occupied at all times. In accordance, the primary structure shall not be certified for rental.
 - 10) Use is subject to the 30% Rental Housing Rule.
 - 11) An ADU shall be connected to all utilities available to the lot including sewer, water, and electric. The utility connections shall be permanent (non-temporary).
- C) Agriculture – Raising of Chicken Hens.
- 1) Not more than twelve (12) chicken hens shall be kept or raised on any land parcel.
 - 2) Chickens shall be fully contained on the property at all times.
 - 3) Food materials shall be stored in metal containers with tight fitting lids.
 - 4) All housing, pens, and containment areas shall be maintained in a clean, sanitary and odor free environment and shall be free from the presence of rodents and vermin at all times.
 - 5) Chickens may be housed within accessory structures meeting requirements of underlying zoning. No chickens shall be housed within any part of a residential dwelling.
 - 6) Neither the keeping of roosters, nor the slaughtering of chickens shall be permitted, unless otherwise permitted within underlying zoning.
- D) Agriculture Temporary or Seasonal Roadside Stand.
- 1) Adequate off-street parking shall be provided.
 - 2) Not to exceed one stand per property and selling only merchandise which is produced on the property.
- E) Billboard or Outdoor Advertising, Off-Premise Sign.
- 1) Display signs, billboards and other outdoor advertising signs and structures subject to the provisions of [Article 05](#).
- F) Building or Structure Relating to Permitted Agricultural Activities.
- 1) In the AG/NR district, the number of animal units permitted on a property may not exceed a total of 1 per acre and provided further that any building which is used to house said animals shall be located the following distances from any residential district:
 - a) 1-5 Animal Units - 50 Feet
 - b) 6-10 Animal Units - 100 Feet
 - c) More than 10 Animal Units - 200 Feet
- G) Construction Site Home.

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

H) Detached Heating System.

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

In addition to the previous, the following standards shall be applicable to all professional office or home occupation uses:

- a) No structural alteration or constructions involving features not customarily found in dwellings shall be made.
- b) One unlighted sign with a maximum area of two square feet in area and attached flat against the building shall be permitted.
- c) No mechanical or electric equipment shall be used which will interfere with TV or radio reception or affect the health and safety of residents of the area.
- d) The use shall not emit any noise, air pollution, fumes, or odors, which are customary for a residence.
- e) The use shall not generate or dispose of any liquid effluent other than household waste.
- f) If not connected to public sewers, the use shall not generate waste exceeding the design standards for residential use under current building codes for new construction.
- g) The use shall not include the outside storage of supplies, materials, or equipment.

J) Parking, Recreational Vehicle

- 1) A recreational vehicle may be parked or stored in any district providing the following conditions are met:
 - a) The vehicle is maintained in a clean, well-kept condition.
 - b) The vehicle is not occupied or used for living, sleeping, or housekeeping purposes while parked or stored. Provided, however, non-paying guests of the owner of the property may occupy one recreational vehicle, parked or stored subject to the provisions of this section, for sleeping purposes only for a period not to exceed 72 consecutive hours at one time nor more than 14 days total in one calendar year.
 - c) The vehicle shall at all times be mobile, shall not be permanently fixed to the ground in a manner that would prevent prompt removal, and shall not include any temporary or permanent connection to a public or private sewer or water system.
 - d) Storage of the vehicle shall be effected in the following manner:
 - i. Inside an enclosed structure on private property which structure otherwise conforms to the zoning requirements of the district.
 - ii. Outside in a side yard or rear yard behind the required front yard setback.
 - iii. In the required front yard setback area adjacent to the driveway one recreational vehicle may be parked where (1) space is not available in the side yard behind the required front yard or there is not reasonable access to either the rear or side yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or major landscaping. A fence shall not be deemed to prevent reasonable access. A corner lot shall normally be deemed to have reasonable access to the rear yard, (2) inside parking is not possible, (3) the vehicle is parked perpendicular to the front street or way and is parked at least 25 feet from the back of the curb or line, or, in the case of a corner lot is not parked within 20 feet of the corner which is the point of intersection of the right-of-way lines of intersecting streets.

- iv. Parking in public right-of-way. Emergency or temporary parking of a recreational vehicle shall be permitted on public streets or ways for not longer than 20 hours, and subject to existing parking or traffic laws or regulations.

K) Parking, Structural or Non-Structural.

- 1) A parking structure shall not be located within 50 feet of any R district.
- 2) Except in the Mixed Use districts, use shall not have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, religious facility, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
- 3) In the Mixed Use districts, any parking area for more than three vehicles shall be enclosed by a decorative fence and/or landscaping as approved by the Community Development Department.

L) Small Scale Wind Energy Turbines and Solar Panels - Reference standards for accessory structures.

M) Swimming Pool, Private.

- 1) No private swimming pool, including a temporary swimming pool, shall be allowed in any district, except as an accessory use and unless it complies with the conditions and requirements set out in this section.
- 2) Temporary swimming pools are only to occupy yards from May 1 to September 30. No such pool should be allowed in any district except as an accessory use and then only if it meets the conditions and requirements that follow below.
- 3) Exclusive Private Use. Temporary and permanent private swimming pools are intended and are to be used solely for the enjoyment of the occupants of the principal use of the property on which they are located and their guests.
- 4) Permit Requirements. All temporary pools as defined in [Article 07](#) and pools shorter than 24 inches in depth are not required to obtain a permit. Any private swimming pool, that occupies a yard between October 1 and April 30 will be considered a permanent structure and shall be subject to a building permit.
- 5) Setback Requirements. Permanent private swimming pools and their adjoining decks may not be located closer than 10 feet to any property line; provided that pump and filter installations shall be located not closer than 20 feet to any property line. On corner lots, the side street setback for permanent private swimming pools or pool and deck shall be 25 feet unless the house is located closer than 25 feet to the side street property line. If the house is located closer than 25 feet to the side street property line, the side street setback shall be the same as the house located on the corner lot. Temporary private swimming pools are subject to side and rear yard accessory structure setback requirements. Pumps and filters associated with temporary pools shall be located not closer than 20 feet to any property line. No permanent or temporary private swimming pool shall be located in an easement.
- 6) Fencing. All permanent and temporary private swimming pools less than 48 inches above the ground are required to be enclosed by a permanent fence of at least 48 inches in height and not more than 72 inches in height. The fence shall be able to withstand 200 pounds of force in any direction. The bottom of the fence shall be no more than four inches off of the ground. Any gaps in the fence shall be no more than four inches. Permanent and temporary pools 48 inches or higher above the ground are not required to be fenced. If a ladder is used to access the water, such ladder shall be removed when the pool is not in use.

- 7) All gates on required fences shall be self-closing and self-latching with a latch on the inside of the gate, not readily available to children and in good repair. Gates shall be able to be securely locked.
 - 8) Above ground or partially sunken pools that are accessed by deck must be provided with a gate that meets the above standards and a guardrail. The guardrail around the pool must be at least 36 inches high above the deck surface and at least 48 inches high above the surrounding grade. Gaps in the guardrail shall be no more than four inches. The required fence must be erected prior to filling of the pool.
 - 9) Exempt from the fencing requirement shall be hot tubs with locking solid structural covers that shall be in place when the hot tub is not in use.
 - 10) Yard Placement. Permanent and temporary private swimming pools are not permitted in front yards.
- N) Vending Machines – Residential Districts.
- 1) The sale or display of a product or commodity by vending machine shall be prohibited except by vending machines that are neither visible nor accessible to nonresidents of the property. This prohibition shall apply to any property or building, any portion of which is used for residential purposes.

Article 04 Subdivision Standards

Division 1 Basic Subdivision Requirements

43.04.11 Purpose

- A) The purpose of this article is to protect and provide for the public health, safety, and general welfare of the City and its people, and to specifically achieve the following purposes:
- 1) The implementation of the Comprehensive Plan
 - 2) The subdivision of land in an orderly manner which provides for the wise use and management of land and natural resources throughout the City.
 - 3) The provision of adequate public infrastructure, facilities, and services.

43.04.12 Jurisdiction

- A) The rules and regulations governing plats and subdivisions of land contained herein shall apply within the corporate limits of the City of Winona, and within the unincorporated area within 2 miles beyond such corporate limits.

43.04.13 Required Minimum Improvements

- A) Minimum improvements shall be installed:
- 1) In the case of subdivisions within the city, in accordance with the requirements of **Article 04, Division 2** Subdivision Design Standards
 - 2) In the case of subdivisions outside the corporate limits of the city, in accordance with rules and regulations adopted by the board of county commissioners, provided, such county rules and regulations are equally or more restrictive than the requirements of **Article 04, Division 2**