

**CHAPTER 15**  
**SECTION 1**  
**WINSTED ZONING ORDINANCE**

**1501.000. Zoning Ordinance.**

**1501.001. Title and Application.**

- A. Intent and Purpose. The intent of this Ordinance is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to the location, erection, construction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right of way; to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to this Ordinance.
- B. Title. This Ordinance shall be known as “The Winsted Zoning Ordinance” and will be referred to herein as “this Ordinance.”
- C. Authority. This Ordinance is enacted pursuant to the authority granted by the municipal planning act, Minn. Stat. §§ 462.351 to 462.363.
- D. Jurisdiction. The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Winsted.
- E. Application and Interpretation.
  - 1. In their application and interpretation, the provision of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
  - 2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
  - 3. No structure shall be erected, converted, enlarged, reconstructed or altered without first obtaining a building permit, and no structure or land shall be

used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

4. Except herein provided no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

F. Severability. It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following.

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

G. Monuments. For the purpose of this Ordinance, all international, federal, state, county and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

H. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

I. Comprehensive Revision. The City Council intends this Ordinance to be a comprehensive revision to Chapter 15 Section 1 Winsted Zoning Ordinance of the Municipal Code for the City of Winsted which existed prior to this Ordinance being adopted. Any act done, offense committed, rights accruing or accrued, liability, or penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

- J. Opt Out of Minn. Stat. § 462.3593. Pursuant to authority granted by Minn. Stat. § 462.3593, subd. 9, the City of Winsted opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**1501.002. Rules and Definitions.**

- A. Rules. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.
1. The singular number includes the plural, and the plural the singular.
  2. The present tense includes the past and the future tenses, and the future the present.
  3. The word "shall" is mandatory while the word "may" is permissive.
  4. The masculine gender includes the feminine and neuter.
  5. All measured distances expressed in feet shall be to the nearest tenth of a foot.
  6. For terminology not defined in this Ordinance, this code, the Minnesota state building code or the Webster's dictionary shall be used to define such terms.
- B. Definitions. For the purpose of this Ordinance, certain words and terms are herein defined:
1. Abutting. Making contact with or separated only by public arterial, railroad, or public utility right of way.
  2. Accessory Building or Use. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use and can reasonably be located at or greater than normal structure setbacks.
  3. Agriculture Uses. Those uses commonly associated with the growing of produce on farms, these include: field crop farming; pasture for hay, fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, retail nurseries and garden centers, and kennels.

4. Alley. A public or private right-of-way that affords a secondary means of access to abutting property.
5. Animal Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
6. Animal Kennel. Any place where more than three (3) domestic animals of one type, over four (4) months of age, are kept, sold, boarded, bred, or exhibited, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.
7. Animal Unit. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For the purposes of this Ordinance, the following multiplication factors shall apply.

	Animal	Units
A.	Dairy cattle:	
	1 mature cow (milked or dry) greater than 1,000 pounds	1 .4
	1 mature cow (milked or dry) less than 1,000 pounds	1 .0
	1 heifer	0 .7
	1 calf	0 .2
B.	Beef cattle:	
	1 cow and calf pair	1 .2
	1 slaughter cow or stock steer	1 .0
	1 feeder cattle or heifer	0 .7
	1 calf	0 .2
C.	Swine:	
	1 greater than 300 pounds	0 .4
	1 55 pounds to 300 pounds	0 .3
	1 less than 55 pounds	0 .05
D.	1 horse	1 .0
E.	1 sheep or lamb	0 .1
F.	Chicken:	
	1 laying hen or broiler - liquid storage	0 .033
	1 laying hen or broiler - dry storage greater than 5 pounds	0 .005

	1 laying hen or broiler - dry storage less than 5 pounds	0 .003
G.	Turkey:	
	1 greater than 5 pounds	0 .018
	1 less than 5 pounds	0 .005
H.	1 duck	0 .0
I.	For animals not listed, the number of animal units shall be the average weight of the animal in pounds divided by 1,000 pounds.	

8. Animals.
  - a. Farm Animals. Cattle, hogs, chickens, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the state of Minnesota.
  - b. House Pets. Animals such as dogs, cats, birds (not including pigeons, chickens, geese, turkeys or other domestic fowl), gerbils, hamsters, rabbits (including those normally sheltered outside of the principal structure), and tropical fish, excluding wild or domesticated wild animals.
9. Awning. A rooflike cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.
10. Basement. That portion of a floor of a building which is wholly or partially, up to fifty percent (50%), underground or below grade.
11. Bed and Breakfast Establishment. A building, typically residential in character, where for compensation lodging is provided to transient guests, and where meals or beverages may be offered in connection with the provision of sleeping accommodations.
12. Boarding House. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging or meals are provided to persons not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply.-
13. Boulevard. The portion of the street right-of-way between the curb and the property line.
14. Buffer. The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

15. Buffer Yard. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.
16. Buildable Area. That part of the lot remaining after required yards have been provided.
17. Building. Any structure used or intended for supporting or sheltering any use or occupancy.
18. Building Height. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.
19. Building Line. The line which is parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
20. Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
21. Canopy. A rooflike cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.
22. Cellar. The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.
23. Cemetery. A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.
24. Carport. A structure permanently detached or attached to a dwelling, having a roof supported by posts or columns but not otherwise enclosed and having one or more sides open.
25. City Attorney. The person, firm or organization designated by the City Council to be the City Attorney for the City of Winsted, Minnesota.
26. City Council. The duly elected and qualified governing body of the City of Winsted, Minnesota.

27. City Engineer. The person, firm or organization designated by the City Council to be the City Engineer for the City of Winsted.
28. Clear-Cutting. The removal of an entire stand of trees.
29. Clinic-Medical. A clinic is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a doctor or a group of doctors.
30. Club or Lodge. A nonprofit association of persons who are bona fide members paying annual dues, with the use of premises being restricted to members and their guests for receptions, social recreation, and other gatherings.
31. Commercial Equipment. Any equipment, including trailers, used for the alteration, demolition, construction, maintenance, or excavation of a building, structure or property.
32. Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
33. Commissioner. The Minnesota Commissioner of the Department Natural Resources.
34. Conditional Use. A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare.
35. Conditional Use Permit. A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use present.
36. Condominium. A multiple-family dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of Minn. Stat. § 515.
37. Common Interest Communities. A development containing individually owned units and jointly owned and shared areas wherein the boundaries are defined by a condominium plan or common interest community in accordance with Minn. Stat. §§ 515, 515A or 515B.
38. Cooperative (Housing). A multiple-family dwelling owned and maintained by the residents and subject to the provisions of Minn. Stat. §§ 290.09 and

290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

39. Daycare Facility. Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minn. Stat. § 245A.02, subd. 10.
40. Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending above grade.
41. District, Zoning. Any section of the incorporated area of the City of Winsted for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
42. Drainage. The removal of surface water or ground water from land.
43. Dredging. To enlarge or clean-out a waterbody, watercourse or wetland.
44. Drive-Through Facility. An establishment (principal or accessory use) at which patrons may purchase products or receive service without having to leave the motor vehicle.
45. Dwelling. A building or portion thereof, designed exclusively for residential occupancy, including one family, two family and multiple family dwellings but not including hotels, motels, boarding houses and garage space.
46. Dwelling Multiple-family (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.
47. Dwelling, Nursing Home. A state licensed facility or that part of a facility which provides nursing care pursuant to Minn. Stat. § 144A.01, subd. 5.
48. Dwelling, Senior Housing. A dwelling with open occupancy limited to persons over fifty five (55) years of age.



49. Dwelling, Single Family. A dwelling unit designed exclusively for and occupied exclusively by one (1) family.
50. Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
51. Dwelling, Townhouses. Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one or more common walls with each unit having a separate entrance/exit, such structures to be of the townhouse or row house type as contrasted to multiple-family dwelling apartment structures.
52. Dwelling, Townhouses, Detached. A structure having the characteristics of a multiple-unit townhouse structure that has been separated into single dwelling units at the common side wall, typically with structure dimensions that have a narrow front and deep side walls and are typically without windows or features on at least one of the side walls.
53. Dwelling, Two Family. A structure having two (2) dwelling units contiguous to each other only by the sharing of one or more common walls (without an interior connection) with each unit having a separate entrance/exit designed exclusively for occupancy by two (2) families living independently of each other.
  - a. Duplex. A two-family dwelling with one unit above the other.
  - b. Twin home. A two-family dwelling with two (2) units side by side.
54. Dwelling Unit. A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers except within the shoreland overlay district where these uses shall be considered dwelling units.
55. Easement. A grant by a property owner for the use of land and for the purpose of constructing and maintaining streets, trails, sidewalks, drives, or utilities, including, but not limited to, wetlands, stormwater basins, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines.
56. Elevation. The view of the side, front, or rear of a given structure(s).
57. Elevation Area. The area of all walls that face any lot line.

58. Engineer. An electrical, mechanical, civil, or other professional engineer licensed by the State of Minnesota.
59. Equal Degree of Encroachment. A method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment of the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.
60. Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or commission of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission for the public health, safety or general welfare.
61. Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat.
62. Family. An individual or group that maintains a common household and use of common cooking and kitchen facilities and common entrances to a single dwelling unit, where the group consists of:
  - a. Two (2) or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship, foster children, or cultural or educational exchange program participants hosted by the principal family; or
  - b. Not more than four (4) unrelated persons.
63. Farm. A tract of land of more than ten (10) acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.
64. Fence. Any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.
65. Filling. The act of depositing any rock, soil, gravel, sand or other material to raise the existing elevation of a property.

66. Fitness Center. A business that provides strength machine and cardiovascular exercise stations within a circuit training program, usually for the benefit of its membership, excluding any and all group classes, hot tubs, saunas, and competitive sports facilities.
67. Flag. Any fabric, usually rectangular, of distinctive design that is used as a symbol, signaling device, sign, or decoration.
68. Foundation. The basis on which a structure stands, is founded, or is supported.
69. Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.
70. Garage, Community. Any space or structure or series of structures for the storage of motor vehicles and personal property for use of two (2) or more occupants of property in the vicinity and have no public shop or service therein. Community garage structures shall be constructed with four (4) walls and a roof.
71. Garage, Private (Residential). A detached accessory building or attached accessory portion of the principal building which is primarily intended for and used to store the private motor vehicles of the family resident upon the premises. Private garage structures shall be constructed with four (4) walls and a roof.
72. Gazebo. A detached accessory building typically constructed with a roof and open, screened, or latticework sides, railings, or seats intended to allow the passage of air and light to provide enjoyment of the outdoors.
73. Grade. Shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.
74. Grading. Changing the natural or existing topography of land.
75. Greenhouse. An enclosed building, permanent or portable, which is used for the growing of small plants.

76. Home Occupation. Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.
77. Home Office. A home occupation consisting of a room or group of rooms used for conducting affairs of a recognized business, profession or service solely by the occupant of the dwelling and which does not involve the on-site sale of products or client/patron site visitations.
78. Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.
79. Impervious Surface. An artificial or natural surface through which water cannot easily penetrate.
80. Individual Sewage Treatment System. A sewage treatment system or part thereof, serving a dwelling, building, structure or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks.
81. Industrial Use. The use of land or building for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.
82. Intensive Vegetative Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
83. Interim Use. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.
84. Interim Use Permit. A permit issued in accordance with procedures specified in this Ordinance, as a flexible device to enable the city council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.
85. Land Surveyor. Such persons licensed by the state of Minnesota as a land surveyor.
86. Loading Space (Off-street). A formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

87. Lot. A parcel, piece or portion of land designated by metes and bounds, registered land survey, auditor's plat, as a lot within a recorded plat, or by other means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof.
88. Lot Area. The total horizontal area within the lot lines of a lot.
89. Lot, Corner. A lot situated at the junction of and abutting two (2) or more intersecting streets.
90. Lot, Coverage. The area of a lot occupied by the principal building or buildings, accessory structures, driveways, sidewalks, parking and other impervious surface areas.
91. Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.
92. Lot Frontage. The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street. For the purpose of this Ordinance, the frontage shall be defined as that side which contains the main entryway for the building.
93. Lot, Interior. A lot, other than a corner lot, including through or double frontage lots.
94. Lot Line. A property boundary line of any lot held in single or separate ownership. Except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
95. Lot Line, Front. The lot line separating a lot from the street right of way along the lot frontage having the least width.
96. Lot Line, Rear. The lot line opposite and most distant from the lot frontage which connects the side lot lines.
97. Lot Line, Side. Lot lines extending away from the lot frontage, which connects the front and rear lot lines.
98. Lot of Record. A platted lot or a metes and bounds parcel which has been recorded in the Office of the McLeod County Recorder prior to adoption of this Ordinance.

99. Lot, Substandard. A lot or parcel of land which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
100. Lot, Through. A lot fronting on two (2) parallel streets. Also defined as a "double frontage lot".
101. Lot, Triangular. A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.
102. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
103. Lot Width. The horizontal distance between the sidelines of a lot measured parallel to the front line of the lot and at the building setback line.
104. Manufactured Home. A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chaises and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established in Minn. Stat. §§ 327.31 – 327.36.
105. Manufactured Home Park. Any site, lot, field, or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.
106. Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
107. Motel. A motel or motor court is a business of semi-detached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

108. Motor Vehicle. A vehicle as defined in Minn. Stat. § 169.011, subd. 42.
109. Motor Vehicle Repair – Major. General repair, rebuilding or reconditioning engines, motor vehicles, motorcycles, boats, recreational vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
110. Motor Vehicle Repair – Minor. Minor repairs, incidental body and fender work, painting and upholstery, replacement of parts and motor services to passenger automobiles and trucks, motorcycles, boats, recreational vehicles and other vehicles not exceeding twelve thousand (12,000) pounds' gross weight, but not including any operation specified under the definition of automobile repair (major).
111. Motor Vehicle Fuel Facility. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major motor vehicle repair or similar servicing thereof.
112. Motor Vehicle Wrecking or Junkyard. Any place where two (2) or more vehicles not in running condition or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.
113. Non-Conforming Building, Structure or Use. Any lawfully established building, structure or use which on the effective date of this Ordinance does not conform to the applicable conditions if the building, structure or use was to be erected under the guidance of this Ordinance.
114. Non-Conformity. Any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments there to that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
115. Office Business. An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional, administrative or medical service operations including attorneys, financial advisors, consultants, insurance, outpatient health services and other uses of similar character.

116. Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
117. Outlot. A parcel of land included in a plat identified by a capital letter and is land that is not part of a block.
118. Owner. In the case of a lot, the legal owner of the lot as officially recorded by McLeod County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.
119. Parking Space. An area, enclosed in the principal building, in an accessory building or unenclosed, sufficient in size to store one (1) motor vehicle which has adequate access to a public street or alley and permitting satisfactory ingress and egress of a motor vehicle.
120. Parking Stall. An area enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle.
121. Permitted Use. A use that may be lawfully established in a particular district, provided it conforms with all requirements and performance standards (if any) of such district.
122. Person. An individual, firm, partnership, association, corporation, or organization of any kind. "Person" also means an adult who is handicapped by reason of developmentally delayed, mental illness, chemical dependency, or physical handicap, and a child, whether handicapped or not, as defined by Minn. Stat. § 245A.02, subd. 4.
123. Planned Unit Development. A development consisting of clustering or mixed uses in which internal site design standard deviations from conventional zoning standards, may be permitted to improve site design and operation in exchange for the protection of natural areas; creation of additional parks, park facilities and pedestrian ways; and similar public benefits.
124. Planning Commission. The Winsted Planning Commission.
125. Pole Structure. Any structure exceeding seven (7) feet in height, with or without a permanent floor, having a design that uses augured pillars (or



columns) as footings; or columns or poles as the major support for such structure; or exterior sidewalls consisting of raised, ribbed or metal panels.

126. Practical Difficulties. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
127. Principal Use/Building. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim, conditional, or allowed by administrative permit.
128. Public Notices. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.
129. Public Street Right of Way. The entire right of way of any public street.
130. Public Uses. Uses owned or operated by municipal, school districts, county, state, or other governmental units.
131. Public Waters. Any waters of the State as defined in Minn. Stat. § 103G.005, subd. 15.
132. Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
133. Recreational Vehicle and Equipment. Includes, but is not limited to, operable and licensed, as required by the state, travel trailers, chassis mounted campers, motor homes, tent trailers, slide in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational vehicle when stored or kept on a trailer shall be considered as one recreational vehicle. A recreational vehicle does not include a motor vehicle designed or used for off road racing, off road use or demolition derby.
134. Recyclable Material. Materials that can be readily separated from mixed municipal solid waste for the purpose of recycling, including, but not limited to, paper, glass, plastics, metals, automobile oil and batteries.

Recyclable materials that have been separated from the waste stream, processed, and sold or given away for reuse are no longer considered waste.

135. Recycling Collection Site. A site or location for the temporary storage of recyclable materials.
136. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic or what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.
137. Regulatory Flood Protection Elevation. A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
138. Religious Institution. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
139. Residential District. Any district zoned for residential uses.
140. Residential Program. "Residential program" means a program that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a program in an intermediate care facility for four or more persons with developmental disabilities; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under Minn. Stat. § 254B. Residential programs include home and community-based services for persons with disabilities or persons age 65 and older that are provided in or outside of a person's own home under Minn. Stat. § 245D, as defined in Minn. Stat. 245A.02, subd. 14.
141. Restaurant (Convenience). An establishment that serves food or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive-through facilities.
142. Restaurant (General). An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

143. Retail Business. An establishment engaged in the display and sale of products produced off site directly to consumers within a building or portion of a building, excluding any exterior display and sales.
144. Roof. The exterior surface and its supporting structure on the top of a building or structure. The structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the international building code.
145. Roofline. The uppermost edge of the roof or in the case of an extended facade or parapet, the uppermost height of said facade.
146. Rooming House. A rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family without any attempt to provide therein cooking or kitchen accommodations, providing the accommodations are not provided for more than ten (10) persons.
147. School. A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the state of Minnesota, and not providing residential accommodations.
148. Service Business (Off Site). A company that provides labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
149. Service Business (On Site). An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks, copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, funeral homes and mortuaries, animal grooming, appliance repair, tailor shops, travel bureaus.
150. Setback. The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility.
151. Shoreland. The land located within the following distances from public waters.
  - a. One Thousand feet (1000') from the normal high watermark of a lake, pond or flowage.

- b. Three Hundred feet (300') from a river or stream or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved rebounded by natural topographic divides which extend landward from the waters for lesser distances.
152. Shore Impact Zone. The land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty percent (50%) of the structure setback.
153. Sign. A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly, upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, as used in the context of this Ordinance, the regulations as they pertain to signs shall not apply to official, public signs or public notices.
154. Sign, Nameplate. The term "sign, nameplate" shall mean any sign which states the name or address or both of a business or occupant of the lot where the sign is placed or may be a directory listing the names, addresses and business of occupants.
155. Sign, Freestanding. Any sign which has supporting framework that is placed on, or anchored in, the ground, and which is independent from any building or other structure.
156. Sign, Illuminated. The term "sign, illuminated" shall mean any sign that has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.
157. Sign, Real Estate. The term "sign, real estate" shall mean a sign offering property (land or building) for sale, lease or rent.
158. Sign, Temporary. The term "sign, temporary" shall mean any sign not exceeding ten (10) square feet placed in such manner as not to be solidly affixed to any building, structure or land and advertising in events such as a bazaar, sale, sporting event or similar situations; in no event, shall such sign be placed on any lot or parcel of land for a period to exceed thirty (30) days out of any twelve (12) month period.
159. Sign, Wall. Any building sign attached parallel to, but within eighteen inches (18") of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure,

which is supported by such wall or building, and which displays only one sign surface.

160. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the sites, soil characteristics, as described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming techniques are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more that are not bluffs.
161. Storage, Outdoor. Storage of any property not fully enclosed in a building or completely screened so as not to be visible from adjoining properties or street rights of way.
162. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or the space between such floor and the ceiling.
163. Street Frontage. The proximity of a parcel of land to one or more streets. An interior lot has one street frontage and corner lots and through lots have two (2) frontages.
164. Structure. Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner whether temporary or permanent in character.
165. Temporary Structure. A structure that is not permanently erected on a site.
166. Transmission Line. Those high capacity conductors generally rated one hundred fifteen (115) kilovolts and above and associated structures which are used to carry electricity from points of generation to distribution points such as substations and distribution lines.
167. Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended or for which it is occupied, utilized or maintained.
168. Variance. A modification of or variation from the provisions of this Ordinance consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this Ordinance, except that a variance shall not be used for

modification of the allowable uses within a district and shall not allow uses that are prohibited.

169. Vertex. The corner point of a triangle, rectangle, or other geometric figure bounded by lines.
170. Wall. Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty degrees (60°) or greater with the horizontal plane.
171. Waterbody. Means a body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basis that holds water and surrounded by land.
172. Watercourse. A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.
173. Wetland.
  - a. Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
  - b. Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
  - c. Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must have the following three (3) attributes:
    - I. Have a predominance of hydric soils;
    - II. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
    - III. Under normal circumstances, support a prevalence of such vegetation.
174. Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which lot is located.

175. Yard, Front. The area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one (1) or more streets, both yards shall be considered front yards.
176. Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
177. Yard, Required. That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.
178. Yard, Side. A yard between the side lines of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
179. Zoning District. An area or areas of the City (as delineated on the zoning map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Ordinance.
180. Zoning District Overlay. A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.
181. Zoning District Underlying (Base). All zoning districts except overlay zoning districts.

**1501.003. General Enforcement.**

- A. Enforcement. This Ordinance shall be administered and enforced by the City Council of Winsted, Minnesota. The City Administrator or designee may institute in the name of the City any appropriate actions or proceedings against any violator as provided by statute, charter or ordinance, for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary. The City Administrator or designee duties shall include, but not be limited to the, the following:
  1. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this Ordinance;
  2. Notify, in writing, any person responsible for violating a provision of this Ordinance, indicating the nature of the violation and ordering the action necessary to correct it;
  3. Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order

discontinuance of illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints;

4. Maintain permanent and current records of the zoning ordinance, including all maps, amendments, conditional uses, variances, appeals and applications;
5. Maintain a current file of all permits, all certificates and all copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this Ordinance and, on request, provide information to any person having a proprietary or tenancy interest in any specific property;
6. Provide clerical and technical assistance to the Planning Commission and Board of Adjustment and Appeals; and
7. Receive, file and forward as applicable to the Board of Adjustment and Appeals, Planning Commission, or City Council all applications for conditional use permits, variances, interim use permits, administrative permits, amendments or site plans as required herein.

**B. Violations and Penalties.**

1. **Complaints Regarding Violations.** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the City Council. The City Council shall properly record such complaint, immediately investigate and take action thereon as provided by this Ordinance.
2. **Violations of Ordinance.** Any person, firm or corporation who violates any of the provisions of this Ordinance, fails to comply with any provisions or conditions or this Ordinance or makes false statements in any document required to be submitted in this Ordinance, shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

**1501.004. Appeals.**

- A. **Board Designation.** The Planning Commission shall serve as the Board of Adjustment and Appeals.
- B. **Applicability.** An appeal shall only be applicable to an administrative order, requirement or interpretation of intent of provisions of this Ordinance. Opinions



and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

- C. Filing. An appeal from the action of an administrative officer of the City shall be filed by the property owner or their agent with the City Administrator or designee within ten (10) days after the making of the order, requirement, or interpretation being appealed.
- D. Stay of Proceedings. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.
- E. Procedure. The procedure for making an appeal shall be as follows:
  - 1. The property owner or their agent shall file with the City Administrator or designee a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the City Administrator or designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission;
  - 2. The City Administrator or designee shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals;
  - 3. Pursuant to Minn. Stat. § 15.99, the Board of Adjustment and Appeals shall make its decision by resolution within sixty (60) days from the date on which a completed application is filed; and
  - 4. The City Administrator or designee shall serve a copy of the final order of the board upon the applicant by mail.

#### **1501.005. Zoning Amendments.**

- A. Kinds of Amendments.
  - 1. A change in a zoning district boundary established by this Ordinance (rezoning).
  - 2. A change in the text of this Ordinance (text amendment).

- B. Initiation of Proceedings. Proceedings for amending the text and zoning district boundaries of this Ordinance can be initiated by at least one (1) of the following three (3) methods:
1. Any person owning real estate within the City may initiate a request to amend the zoning district boundaries or text of this Ordinance so as to affect the said real estate;
  2. By motion of the Planning Commission; or
  3. By motion of the City Council.
- C. Procedure. Pursuant to Minn. Stat. § 15.99, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:
1. Request for text and map amendments to the zoning ordinance shall be filed with the City Administrator or designee on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the City Administrator or designee. In cases when an application is judged to be incomplete, the City Administrator or designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission;
  2. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the City, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and a general description of the property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question, if notification is required by state statute;
  3. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance;
  4. The City Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council;

5. The Planning Commission and City Council shall consider possible effects of the proposed amendment. Factors to be considered in determining the possible effects of the proposed amendment shall include, but are not limited to, the following:
  - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City comprehensive plan;
  - b. The proposed use is or will be compatible with present and future land uses of the area;
  - c. The proposed use conforms with all performance standards contained in this Ordinance;
  - d. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity; and
  - e. Traffic generation by the proposed use is within capabilities of streets serving the property;
6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to apply all necessary supportive information may be grounds for denial of the request;
7. Unless excused, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request;
8. The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff;
9. The City Council shall not act upon an amendment until the Planning Commission has held a public hearing on the request. The City Council shall act upon the amendment within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minn. Stat. § 15.99;

10. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary;
  11. Subject to limitations of Minn. Stat. § 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action;
  12. Approval of an amendment shall require passage by a majority vote of the City Council. Amendments which change all or part of the existing classification of a residential zoning district to either a commercial or industrial zoning district require a two-thirds (2/3) majority vote of all members of the City Council.
  13. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment; and
  14. Whenever an application for an amendment has been considered and denied by the City Council, a similar application for the amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
- D. Informational Requirement for Zoning Amendment Changes Initiated by Property Owners.
1. A preliminary building and site development plan. The City Administrator or designee may also require a boundary survey of the property.
  2. Evidence of ownership or enforceable option on the property.
  3. A list of property owners names and addresses within three hundred and fifty feet (350') of the property under consideration.

**1501.006. Conditional Use Permit.**

- A. Purpose. The purpose of this section of the Zoning Ordinance is to provide the City of Winsted with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, health, and safety

of the public. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

- B. Scope. A Conditional Use Permit is required when the use is classified as a conditional use within a zoning district or acknowledged as requiring a conditional use permit within a zoning district or zoning standard
- C. Application. Applications for Conditional Use Permits shall be made to the City Administrator or designee together with the required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, which may include but is not limited to:
1. Description of site (legal description);
  2. Site plan drawn at scale showing parcel and building dimensions;
  3. Location of all buildings and their square footage;
  4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks;
  5. Landscaping and screening plans;
  6. Drainage plan;
  7. Sanitary sewer and water plan with estimated use per day;
  8. Soil type;
  9. A list of names and addresses for property owners located within three hundred and fifty feet (350') of the applicant's property for which the conditional use is being applied; and
  10. Any additional written or graphic data reasonably requested by the City.
- D. Procedure. Pursuant to Minn. Stat. § 15.99. An application for a conditional use permit approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:

1. The applicant shall file the completed application form with the City Administrator or designee. If the application and submittals are complete, this date shall be the official submission date. If the application or submittals are not complete, the City Administrator or designee will notify the applicant in writing of the deficiencies within fifteen (15) days.
2. Upon receipt of a complete application, the City Administrator or designee shall set a date for an official public hearing. Notice of such hearing shall be published in accordance with state law and notice shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty feet (350') of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
3. The City Administrator or designee may instruct appropriate staff persons to prepare technical reports where appropriate and provide general assistance in conducting an evaluation of the request and preparing a recommendation on the action to the City Council.
4. The Planning Commission shall consider possible effects of the proposed use with its judgment based upon, but not limited to, the following factors:
  - a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City comprehensive plan;
  - b. The proposed use is or will be compatible with present and future land uses of the area;
  - c. The proposed use conforms with all performance standards contained in this code;
  - d. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity; and
  - e. The Traffic generation by the proposed use is within capabilities of streets serving the property.
5. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

6. Unless excused, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
7. The Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff, and shall be entered in and made part of the permanent written record of the City Council meeting.
8. The City Council shall not grant a conditional use permit until the Planning Commission has held a public hearing on the request. The City Council shall act upon the conditional use permit within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minn. Stat. § 15.99.
9. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary, shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
10. Subject to limitations of Minn. Stat. § 15.99, if, upon receiving said report and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
11. Approval of a request shall require passage by a majority vote of the City Council.
12. The City Administrator or designee shall notify the applicant of the Council's decision within fifteen (15) days of its decision.
13. The City Administrator or designee shall cause the Conditional Use Permit to be Recorded with McLeod County and the applicable parcel(s).
14. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again

by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the City Council.

E. Required Findings. No Conditional Use Permit shall be approved by the City Council, unless the Council finds the following:

1. That the conditional use will not create a public nuisance or a health hazard;
2. That the conditional use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area;
4. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated;
5. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided;
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result; and
7. The proposed use is in compliance with the Winsted Comprehensive Plan and any other sub-area plan, transportation plan, park plan, land use plan, adopted by the City.

F. Performance Standards. As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria.

1. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with the off street parking requirements.



2. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
3. Adequate off street parking and off-street loading shall be provided in compliance with the off street parking requirements of the zoning ordinance.
4. Loading docks and drive-up facilities shall be positioned so as to: 1) minimize internal site access problems and maneuvering conflicts; 2) to avoid visual or noise impacts on any adjacent residential use or district; and 3) be in compliance with the off street parking requirements of this Ordinance.
5. Whenever a non-residential use abuts or is across the street from a lot or area guided to future residential development within the Comprehensive Plan, the non-residential use shall employ landscaping that soften the visual impact of the structure containing the non-residential use pursuant to a plan approved by the City.
6. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
7. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be employed.
8. The site drainage system shall be subject to the review and approval of the City Engineer.
9. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
10. Provisions shall be made for an interior location for recycling and trash handling and storage or if exterior to a structure said recycling and trash shall be placed in an outdoor, enclosed receptacle. Fencing or landscaping are required around the enclosed receptacle.
11. All signs shall be in compliance with Section 1501.020.
12. The use and site shall be in compliance with any federal or state laws or regulations which are applicable. As such, any related permits will be obtained and documented to the City.

13. Any and all outdoor storage proposed shall be in compliance with the provisions pertaining to outdoor storage for similar uses in the applicable underlying zoning district.
  14. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.
  15. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right of way shall be provided.
  16. General site screening and landscaping shall be provided in compliance with the zoning ordinance.
  17. Any applicable business licenses mandated by the Winsted Municipal Code are approved and obtained.
  18. The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.
  19. All additional conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.
- G. Conditions. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein. The Council may impose more strict conditions, such as larger setbacks, additional buffering, additional expert guarantees, and the like which are considered reasonably necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance
- H. Recording. A certified copy of any conditional use permit shall be filed with the McLeod County Recorder. The conditional use permit shall include the legal description of the property involved.
- I. Fees. To defray administrative costs of processing requests for Conditional Use Permits, a fee, as established by the City Council, shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.

- J. Compliance. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.
- K. Certificate of Taxes Paid. Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.
- L. Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this Ordinance shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one (1) year of the date the conditional use permit is issued; or, unless before the expiration of the one year period. The applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one (1) year shall be subject to the review and approval of the City Administrator or designee. Should a second extension of time or any extension of time longer than one (1) year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- M. Annual Audit of Conditional Use Permits. The Planning Commission or designee shall audit compliance with each Conditional Use Permit on an annual basis. This annual compliance audit will be held at the regular meeting closest to this anniversary date. The Planning Commission or its designee shall monitor the compliance of the use to determine if the property owner is in keeping with the conditions and purpose that were imposed.
- N. Permit Modifications. Holders of a conditional use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City. Requests for permit modifications shall be processed and shall be subject to all requirements and standards of this section.
- O. Revocation. The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Ordinance, Municipal Code, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the City Administrator or designee shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The application shall be processed and considered

pursuant to this section. The City Administrator or designee shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.

**1501.007. Interim Use Permit.**

- A. Purpose and Intent. The purpose and intent of allowing interim uses is:
1. To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction;
  2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective zoning district;
  3. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development; and
  4. To allow a use that is presently judged to be acceptable by the City Council based on the characteristics and circumstances of the specific location, property, or use for which the interim use permit is proposed such that the use will be consistent with the comprehensive plan, complies with the requirements of the zoning ordinance, and is compatible with surrounding land uses, which may be effected as a result of any change to the nature of the interim use or existing uses and development in the area.
- B. Procedure. Uses defined as "interim uses" shall be processed according to the standards and procedures for a conditional use permit as established by Section 1501.006. of this Ordinance.
- C. General Standards. An interim use shall comply with the following:
1. Meet the factors of a conditional use permit set forth in Section 1501.006.D.4.
  2. Conform to the applicable performance standards of Section [1501.006.F](#).
  3. The use is allowed as an interim use in the respective zoning district.
  4. The date or event that will terminate the use can be identified with certainty.
  5. The use will not impose additional unreasonable costs on the public.

6. The user agrees to any conditions that the City Council deems appropriate for permission of the use
- D. Termination. An interim use shall terminate on the happening of any one of the following events:
1. The date or event stated in the permit;
  2. Upon violation of conditions under which the permit was issued; and
  3. Upon change in the City's zoning regulations which renders the use nonconforming, unless the City Council, by resolution, determines that such use may remain nonconforming for a period of time that shall not exceed thirty (30) years.
- E. Certificate of Taxes Paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.
- F. Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one (1) year of the date the interim use permit is issued; or, unless before the expiration of the one year period. The applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the interim use permit. A request for an extension not exceeding one (1) year shall be subject to the review and approval of the City Administrator or designee. Should a second extension of time or any extension of time longer than one (1) year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

**1501.008. Variances.**

- A. Purpose. The purpose of this section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

- B. Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall be the Planning Commission and shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department or board of commission of Winsted. The Board of Adjustment and Appeals shall have power to vary or adapt the strict case of exceptionally irregular, narrow or shallow lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty that would deprive the owner of the reasonable use of land or building involved. A variance is a modification or variation of the provisions of this zoning ordinance as applied to a specific piece of property. Variances shall not be issued for a use of property wherein said use is not provided for in the zoning district where the subject property is located. Any appeals on a Board of Adjustment and Appeals decision may be appealed to the City Council, where its decision, in turn, may be appealed to the District Court. Board of Adjustment and Appeals decisions shall be final except upon their appeal to the City Council.
- C. Review Criteria. The Board of Adjustment and Appeals shall not approve any variance request unless they find failure to grant the variance will result in practical difficulties. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The following criteria must also be met:
1. That the variance would be consistent with the comprehensive plan;
  2. That the variance would be in harmony with the general purposes and intent of this Ordinance;
  3. That the plight of the landowner is due to circumstances unique to the property not created by the landowner;
  4. That the purpose of the variance is not exclusively economic considerations;
  5. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located;
  6. That the requested variance is the minimum action required to eliminate the practical difficulty; and

7. Variances may not be approved for any use that is not allowed under this Ordinance for property in the zone where the affected person's land is located.

D. Procedures. Pursuant to Minn. Stat. § 15.99, an application for a variance shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

1. Request for a variance or appeal shall be filed with the City Administrator or designee on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. This fee shall not be refunded. Unless modified by the City Administrator or designee, such application shall also be accompanied by detailed written and graphic materials necessary for the explanation of the request, and a certified list of property owners located within three hundred fifty feet (350') of the subject property;
2. The application shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following:
  - a. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this Ordinance and
  - b. Supporting materials, as outlined in Section [1501.010.D](#) of this Ordinance, as determined by the City Administrator or designee as applicable to be necessary for the complete and clear definition and understanding of the request;
3. In cases when an application is judged to be incomplete, the City Administrator or designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission;
4. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Ordinance;
5. The City Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals;
6. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to

retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request;

7. Unless excused, the applicant or a representative thereof shall appear before the Board of Adjustment and Appeals to answer questions concerning the proposed variance;
8. The Board of Adjustment and Appeals shall make findings of fact and recommend approval or denial of the request. The e City staff's report shall be presented to the Board of Adjustment and Appeals, and shall be entered in and made part of the permanent written record of the Board of Adjustment and Appeals meeting;
9. The Board of Adjustment and Appeals shall not act upon the variance until the Board of Adjustment and Appeals has held a public hearing on the request. The Board of Adjustment and Appeals shall act upon the request within sixty (60) days from the date of submission, unless an extension has been provided, pursuant to Minn. Stat. § 15.99;
10. The Board of Adjustment and Appeals shall make findings of fact and approve or deny a request for variance within thirty (30) days after the close of the public hearing on the request;
11. Approval of a request shall require passage by a majority vote of the City Council;
12. In granting any variance under the provisions of this Ordinance, the Board of Adjustment and Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare;
13. The City Administrator or designee shall serve a copy of the final order of the Board of Adjustment and Appeals upon the applicant by mail; and
14. Whenever an application for a variance has been considered and denied by the Board of Adjustment and Appeals, a similar application for a variance affecting substantially the same property shall not be considered again by the Planning Commission or Board of Adjustment and Appeals for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or Board of Adjustment and Appeals for an additional



six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a four-fifths ( $\frac{4}{5}$ ) vote of the full board.

- E. Certificate of Taxes Paid. Prior to approving an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.
- F. Expiration. Unless the Board of Adjustment and Appeals specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the Board of Adjustment and Appeals, unless the applicant commences the authorized use or improvement within one (1) year of the date the variance is issued; or, unless before the expiration of the one (1) year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one (1) year shall be subject to the review and approval of the City Administrator or designee. On matters involving a variance approval, should a second extension of time or any extension of time longer than one (1) year be requested by the applicant, it shall be presented to the Planning commission for a recommendation and to the Board of Adjustment and Appeals for a decision.

#### **1501.009. Administrative Permits and Approvals.**

- A. Purpose. The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit (also referred to as a zoning permit), and of matters requiring the approval of the City Administrator or designee with the goal of protecting the health, safety, and general welfare of the public.
- B. Administrative Permits.
  - 1. Procedure.
    - a. A pre-application meeting may be required by City staff at which the appropriate application procedures, requirements and applicable provisions relating to the request will be reviewed and explained.
    - b. Application for an administrative permit shall be filed by the property owner or designated agent with the City Administrator or designee on forms to be provided by the City.

- c. The application shall be accompanied by a fee as established by City Council resolution. Applications for amending administrative permits shall be accompanied by a fee as established by City Council resolution.
- d. The City Administrator or designee shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter. The City Administrator or designee shall notify the applicant, in writing, of an incomplete application within ten (10) days of the date of submission.
- e. The City Administrator or designee's review shall be based upon the following factors:
  - I. Compliance with and effect upon the comprehensive plan and public facilities plans;
  - II. The establishment, maintenance or operation of the use, event or activity will not be detrimental to or endanger the public health, safety, or general welfare of the public;
  - III. The establishment of the use, event or activity will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - IV. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed; and
  - V. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the standards as outlined in Section 1501.006.F. and all other applicable provisions of this Ordinance.
- f. The City Administrator or designee shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
- g. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, Ordinances, and the standards of this Ordinance shall be attached to the permit.

- h. Determination of noncompliance with applicable codes, ordinances, and the standards in this Ordinance shall be communicated to the applicant in writing and the application for the permit shall be considered denied.
2. Information Requirement. The information required for all administrative permit applications shall include.
    - a. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the City Administrator or designee to fully evaluate the application.
    - b. A copy of the approved site plan for the property or an "as-built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
    - c. An accurate floor plan, when in the judgment of the City Administrator or designee, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
    - d. Information identified in Section [1501.010.D.](#), as may be applicable.
  3. Performance Standards. All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in Section 1501.006.F.
  4. Administration and Enforcement.
    - a. The City Administrator or designee shall keep a record of applications and administrative permits.
    - b. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the City Administrator or designee.
    - c. Enforcement of the provisions of this Ordinance shall be in accordance with Section 1501.003. The City reserves the right upon issuing any administrative permits to inspect the premises to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. Violation of an issued permit or of the provisions of this Ordinance also shall be grounds for denial of future permit applications.

- C. Certificate of Taxes Paid. Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

**1501.010. Site Plan Review.**

- A. Purpose. The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance. The City Council declares it necessary and appropriate to require site plan approval of development in certain districts to preserve and promote an attractive, well-planned urban environment. This includes all the following uses: multiple family dwellings (3 or more units), manufactured housing parks, commercial, and industrial developments. Site plan approval by the City Council must be obtained before a building permit is issued.
- B. Exemptions.
  - 1. The following shall be exempt from the foregoing site plan review requirements:
    - a. Single family detached dwellings that are part of a previously platted subdivision;
    - b. Two family attached dwellings that are part of a previously platted subdivision; and
  - 2. Parcels not previously platted or those with metes/bounds descriptions are required to undergo the site plan approval process.
- C. Concept Plan Review. Before proceeding with the site plan or design review approval procedure, City staff may require concept plan review and approval (by the City Council upon input from the Planning Commission) to address preliminary issues identified during initial discussions on the project. The scope of the concept review shall be limited to land use, general circulation patterns, general building massing, and the general approach to special site conditions or problems.
- D. Application and Information Requirement. Applications for site plan approval shall be on a form provided by the City Administrator or designee and shall include the established processing fee. The application and copies of the site plan shall be submitted at least twenty (20) working days prior to the next Planning Commission meeting. The information required for all site plan applications

includes the following items and shall be submitted as requested and specified by the City Administrator or designee:

1. Name of project or development;
2. Location of project or development by street address;
3. Location map, including area within one-half mile of site;
4. Name and mailing address of developer or owner;
5. Name and mailing address of the site planner;
6. Date of plan preparation;
7. North point indicator;
8. Scale;
9. Boundary line of property with dimensions; and
10. Location, identification and dimension of existing and proposed.
  - a. Existing and proposed topographic contours at a minimum interval of two feet, both on the site and within 100 feet of the perimeter.
  - b. Adjacent streets and street rights-of-way.
  - c. On-site street and street rights-of-way.
  - d. Utilities and utility rights-of-way easements.
    - I. Electric.
    - II. Natural gas.
    - III. Telephone.
    - IV. Water service.
    - V. Sewer service.
  - e. Buildings and structures, both on the site and within 100 feet of the perimeter.
  - f. Parking facilities.

- g. Water bodies.
  - h. Surface water holding ponds, drainage ditches, and drainage patterns.
  - i. The location of tree cover, including the designation of trees of 15 inches in diameter or more.
  - j. Wetlands.
  - k. Sidewalks, walkways, driveways, loading areas and docks, bikeways.
  - l. Fences and retaining walls.
  - m. Exterior signs.
  - n. Exterior refuse collection areas.
  - o. Exterior lighting.
  - p. Landscaping (detailed plan showing plantings, equipment).
  - q. Traffic flow on-site.
  - r. Traffic flow off-site.
  - s. Surface water drainage arrows.
11. Location of existing and proposed public and private open space.
  12. Site statistics, including site square footage, percent of site coverage, dwelling unit density, percent park or open space.
  13. Elevation drawings of all proposed structures and buildings, with dimensions.
  14. A listing of the gross square footage of existing and proposed structures and buildings.
  15. Other information considered pertinent by the City Staff, consultants, Planning Commission or City Council.

Proof of Ownership or Authorization. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or

supply written authorization from the owner(s) of the property in question to proceed with the requested site plan approval.

- E. Procedure. Pursuant to Minn. Stat. § 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional City requirements are as follows:
1. The City Administrator or designee shall determine whether a submitted application is complete or incomplete. If the application is found to be incomplete, written notification describing specifically what is needed to make the application complete shall be given to the Applicant within fifteen (15) business days of receipt of the Application;
  2. Following receipt of a completed application, the City Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request;
  3. The City Administrator or designee may require the applicant or a representative thereof to meet with the City Administrator or designee or City staff in order to present information and answer questions concerning the proposed request;
  4. The City Administrator or designee shall reach a decision on the application unless the proposed development meets the threshold for a mandatory review by the Planning Commission and City Council as required under Section 1501.010.F.5. The City Administrator or designee shall either: approve the site plan, conditionally approve the site plan, or deny the site plan. The City Administrator or designee may impose necessary conditions and safeguards on site plan approval so as to protect the public health, safety, and welfare;
  5. Thresholds for Mandatory Review by Planning Commission and City Council. If the following thresholds are reached, a site plan shall be reviewed by the Planning Commission and acted on by the City Council after receiving a recommendation from the Planning Commission. The City Council shall either: approve the site plan, conditionally approve the site plan, or deny the site plan. The City Council may impose necessary conditions and safeguards on site plan approval so as to protect the public health, safety, and welfare.
    - a. The proposed development is part of a commercial or industrial Planned Unit Development.

- b. The development proposed results in a total structural footprint of 25,000 square feet or more in aggregate for the subject parcel
- F. Site Plan Evaluation Considerations. In considering applications for site plan approval under this Ordinance, the City Administrator or designee and, if applicable, the Planning Commission and the City Council shall consider the following:
1. Interrelationship with the plan elements to conditions both on and off the property, that the use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
  2. Consistency with and affect on the City's Comprehensive Plan, facility plans, park/trail plans, and other planning documents approved by the City;
  3. Whether or not the establishment, maintenance or operation of the use, event or activity will maintain or enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare;
  4. Whether or not the establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  5. Whether or not adequate public facilities and services including but not limited to, adequate transportation facilities, open space, parkland, trails, drinking water, and sewerage are available or can be reasonably provided to accommodate the use, event or activity which is proposed; and
  6. Whether or not the use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located, including but not limited to performance standards, parking standards, ingress/egress standards, signage, screening, site drainage, and exterior lighting.
- G. Certificate of Taxes Paid. Prior to approving an application for a site plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.
- H. Developer's Agreement. Prior to issuing a building permit, the approving authority (either the City Administrator or designee or the City Council) may require the developers to sign an agreement with the City which assures that particular elements of the site plan application, either proposed by the applicant or imposed by the City, shall be carried out.
- I. Expiration.



1. Unless otherwise specified by the City Administrator or designee, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for a six (6) month time extension in accordance with this section.
2. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the City Administrator or designee shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special or unique circumstances beyond the control of the applicant which have caused the delay.
3. The request for an extension of site plan approval shall be determined by the City Administrator or designee within fifteen (15) days from the receipt of a complete request.

**1501.011. Building Permits and Certificate of Occupancy.**

- A. Building Permits. No building or structure shall hereafter be erected or moved nor construction on an existing structure shall be started, until the Building Inspector or the designated representative has issued a lawful building permit. Fees for all building permits shall be established by the City Council in accordance with the Minnesota State Building Code.
  1. Building permits shall not be issued unless the proposed improvements meet all of the requirements of the Building Code and this Ordinance.
  2. No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit and other required permits.
  3. Application for a building permit shall be accompanied by a site plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building, utilities and accessory structures to be erected, the vegetation and major topographical changes. The drawings of the improvement shall be in sufficient detail to permit checking against the Building Code and Zoning District requirements and such other information as the City Clerk may reasonably require. In some cases, the Building Inspector, City Administrator or designee may require a certificate of survey before a building permit will be issued

B. Certificate of Occupancy.

1. No building or structure shall hereafter be erected, relocated, occupied or used in whole or in part until a certificate of occupancy is issued stating that the building or structure complies with the provisions of this Ordinance.
2. The certificate of occupancy shall be issued upon conducting a final inspection finding the building or structure satisfactory.
3. The certificate of occupancy shall be issued when the site and street clean up is completed. Mud should be cleaned from streets and open debris should be removed from the site.

**1501.012. Reserved.**

**1501.013. Reserved.**

**1501.014. Reserved.**

**1501.015. Non-Conformance.**

A. Purpose and Intent.

1. The purpose of this section to provide for the regulation of non-conforming uses of land, non-conforming structures and non-conforming lots of record and to specify requirements, circumstances, and conditions under which non-conforming uses of land, non-conforming structures, and non-conforming lots of record may be operated and maintained.
2. This section is intended to accomplish the following:
  - a. Recognize the existence of non-conforming uses of land and non-conforming structures which were lawful when established but which no longer meet all ordinance requirements.
  - b. Discourage the enlargement, expansion, intensification, or extension of any non-conforming use of land or non-conforming structure or any increase in the impact of a non-conforming use of land or a non-conforming structure on adjacent properties.
  - c. Regulate the repair, replacement, restoration, and improvement of non-conforming uses and structures to prevent and abate nuisances and to protect the public health, safety, or welfare.

- d. Encourage the elimination of non-conforming uses of land, structures and buildings or reduce their impact on adjacent properties.
- e. Eventually bring all non-conforming uses of land, non-conforming structures and non-conforming buildings into conformity.

B. General Provisions and Definitions.

1. Conditional Uses/Interim Uses/Uses by Administrative Permit. Any legal nonconforming structure or use that is herein classified as a conditional use, interim use, or use by administrative permit may be continued in like fashion and activity and shall automatically be considered as having received the applicable approval. Any change to such a use, including, but not limited to, building or site alteration, shall however require a new permit be processed according to this Ordinance.
2. Moving Nonconforming Buildings. Subject to Section 1501.025.K., no nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time it became a legal nonconformity, unless such movement will reduce the nonconformity.
3. Subdivision. No parcel of land or portion thereof shall be subdivided if such action results in buildings or uses becoming nonconforming.
4. Continuance of Legal Nonconformity. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this section, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this Ordinance, unless the following occurs.
  - a. The nonconformity or occupancy is discontinued for a period of more than one (1) year.
  - b. Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
  - c. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

5. Definitions. For the purposes of this section, the following terms and phrases have the meanings given to them.
- a. Legal Non-Conformity. Any legal land use, structure, physical form of land development, lot of record, or sign legally established before the effective date of this ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this ordinance. A non-conformity or non-conforming use is one of three types: non-conforming land use, non-conforming structure, or non-conforming lot of record.
  - b. Non-Conforming Use of Land. An activity using land, buildings, or structures for a use of land that was legally allowed when established but that is not currently allowed as a use in the zoning district in which it is located.
  - c. Non-Conforming Structure. A legal non-conformity other than a non-conforming land use that complied with ordinance performance standards at the time it was established but that does not currently conform to an ordinance performance standard such as height, setback, size, bulk, lot coverage.
  - d. Non-Conforming Lot of Record. An existing base lot of record at the time of approval of this section that is non-conforming in terms of lot area or lot width or depth and that has not at any time been the site of a principal use/structure.
  - e. Expansion, Enlargement, or Intensification. Any increase in a dimension, size, area, volume, lot/structural coverage, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City. The addition of a site feature such as a deck, patio, handicap access ramp, front entry steps (uncovered), or fence may be allowed provided a conditional use permit is issued by the City Council and a building permit is issued.
  - f. Improvement. Making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

- g. Replacement, Reconstruction, or Restoration. Construction that exactly matches pre-existing site conditions.

C. Non-Conforming Uses of Land.

1. A nonconforming use of land and conforming structures used for non-conforming uses of land may be used and continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
2. There may be no expansion, enlargement, or intensification of any non-conforming use of land. Except that a non-conforming use of land may be extended throughout a pre-existing building or structure, provided:
  - a. A conditional use permit is issued, or if a conditional use permit exists, the conditional use permit is amended; and
  - b. Provided no structural alterations or structural changes are made to existing structures, except those required by law, the building code, ordinance or such as may be required for safety or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life.
3. Residential Alterations. Alterations may be made to a non-conforming residential use of land when they will improve the livability and safety of the dwelling unit(s) provided, however, that the residential alterations do not result in an increase in the number of dwelling units in the building.
4. Change of Non-Conforming Use of Land. A non-conforming use cannot be changed to another non-conforming of similar intensity unless a conditional use permit is issued.
5. Whenever a non-conforming use has been changed to a conforming use it shall not thereafter be changed to a non-conforming use.
6. Discontinuance of Non-Conforming Use of Land. If a non-conforming use of land is discontinued or ceased for a period of one (1) year or more, or if a nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value and no building permit has been applied for within one hundred and eighty (180) days of when the property is damaged; then, the subsequent use of such building or land shall conform thereafter to the uses allowed in the district in which it is located.
7. Alteration of Use of Land. If a non-conforming use of land is superseded or replaced by an allowed permitted or conditional use, the non-conforming

status of the premises and any rights which arise under the provisions of this section terminate. If the use of land is superseded or replaced by an allowed use which requires issuance of a conditional use permit under this Ordinance, a conditional use permit shall be required.

8. If replacement, reconstruction, or restoration of a legal non-conforming use of land is allowed, it may occur without any land use approval from the City if the resulting use of land does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed. Work that would not meet this requirement and any work that would be an improvement to a non-conforming use of land may not be undertaken unless a conditional use permit has been issued for the property. The City may impose conditions in a conditional use permit to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.
9. Notwithstanding the prohibitions contained in the foregoing paragraphs of this section, if approved by the City Council a non-conforming use of land may be changed to another non-conforming use of land of less intensity if it is in the public interest and a conditional use permit is issued. In all instances the applicant has the burden of proving that the proposed land use is less intense than the exiting nonconforming land use.

D. Non-Conforming Structures.

1. A nonconforming structure may be used and continued, including through repair, replacement, restoration, maintenance, or improvement.
2. Expansion, Enlargement, or Intensification of a Non-Conforming Structure. A non-conforming structure may not be expanded, enlarged or intensified by adding onto the structure; except that expansion, enlargement or intensification of any conforming aspects of a non-conforming structure are exempt from this requirement. For example, if a structure has a non-conforming front setback, it may be expanded on the sides that do meet setback requirements as long as the expansion itself meets ordinance requirements.
3. Non-Conforming Structure, Structural Change. An existing non-conforming structure or an existing structure devoted to a non-conforming use of land may not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.
4. Maintenance of Non-Conforming Structure. Maintenance of a building or other structure will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.

5. Residential Alterations. Alterations may be made to a non-conforming residential structure or accessory structure when they will improve the livability and safety of the dwelling unit(s) provided, and said alterations do not increase the number of dwelling units in the building or the structural size, bulk, lot coverage. The construction and alteration of garages and accessory buildings is also permitted, as long as the improvements conform to the performance standards required by the applicable zoning district.
6. Continuation of Non-Conforming Use of Structure. The lawful use of a non-conforming structure existing at the time of the adoption of this section may be continued although such use does not conform with the district provisions herein, unless the use of the structure ceases for a period of one (1) year or the non-conforming structure is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value and no building permit has been applied for within one hundred eighty (180) days of when the property was damaged.
7. Restoration of Non-Conforming Structure After Destruction. Any non-conforming building or structure damaged by fire, collapse, explosion or acts of God, or public enemy, shall not be restored or reconstructed unless a complete application for a building permit is submitted within one hundred and eighty (180) days after the damage occurred.
8. If replacement, reconstruction, or restoration of a legal non-conforming structure is allowed, it may occur without any land use approval from the City if the resulting use does not create any new adverse impacts on adjacent property and matches exactly the conditions that existed before the work was undertaken or before the use was damaged or destroyed, except for internal improvements and improved materials used to replace roof surfaces, siding, windows, doors, and similar components. Work that would not meet this requirement or any other improvement to a non-conforming development may not be undertaken unless a conditional use permit is issued. The City may impose conditions in its approval to protect the public health, safety, or welfare, and to mitigate any newly created impacts on adjacent property.
9. Buildings Under Construction and Building Permits Granted Prior to Adoption of Ordinance. Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this section, may be completed in accordance with the approved plans. Such structure and use shall thereafter be a legally non-conforming structure or use.

E. Non-Conforming Lots of Record.

1. An existing lot of record that is non-conforming and not improved with a principal structure is entitled to be developed with a principal structure providing setbacks can be achieved, unless one of the following circumstances is found to exist in which case the non-conforming lot of record is not entitled to be developed with a principal structure:
    - a. The subject parcel has been in common ownership with an abutting lot or parcel of land; or
    - b. The subject parcel is or has been part of a larger parcel of land, at any time after adoption of the standard that causes the lot or land to be non-conforming.
  2. This provision shall apply even though a lot entitled to a principal structure fails to meet the zoning requirements for area or width, or both, that are generally applicable in the district.
  3. If, two (2) or more contiguous lots in any district are under the same ownership, and any individual lot does not meet the area and width requirements of this Ordinance, the lot must not be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.
- F. Signs. Signs may be classified as non-conforming uses of land or non-conforming structures under this section.

**1501.016. General Performance Standards.**

- A. Purpose. The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.
- B. Dwelling Unit Restriction.
1. Except as may be expressly allowed by this Ordinance, no garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently. Tents, playhouses or similar structures may be used for play or recreational purposes.
  2. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling.



C. Platted and Unplatted Property.

1. Any person desiring to improve property shall submit to the building official a survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City ordinances.
2. All buildings shall be placed so that they will not obstruct future public streets which may be constructed in conformity with existing streets and according to the system and standards employed by the City.
3. Except in the case of a planned unit development as provided for in Section 1501.037. or as specifically allowed and stated in a respective zoning district, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 1501.002. In case of doubt or on any questions or interpretation the decision of the City Administrator or designee shall be final, subject to the right to appeal to the Board of Adjustment and Appeals.
4. On a through lot, both street lines shall be front lot lines for applying the yard setback regulations of this Ordinance except in the case of a buffer yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as such by the comprehensive plan, except as may be permitted by the City.
5. In the case of properties which abut street easements, applicable setbacks shall be measured from the easement line and shall be related to roadway classification as identified by the City.
6. Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.
7. Except as may be allowed by a planned unit development, each lot shall have frontage and access directly onto an abutting, improved and City accepted public street.

D. Erosion and Drainage.

1. Permit Applicants. No person or political subdivision shall commence a land disturbing activity or create new impervious surface without first obtaining a permit from the City that incorporates and approves a storm water pollution prevention plan (SWPPP) for the activity, development or redevelopment. For

sites disturbing less than one acre, an erosion and sediment control plan may be submitted as part of the building permit application.

2. Development Not Permitted. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, stormwater basin, or other public facilities subject to the review and approval of the City.
3. Standards. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN R100001 National Pollutant Discharge Elimination System (NPDES) general construction permit issued by the Minnesota Pollution Control Agency (MPCA). Final stabilization of the site must be completed in accordance with NPDES general construction permit requirements.
4. City Engineer Approval.
  - a. In the case of all single-family lots, multiple-family lots, business, industrial and institutional developments, the drainage and erosion control plans shall be subject to the City Engineer's approval.
  - b. No modification in grade and drainage flow through fill, cuts, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.
  - c. Prior to the release of any required grading security, an as built certificate of survey shall be submitted to verify that the final as built grades and elevations of the lot and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the City Engineer and that all required property monuments are in place.
5. Approval of Erosion Control Measures. Proposed erosion control measures may be approved by the City Engineer as part of grading plan review. Erosion control may be specified by the City Engineer as part of a site survey for individual building permits. Erosion and sediment control measures shall be consistent with best management practices (BMPs) for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA 2005), and shall be sufficient to retain sediment on site. Erosion control measures may also be specified by the City Engineer as needed and deemed appropriate during the construction and post construction periods separate from the above.

6. Storm Sewer Inlets. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
7. Stormwater Channels. All on site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a ten (10) year frequency storm without erosion. Erosion controls must be provided at the outlets of all storm sewer pipes.
8. Sediment Control Practices. All temporary erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity, and left in place and maintained as needed until removed per City approval after the site had been stabilized. All permanent erosion control measures shall be installed and operational per the design and as required by the City.
9. Tracking. Each site shall have rock construction entrance, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday or more often if necessary to maintain the road in safe driving condition.
10. Seeding. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
11. Removal. All temporary erosion control devices including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within thirty (30) days of the establishment of permanent vegetative cover on the disturbed area.
12. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
13. Foundation, Garage Floor. Unless approved by the City Engineer, the top of the foundation and garage floor of all structures shall be at least eighteen inches (18") above the grade of the crown of the street.
14. Stop Work Order. The City's building official or City Engineer may issue stop work orders for any violation of this Ordinance.

E. Wetlands.

1. Wetland Application. Every applicant for a grading permit to allow wetland disturbing activities must submit a report to the City. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this Ordinance and the Minnesota Wetland Conservation Act. This section applies to all land, public or private, located within the City.
2. Impacts To Wetland.
  - a. Protective Buffer. A protective buffer of natural vegetation shall surround all wetlands within areas developed or redeveloped in accordance with the following provisions.
    - I. Minimum Width. The buffer shall have a minimum width of twenty-five feet (25') from the delineated edge of the wetland at the time of development.
    - II. Average Width. The width of the buffer may be averaged provided that a minimum buffer width is maintained equal to fifteen feet (15').
    - III. Public Trails and Sidewalks. Public trails and sidewalks that are a maximum of ten feet (10') in width can be included within the buffer provided the designated width is maintained.
    - IV. Drainage and Utility Easement. At a minimum, a drainage and utility easement shall be dedicated over the wetland and buffer as part of a subdivision application.
  - b. Building Setback. A building setback of ten feet (10') for a side yard and twenty feet (20') for a rear yard shall be provided from the delineated edge of all required wetland buffers at the time of development.

F. Exterior Lighting. Exterior use of lighting systems shall conform to the following provisions to reduce light pollution.

1. Intensity.
  - a. The cumulative light cast by all lights on the property shall not exceed one hundred fifteen (115) foot-candles at ground level measured at any point on the property.

- b. No light source or combination thereof which casts light on a public street shall exceed one (1) foot-candle meter reading as measured at the right of way or property line.
2. Commercial, Industrial and Institutional Uses. Any lighting used to illuminate an off street parking area, structure, or area shall be arranged so as to deflect light away from any adjoining property or from any public right of way in accordance with the following provisions.
- a. Shielding.
    - I. The light fixture shall contain a cutoff which directs the light at an angle of ninety degrees (90°) or less.
    - II. For light fixtures located within thirty feet (30') of residential zoned property, additional shielding shall be required on the property line side of the fixture below the ninety degree (90°) cutoff to direct light away from the residential property.
    - III. Lighting of entire facades of a building shall only utilize illuminating devices mounted on top and facing downward onto the structure.
    - IV. The following shall be exempt from the shielding requirements established by Sections 1501.016.F.2.a.I. to 1501.016.F.2.a.III.
      - (a). Internally illuminated signs and signs with electronic displays.
      - (b). Light fixtures used to illuminate outdoor recreation areas.
3. Height.
- a. The maximum height above the ground grade permitted for poles, fixtures, and light sources mounted on a pole shall be thirty five feet (35').
  - b. A light source mounted on a building shall not exceed the height of the building.
4. Location. Except for building mounted fixtures within the C-1 Downtown Commercial District, all outdoor light sources shall be set back a minimum of ten feet (10') from a public right of way and five feet (5') from an interior side or rear lot line.
5. Glare. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.

6. Exceptions. The provisions of this section shall not apply to the following.
  - a. Temporary outdoor lighting used during customary holiday seasons or civic celebrations.
  - b. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings, structures, facilities or public right of way.
  - c. Emergency lighting by police, fire, and rescue authorities.
  - d. Illumination of United States, Minnesota or other flags with noncommercial speech.
  - e. Public parks, trails and recreational facilities.
7. Prohibitions. The following outdoor lights are prohibited.
  - a. Laser, strobe or flashing lights.
  - b. Bare light bulbs shall not be permitted in view of adjacent property or public right of way, unless part of a permanent fixture.
- G. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Agency (MPCA), as referenced in Minnesota Administrative Rule 7017.
- H. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the state of Minnesota Pollution Control Agency, as referenced in Minnesota Administrative Rule 7017.
- I. Air Pollution. The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by Minn. Stat. § 116.
- J. Noise. Noises emanating from any use shall be in compliance with and regulated by the Minnesota Pollution Control Agency in accordance with Minnesota statutes and rules.
- K. Bulk Storage (Liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with county, state, and federal agency requirements, and have documents from those respective agencies stating the use is in compliance.

L. Waste.

1. All waste generated shall be disposed in a manner consistent with all Minnesota Pollution Control Agency rules.
2. Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota pollution control agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereon for more than one (1) week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with Minnesota Pollution Control Agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.
3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

M. Junk Yards or Motor Vehicle Wrecking Yards Regulations.

1. Non-Conforming Use. Any motor vehicle wrecking or junk yard meeting the definition contained in Section 1501.002.B. may continue as a non-conforming use unless the owner wants to expand the business or unless the business ceases operation for a period of six (6) months or more.
2. General Provisions. Junk yards and auto reduction yards shall conform to the following performance standards.
  - a. Designated storage areas shall be totally screened by means of fencing so the area shall not be visible from public roads nor from dwellings that are located on adjacent lots. Screening shall be completed within ninety (90) days from receipt of such notice from the City Administrator or designee.
  - b. All storage areas shall be setback a minimum of one hundred feet (100') from a residential district, any lake, stream, creek, public or private ditch.
  - c. The area upon which the business activity is located must be a contiguous area within the owner's parcel and must meet all yard setbacks and screening provisions herein.
  - d. Vehicle storage provisions include:
    - I. All motor vehicles must remain upright unless the motor and running gear have been removed; and

- II. No motor vehicle storage nor any business operation is permitted in any flood plain area, wetland, or in areas where groundwater is less than three feet (3') from the ground surface.
  - e. All structures will conform to yard setbacks as established in the district provisions. However, no fencing is permitted in the front yard nor is the storage of any motor vehicles. Additionally, all motor vehicles must be setback at least ten feet (10') from the rear and side property lines.
  - f. The site plan for the establishment of any new use or for any rezoning request must be accompanied by the following information:
    - I. The location of buildings and motor vehicle storage area and all applicable linear dimensions;
    - II. A fencing plan;
    - III. A signage plan;
    - IV. A drainage plan;
    - V. A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
      - (a). Motor oil or fuel;
      - (b). CFCs (chlorofluorocarbons);
      - (c). Motor vehicle batteries;
      - (d). Antifreeze; and
      - (e). Any other substance as requested by the City; and
  - g. Provide a copy of the Environmental Protection Agency (EPA) ID Number Notification and a copy of their Hazardous Waste License.
- N. Swimming Pool Regulations. Private swimming pools are regulated by this Ordinance as follows. Any enclosure, designed, intended, or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding one hundred (100) square feet and a depth exceeding eighteen inches (18"), which is designed, intended, or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by the owner's or tenant's family or invited guests without payment of a fee.



1. Permit Required. No private swimming pool shall be constructed or established, and no such pool construction shall be commenced without first obtaining a permit from the City of Winsted.
2. Information Required.
  - a. Complete plans and specifications for the construction of the pool.
  - b. A site plan showing the location of all structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, and other significant improvements or natural features.
  - c. The proposed location of pumps, filters, electrical power source (if applicable), flushing and drainage outlets, and other operational features.
  - d. The location and specifications of protective fencing.
  - e. Any other information necessary or convenient for review of the permit application as determined by representatives of the City.
3. Construction Setback Requirements. Private swimming pools shall be constructed so as to avoid damage to property and injury to the occupants of the subject property and the occupants of adjacent property and shall meet the following minimum requirements.
  - a. No pool shall be located within eighteen feet (18') (measured horizontally) from any underground or overhead utility line of any kind.
  - b. No pool shall be located within any public or private easement intended for utility, access or drainage purposes; any wetlands or floodplain; or any other location in which it might represent a threat to the natural environment.
  - c. Private swimming pools are accessory structures in all residential districts under the City's zoning ordinance and must meet appropriate setback requirements.
4. Safety Fence Required. A safety fence at least five feet (5') in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with self-closing gates or doors. All gates and doors shall have a self-latching latch which is no less than four feet (4') above the ground level and which shall be constructed and placed so as to be inaccessible to small children. All gates and doors shall be locked when the pool is not in use or is unattended by an adult. Any opening between the bottom of the fence and the ground level shall not exceed three inches (3").

- a. Safety fences, if constructed primarily of wood, shall be composed of vertical members with spaces no greater than four inches (4") inches between the boards. If constructed of other materials, the fence shall contain no spaces through which a sphere four inches (4") or more in diameter may pass.
  - b. No wall of any pool constructed above ground level, regardless of height, shall qualify as a safety fence.
5. Miscellaneous Requirements. The conduct of persons and the operation of pools shall be the responsibility of the owner or the tenant of the subject property and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of the peace.
- a. All back flushing or pool drainage water shall be directed onto the property of the owner, or onto approved drainage ways. No drainage may go into the sanitary sewer system. Drainage onto public streets or other public drainage ways shall require a permit from the City of Winsted.
  - b. All electrical installations shall meet state requirements.
  - c. Filling pools from fire hydrants or other public facilities shall be prohibited. Contact the Public Works Supervisor for pool filling.
6. Compliance. Upon official notification by the City of Winsted, the owner of a pool meeting the definition of this section, must comply with the regulations of this section of the ordinance within one (1) year of such notification.
7. Penalties. It shall be unlawful and punishable as set forth herein for any person to make, cause to be made, or continue to make any loud noise which annoys, disturbs, or injures the comfort of repose or breaches the peace of the person in lawful possession of adjoining properties.
8. Any person not obtaining a permit for a swimming pool as required by City Code, shall be charged with a petty misdemeanor as defined in Minnesota Statutes.

**1501.017. Accessory Buildings, Structures and Uses.**

- A. Purpose. The purpose of this section is to establish provisions regulating the location, type and dimensional standards for accessory buildings, structures and uses.
- B. Agricultural Buildings. Agricultural buildings on farm properties in the AG Agricultural District are exempt from the requirements of this section.

C. Attached Accessory Structures. An attached structure or building (including private and community garages, decks and breezeways) shall be considered an integral part of the principal building and shall comply in all respects with the requirements of this section applicable to the principal building. Attached accessory structures and buildings shall meet all required principal building setbacks of the applicable zoning district and the area of an attached garage shall be measured by interior dimensions.

D. Detached Accessory Structures.

1. Permitted Locations. Detached accessory structures are permitted in the side and rear yards.

a. Detached accessory structures shall not be permitted in the required or actual (in front of the front building line of the principal structure) front yard except on properties having both street and lake frontage, provided the accessory structure or building meets the required principal structure setback from the right-of-way. Detached accessory structures may be located in the side or rear yards, provided the minimum setback outlined in this section is provided from the side and rear property lines.

b. Commercial and Industrial Districts and Uses. Accessory buildings, structures and uses in combination with principal and conditional uses shall not be located in the required or actual (in front of the front building line of the principal structure) front yard without approval of a conditional use permit. Accessory buildings and structures such as buildings for parking attendees, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the I-1 Industrial District without approval of a conditional use permit. Detached accessory structures may be located in the side or rear yards, provided the minimum setback outlined in this section is provided from the side and rear property lines.

2. Prohibited Locations. Except as may be specifically provided, no detached accessory building, structure, use or equipment shall be located in any required or actual (in front of the front building line of the principal structure) front yard, within a drainage or utility easement unless approved by the City Administrator or designee and City Engineer, or below the ordinary high water mark of a public water or wetland.

a. No accessory structure shall be located within the setback requirements from the ordinary high water mark of any body of water governed by the Municipal Shoreland Management Act Laws of Minnesota.

3. Approval Process.

- a. Zoning Permit Required. Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this section. Detached accessory buildings between one hundred and twenty (120) and two hundred (200) square feet must receive an administrative permit before they are constructed or moved onto property. The City Administrator or designee shall review the site plan and construction drawings to determine compliance with this section and other applicable ordinances, laws, and regulations. All detached accessory buildings below one hundred and twenty (120) square feet shall not require any type of permit but shall still meet the requirements of this section.
  - b. Building Permit Required. Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The City Administrator or designee and building official shall review the site plan and construction drawings to determine compliance with this Ordinance, building code and other applicable ordinances, laws, and regulations.
- E. Setbacks, Standards and Requirements. Attached and detached accessory buildings and structures are subject to the dimensional limits set forth as follows or as specified under the specific zoning district:
1. For corner lots within the R-1A Single Family Residential, R-1B Single Family Residential, R-2 Multiple Family Residential and R-M Manufactured Home districts, detached garages that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line, shall be set back not less than thirty feet (30') in the R-1A Single Family Residential and R-2 Single Family Residential districts, twenty feet (20') in the R-1B Single Family Residential district and twenty-five feet (25') in the R-M Manufactured Home District, from the side lot line abutting the public street right of way;
  2. For corner lots within the C-1 Downtown Commercial, C-2 Highway Commercial, and I-1 Industrial districts, detached garages that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line, shall be set back not less than thirty feet (25') in the C-2 Highway Commercial and I-1 Industrial districts and zero feet (0') in the C-1 Downtown Commercial District, from the side lot line abutting the public street right of way;
  3. For accessory structures two hundred (200) square feet or less, the following requirements shall be met:
    - a. Such structures shall be set back at least six feet (6') from any other building or structure on the same lot, unless approved by the City

following the submittal of plans showing a proposed firewall installation or other mitigation measures;

- b. Such structures shall not be located within any drainage or utility easement; and
  - c. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of the lot, except in the case of a side yard of a corner lot abutting a public street, but in no case shall the structure be located closer than five feet (5') to the property line for residential uses or ten feet (10') to the property line for commercial, industrial, public or institutional uses;
4. For accessory structures over two hundred (200) square feet, the following requirements shall be met:
- a. Such structures shall be set back at least ten feet (10') from any other building or structure on the same lot, unless approved by the City following the submittal of plans showing a proposed firewall installation or other mitigation measures;
  - b. Such structures shall not be located within a drainage or utility easement; and
  - c. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of the lot, except in the case of a side yard of a corner lot abutting a public street, but in no case shall the structure be located closer than five feet (5') to the property line for residential uses or ten feet (10') to the property line for commercial, industrial, public or institutional uses;
5. Every single family and two family dwelling unit hereafter erected shall be so located on the lot so that garage space can be located on said lot for at least two (2) vehicles, either attached or detached. The minimum size of said garage shall be twenty-two feet (22') wide by twenty-two feet (22') deep for a total of four hundred and eighty-four (484) square feet;
6. Attached and detached residential garages for residential districts shall comply with the following dimensional standards:
- a. Maximum Square Footage. The total square footage of an attached or detached garage shall not exceed seven hundred and fifty (750) square feet in the R-M district or one thousand (1,000) square feet for all other districts, except by conditional use permit. Storage spaces located directly below attached garages shall not be considered in determining allowable accessory building square footage;

- b. Maximum Height Attached Garages. Shall not exceed sixteen feet (16') in height or the height of the principal building, whichever is greater; and
  - c. Maximum Height Detached Garages. In residential districts, no individual detached building or structure shall exceed sixteen feet (16') in height. The maximum side wall height of a detached building shall not exceed ten feet (10') in height;
7. In commercial and industrial districts individual detached buildings and structures shall meet the height requirement of the district;
  8. Within the R-1A, R-1B, R-2 and R-M districts, the maximum area of all accessory buildings (including attached garages) shall be limited to a combined total area of ten percent (10%) of the lot area;
  9. Commercial, industrial, public and institutional accessory buildings, structures and uses shall not occupy more than thirty percent (30%) of the area of any front, side or rear yard in which it is located;
  10. Accessory buildings and structures such as buildings for parking attendees, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the I-1 district. Accessory buildings and structures shall meet the same front yard setbacks as the principal structure on the lot, if allowed;
  11. Detached accessory buildings greater than two hundred (200) square feet shall have not less than a 4:12 roof pitch or more than a 12:12 roof pitch;
  12. Limit on Number of Accessory Buildings. No building permit shall be issued for the construction of more than two (2) detached accessory buildings, on a single parcel, except by conditional use permit. In the R-1A, R-1B and R-2 residential districts the size of one accessory structure shall not exceed one thousand (1,000) square feet and the size of the second accessory structure shall not exceed one hundred and twenty (120) square feet. In the R-M district the size of one accessory structure shall not exceed seven hundred and fifty (750) square feet and the size of the second accessory structure shall not exceed one hundred and twenty (120) square feet; and
  13. The following table illustrates the setbacks, standards and requirements for accessory buildings, structures and uses.

	R-1A	R-1B	R-2	RM	C-1	C-2	I-1
Maximum Size Attached and Detached Garage:	1,000 square feet	1,000 square feet	1,000 square feet	750 square feet	30% of the area of the front, side or rear yard in which it is located	30% of the area of the front, side or rear yard in which it is located	30% of the area of the front, side or rear yard in which it is located
Max Height Attached Garage:	16' or height of principal structure, whichever is greater	16' or height of principal structure, whichever is greater	16' or height of principal structure, whichever is greater	16' or height of principal structure, whichever is greater	45'	35'	45' but may be increased by 1' for each 5' by which the structure sets back from the front, side and rear property lines in excess of the minimum required

Maximum Height Detached Garage:	16'	16'	16'	16'	45'	35'	45' but may be increased by 1' for each 5' by which the structure sets back from the front, side and rear property lines in excess of the minimum required
Total Number of Detached Accessory Buildings per Lot:	2	2	2	2	2	2	2
Accessory Building Total Combined Area:	10% of lot area	10% of lot area	10% of lot area	10% of lot area	30% of the area of the front, side or rear yard in which it is located	30% of the area of the front, side or rear yard in which it is located	30% of the area of the front, side or rear yard in which it is located



Maximum Side Wall Height of Detached Accessory Structure:	10'	10'	10'	10'	45'	35'	No structure hereafter erected shall exceed forty-five feet (45') in height except that such height may be increased by one (1) foot for each five (5) feet by which the structure sets back from the front, side, and rear property lines in excess of the minimum required
Side Yard Setback Detached Accessory Structure:	5'	5'	5'	5'	0'	10'	10'
Side Yard Setback Detached Accessory Structure Adjacent to Street:	30'	20'	30'	25'	0'	25'	25'

Rear Yard Setback Detached Accessory Structure:	5'	5'	5'	5'	0'	10'	10'
Front Yard Setback Detached Accessory Structure, if Allowed:	30'	20'	30'	25'	0'	60' from back of curb street edge	25'
Minimum Garage Size Single & Two Family (2 stalls):	22' x 22' (484 sq. ft.)	22' x 22' (484 sq. ft.)	22' x 22' (484 sq. ft.)	-	-	-	-

F. General Requirements.

1. Time of Construction. No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
2. Requirements. Any structure which requires a building permit or which is thirty inches (30") or more in height, shall be subject to setback, square footage and other requirements of this section.
3. Waste and Recycling Receptacles and Enclosures.
  - a. Storage. Except as provided for by this section, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure for all multiple family dwellings, commercial, industrial, public or institutional uses including those in a residential district.
  - b. Enclosures. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following.
    - I. Exterior Walls. Exterior wall treatment shall be of similar color and materials. Exterior walls shall be minimum of six feet (6') in height or one foot (1') taller than the dumpster being enclosed and include a maintenance free front gate for access.

- II. Location. The enclosure shall be located in the side or rear yard and be set back a minimum of ten feet (10') from the property line and shall not be located within any drainage and utility easement.
  - III. Accessibility. The enclosure must be accessible to waste and recycling collection vehicles.
  - IV. Screening. The waste and recycling receptacles for multiple-family residential, commercial, industrial and institutional uses shall be fully screened from view of adjacent properties and the public right of way.
  - V. Approval. The design and construction of the trash enclosure shall be subject to the approval of the City through the site plan review process according to Section 1501.010.
  - VI. Landscaping. Landscaping shall be provided surrounding trash enclosures to screen the structure from view of the public right of way and residential properties.
- b. Recycling Space. Recycling space shall be provided as required by the Minnesota state building code.
  - c. Maintenance & Security. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste and all gates and doorways into the enclosure shall be kept closed between garbage pick ups.
  - d. Exceptions.
    - I. For detached single-family dwellings and two family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with this section.
    - II. Publicly accessible individual receptacles not larger than sixty (60) gallons located on commercial, industrial, institutional or public properties for convenient disposal of trash items shall be exempt from the enclosure requirements under Section 1501.017.F.3.b.
    - III. In the I-1 district, waste and recycling receptacles do not have to be enclosed in accordance with this section, but shall be located in the side yard of an interior lot line or rear yard and shall be fully screened from view and shall comply with accessory structure setback requirements. All waste and recycling receptacles adjacent to a residentially zoned districts shall also be fully screened from view.

4. Animal Enclosures.
  - a. Domestic animal enclosures shall not be placed in the front yard or in the side yards abutting a street, shall not be placed closer than ten feet (10') to any property line, and shall not be placed closer than twenty-five feet (25') to any dwelling unit other than on the owner's property.
  - b. No encroachment shall be permitted in existing drainage or utility easements.
  - c. Screening or a hard surface will be required if problems occur with appearance, noise, odor, and sanitation as determined by the City.
  - e. No such enclosure shall exceed one hundred twenty (120) square feet, unless approved through an administrative permit.
5. Ice Fishing Houses.
  - a. Ice fishing houses or other such structures not equipped with wheels or mounted on a trailer shall be considered accessory buildings and shall be subject to the setback, square footage and other regulations of this section.
  - b. Ice fishing houses or other such structures that are equipped with wheels or mounted on a trailer shall be regulated as recreational vehicles.
6. Compost Structures and Firewood Piles. Compost structures and firewood piles shall be considered accessory uses, shall be limited to rear yards and shall be set back ten feet (10') from all property lines, but shall not be subject to limitations applicable to the number of allowed accessory structures or individual area and total area allowed for accessory structures by this section.
7. Exterior Building Materials. All accessory buildings larger than one hundred and twenty (120) square feet, shall be the same or similar color and shall be constructed with the same or similar quality and scale exterior building materials as in the principal building. Metal corrugated siding or permanent sheet metal shall hereby be prohibited in all zoning districts. All accessory buildings shall be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause a nuisance or a difference to a degree to cause incongruity.
  - a. Garage structures shall be constructed with four (4) walls and a roof. Carports shall not be permitted in any Zoning District. Roof overhangs, at

the same roof pitch as the structure from which the extension is built, are allowed to extend a maximum of five feet (5') feet from the nearest side wall and must be covered with the same fascia and soffit materials as the rest of the structure.

**1501.018. Alternative Energy Systems.**

A. Scope. This section applies to alternative energy systems in all zoning districts.

B. Purpose and Intent. It is the goal of the City Council to provide a sustainable quality of life for the City's residents, making careful and effective use of available natural, human and economic resources and ensuring that resources exist to maintain and enhance the quality of life for future residents, while preserving the general characteristics of residential neighborhoods and the community uses at large. In accordance with that goal, the City finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. Therefore, the purposes of this section include:

1. To promote rather than restrict development of alternative energy sources by creating a clear regulatory path for approving alternative energy systems while remaining conscientious of rights and privileges of all residents.
2. To create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy
3. To decrease the use of fossil fuels:
  - a. To encourage alternative energy development in locations where the technology is viable and environmental, economic and social impacts can be mitigated; and
  - b. To establish reasonable requirements for performance, safety, design and aesthetics of alternative energy systems

C. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

1. Accessory. A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.
2. Alternative Energy System. A ground source heat pump, wind or solar energy system.

3. Building-Integrated Solar Energy System. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.
4. Building Mounted Solar Energy System. See Roof Mounted Solar Energy System.
5. Closed Loop Ground Source Heat Pump System. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.
6. Community Solar Energy System (also called Solar Garden). A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing on-site or located off-site from the location of the solar energy system.
7. Flush-Mounted Solar Energy System. A roof-mounted system mounted directly abutting the roof. The pitch of the solar collector may exceed the pitch of the roof up to 5% but shall not be higher than ten inches above the roof.
8. Ground Mounted Solar Energy System. Freestanding solar energy system (panels) that are mounted to the ground by use of stabilizers or similar apparatus.
9. Ground Source Heat Pump System. A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.
10. Heat Transfer Fluid. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed 20% by weight or aqueous solutions of potassium acetate not to exceed 20% by weight.
11. Horizontal Axis Wind Turbine. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.
12. Horizontal Ground Source Heat Pump System. A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.

13. Hub. The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.
14. Hub Height. The distance measured from natural grade to the center of the turbine hub.
15. Large Energy Power Generating Plant (LEPGP). Any Solar Energy System capable of producing 50 megawatts or more of power.
16. MN PUC. The Minnesota Public Utilities Commission.
17. Monopole Tower. A tower constructed of tapered tubes that fit together symmetrically and are stacked one section on top of another and bolted to a concrete foundation without support cables.
18. Open Loop Ground Source Heat Pump System. A system that uses ground water as a heat transfer fluid by drawing ground water from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.
19. Passive Solar Energy System. A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
20. Photovoltaic System. A solar energy system that converts solar energy directly into electricity.
21. Residential Wind Turbine. A wind turbine of two kilowatt (kW) nameplate generating capacity or less.
22. Roof or Building Mounted Solar Energy System. A solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
23. Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12 or 12/12.
24. Small Wind Turbine. A wind turbine of 100 kW nameplate generating capacity or less.
25. Solar Access. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

26. Solar Collector. A device, or combination of devices, structure, or art of a device or structure that transforms direct solar energy into thermal, mechanical, chemical or electrical energy.
27. Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
28. Solar Energy System (SES). An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
29. Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the primary land use for the parcel on which it is located.
30. Solar Garden. A community solar energy system.
31. Solar Mounting Devices. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or ground.
32. Solar Skyspace. The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.
33. Solar Skyspace Easement. A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.
34. Solar Storage Unit. A component of a solar energy device that is used to store solar generated electricity for later use.
35. Structure Height. A distance to be measured from the mean ground level to the top of the structure.
36. Total Height. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.



37. Tower. A vertical structure that supports a wind turbine.
38. Utility Wind Turbine. A wind turbine of more than 100 kW nameplate generating capacity.
39. Vertical Axis Wind Turbine. A type of wind turbine where the main rotor shaft runs vertically.
40. Vertical Ground Source Heat Pump System. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.
41. Wind Energy System. An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.
42. Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

D. Ground Source Heat Pump Systems.

1. Zoning Districts. Ground source heat pump systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.
2. Standards.
  - a. System requirements.
    - I. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in Section 1501.018.C., are permitted. Open loop ground source heat pump systems are not permitted.
    - II. Ground source heat pump systems in public waters may be permitted as a conditional use subject to approval from the Minnesota Department of Natural Resources in accordance with Minnesota Administrative Rule § 6115.0211, subd. 6b and subject to written consent of all property owners or approval by an association in accordance with its adopted bylaws.
  - b. Setbacks.
    - I. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five feet (5') from interior side lot lines and at least ten feet (10') from rear lot lines.

- II. Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.
- c. Easements. Ground source heat pump systems shall not encroach on public drainage, utility, roadway or trail easements, or any other public easements.
- d. Noise. Ground source heat pump systems shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Administrative Rule 7030, and Winsted Municipal Code.
- e. Screening. Ground source heat pumps are considered mechanical equipment and in order to suppress noise and hide from public view materials and designs matching those used for the structure will be incorporated into a plan design. Where miscellaneous exterior equipment cannot be fully hidden with matching building materials, landscaping may be used as additional screening. Screening remains subject to the requirements of the applicable zoning district.
- f. Deviations. Any deviation from the required standards of this section may be permitted through a conditional use permit.
- 4. Safety. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc. and meet the requirements of the State Building Code.
- 5. Abandonment. If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:
  - a. The heat pump and any external mechanical equipment shall be removed; and
  - b. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable state and federal regulations. The top of the pipe, coil or boring shall be uncovered and grouted.
- 6. Permits. Those permits as required, and a conditional use permit if required, shall be obtained for any ground source heat pump system prior to installation. Borings for vertical systems are subject to approval from the Minnesota Department of Public Health.

E. Wind Energy Systems.

1. Zoning districts. Wind turbines in accordance with the standards in this section are prohibited in the R-1A Single Family Residential, R-1B Single Family Residential, R-2 Multiple Family Residential, R-M Manufactured Home, Downtown Commercial, C-2 Highway Commercial and A Airport districts, unless they are structurally attached to the principal structure (roof) and do not exceed five feet (5') in height from the roof peak, which then would be deemed a permitted accessory use. Residential and small wind turbines are a permitted accessory use on lots at least twenty (20) acres in size in the Agricultural and Industrial districts. Wind energy systems are not permitted in any other zoning districts.
2. Standards.
  - a. Number. No more than one wind energy system is permitted per parcel.
  - b. Height. The total height of the tower shall not exceed seventy-five feet (75'), including any portion of the rotor or axis extending above the tower and shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line, except that the horizontal distance may extend beyond the nearest lot line or building line, provided there are no overhead utility lines or easements therefore or if the abutting areas is a public alleyway. Furthermore, the City Council may allow the height requirements to be exceeded upon issuance of a interim use permit, provided it is satisfied that the proposed structure will withstand the windloads in the area. As evidence of this, the City Council shall require the following information:
    - I. Dimensional representation of the various structural components of the tower construction, including the base and footings; and
    - II. Design data which shall indicate basis of design, including manufacturer's dimensional drawings and installation and operation instructions; and
    - III. Certification by an independent registered professional engineer or other qualified professional that the structure is sufficient to withstand windload requirements for structures as established by the applicable building construction codes.
  - c. Blade length. For residential wind turbines, other than roof-mounted wind turbines, a maximum blade length of fifteen feet (15') is permitted.
  - d. Roof mounting. Roof-mounted wind turbines are not permitted, except those that do not exceed five feet (5') in height or length.

- e. Setbacks.
  - I. For residential wind turbines, the base of the wind turbine tower shall be set back from all property lines a distance equal to the hub height. Wind energy systems shall not be installed in the front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way.
  - II. For small wind turbines, the base of the wind turbine tower shall be set back from all property lines a distance equal to the hub height. In addition, the base of the wind turbine tower shall be set back from the nearest public right-of-way, above ground power line, drainage or utility easement, recreational field, dwelling, school, business or other habitable structure, three hundred feet (300') or one and a half (1.5) times the total height, whichever is greater.
  - III. For utility wind turbines, the base of the wind turbine tower shall be set back from all property lines a distance equal to the hub height. In addition, the base of the wind turbine tower shall be set back from the nearest public right-of-way, above ground power line, drainage or utility easement, recreational field, dwelling, school, business or other habitable structure, six hundred feet (600') or three (3) times the total height, whichever is greater.
- f. Easements. Wind energy systems shall not encroach on public drainage and utility easements, utility roadway or trail easements, or any other public easements.
- g. Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Administrative Rule 7030, and Winsted Municipal City Code.
- h. Screening. Wind energy systems are exempt from the requirements of Section 1501.022.A.
- i. Aesthetics. All portions of the wind energy system shall be a nonreflective, non-obtrusive color, subject to the approval of the Community Development Director. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising. Systems shall not be illuminated.

- j. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
- k. Vibration. No wind energy system shall produce vibrations through the ground that are humanly perceptible beyond the property on which it is located.
- l. Deviations. Any deviation from the required standards of this section may be permitted through a conditional use permit.

3. Safety.

a. Standards and Certification.

- I. Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the City's electrical engineer.
- II. Certification. Wind energy systems shall be certified by Underwriters Laboratories, Inc. and the National Renewable Energy Laboratory, the Small Wind Certification Council or other body as determined by the Community Development Director for conformance to applicable standards. The City reserves the right to deny a building permit for proposed wind energy systems deemed to have inadequate certification or testing for operation in a severe winter climate.
- III. Maintenance. Wind energy systems shall be maintained under an agreement or contract by the manufacturer or other qualified entity.
- IV. Utility Connection. All grid connected systems shall have a completed written agreement with the local utility prior to the issuance of a building permit. A visible manual external disconnect must be provided, which complies with applicable electric codes.
- V. Abandonment. If the wind energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

VI. Permits. Those permits as required, and a conditional use permit if required, shall be obtained for any wind energy system prior to installation.

VII. Liability Insurance. No building permit shall be issued for the construction of a wind energy system until and unless the applicant for the building permit deposits with the City Administrator or designee a policy of liability insurance indemnifying the applicant from liability for personal injury or property damage arising from the operation, malfunction, or collapse of the wind energy system in the sum of at least \$1,000,000. The insurance policy so deposited shall contain a clause obligating the company issuing the same to give at least 10 days' written notice to the City before the cancellation thereof, the conditional use permit to be automatically revoked upon the lapse or termination of said insurance policy. The insurance policy shall name the City of Winsted as an additional insured.

F. Solar Energy Systems (SES).

1. Purpose and Intent. Winsted finds that other communities are being requested to address the use and development of renewable energy systems, believing them to enhance energy conservation efforts with limited adverse impact on nearby properties. The City finds that it may be in the public interest to encourage the use and development of such renewable energy systems; to support the use of solar energy systems; and that the development of solar energy systems could be balanced with the protection of the public health, safety and welfare. While it wishes time to study the issue, it also wishes to have a process in place to address the issue while it is being studied. Accordingly, the City resolves that the following standards shall be adopted to address applications for solar energy systems to be constructed within the City of Winsted.
2. Severability. The provisions of this section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.
3. Applicability. These regulations shall apply to all solar energy systems on properties and structures under the jurisdiction of the City of Winsted zoning ordinance. Winsted shall refer any application for a large electric power generating plant (LEPGP) to the Minnesota Public Utilities Commission (MN PUC) for approval.
4. Types of SES.
  - a. Roof or Building Mounted SES. Systems which are accessory to the

principal land use and designed to supply energy for the principal use. Roof or Building Mounted SES shall be regulated as follows:

- I. Roof or Building Mounted SES are permitted accessory uses in all districts in which buildings are permitted;
  - II. All Roof or Building Mounted SES shall meet the standards of the Minnesota Building Code and the owner or contractor shall receive a building or mechanical permit before installing a Roof or Building Mounted SES. Roof or Building Mounted SES are subject to the accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits;
  - III. Color. All Roof or Building Mounted SES shall use colors that are the same or similar with the color of the building or roof material of the building on which the system is mounted;
  - IV. Roof or Building Mounted SES shall not exceed the maximum allowed height in any zoning district and shall not extend beyond the perimeter of the roof line of the building on which it is mounted. For purposes of height measurement, Roof or Building Mounted SES other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices for the zoning district in which the system is being installed; and
  - V. Roof Mounted SES shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture Solar Energy.
- b. Ground Mounted SES. Accessory to the principal land use and designed to supply energy for the principal use. Ground Mounted SES shall be regulated as follows:
- I. Ground Mounted SES are permitted accessory uses in all districts in which buildings are permitted and shall be limited to a maximum area of two hundred (200) square feet in residential districts and shall not encompass more than ten percent (10%) of the total property area or lot size in all other districts;
  - II. All Ground Mounted SES shall meet the standards of the Minnesota Building Code and the owner or contractor shall receive a building or mechanical permit before installing a Ground Mounted SES. Ground Mounted SES are subject to the accessory

use standards for the district in which it is located, including setback, height and impervious surface coverage limits;

- III. The City does not consider the collector surface of a Ground Mounted SES that is not in a DNR designated Shoreland District as impervious surface;
  - IV. The height of a Ground Mounted SES shall not exceed ten feet (10') at maximum tilt;
  - V. Ground Mounted SES shall only be located in the rear yard as defined by this section; and
  - VI. Ground Mounted SES shall not encroach upon drainage and utility easements.
- c. Community SES (Solar Garden). Community SES shall be designed to supply energy for on and off-site uses on the distribution grid or for export to the wholesale market or connection to the electric transmission grid. Community SES are allowed as an accessory or principal use in the I-1 Industrial District, unless otherwise regulated or prohibited in this section. Community SES shall be regulated as follows:
- I. Community SES shall be permitted as an interim use in the AG Agricultural District and the I-1 Industrial District, and shall be processed according to the standards of Section 1501.007.;
  - II. Community SES shall be on properties of at least five (5) acres in size but shall not have a generating capacity of more than one (1) megawatt per SES or five (5) megawatts per site;
  - III. Density. Community SES shall not be located within one-half (0.5) mile of another SES;
  - IV. Prohibitions: The City prohibits all Community SES within:
    - (a). Shoreland Districts as designated by the Department of Natural resources (DNR) and the Winsted Zoning Map;
    - (b). Wetlands to the extent required by the Minnesota Wetland Conservation Act;
    - (c). Within one thousand feet (1,000') of areas designated or formally protected from development by Federal, State or County agencies as wildlife habitat, wildlife management



areas or designated as National Wild and Scenic land or corridor;

- (d). The Floodplain Management Overlay District;
  - (e). Residential Districts, Commercial Districts, Special Districts and Environmental Districts; and
  - (f). All drainage and utility easements.
- V. An interconnection agreement must be submitted to the utility company and proof be provided to the City that the utility company has deemed the agreement “complete”;
- VI. All structures must meet either the principal or accessory structure setbacks, height and coverage limitations for the zoning district in which the system is located, except as otherwise stated in this section;
- VII. The owner or operator shall be required to submit to the City, a detailed site plan as regulated under Section 1501.010., showing both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City;
- VIII. All Community SES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards. The owner or contractor shall receive a building or mechanical permit before installing a Community SES. Community SES are subject to the accessory use standards if it is an accessory use or principal use standards if it is a principal use for the district in which it is located, including setback, height and impervious surface coverage limits;
- IX. The owner or operator of the Community SES must submit to the City a detailed emergency shutdown plan as part of the review process;
- X. Signage shall be posted at all entrance points to the property the Community SES is located on that includes at a minimum, the owner and operator's name, contact information and emergency phone numbers. All signage shall meet the requirements of Section

1501.020.;

- XI. Screening. Community SES shall be screened from adjacent residential uses in accordance with Section 1501.022.A.;
  - XII. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions;
  - XIII. Power and Communication Lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground on premise. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines; and
  - XIV. Decommissioning Plan. The City requires the owner or operator to submit a decommissioning plan for Community SES to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures or foundations shall meet all applicant, federal, state and local requirements. The City may require the owner or operator to provide a current day decommissioning cost estimate and shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the City Council, to ensure proper decommissioning.
- d. Solar Farms. Solar Farms are Ground Mounted SES arrays that are the principal use on parcel on which it is located. Solar Farms are designed for providing energy to off-site uses or export to the wholesale market. Solar Farms, including those that are not permitted or regulated by the State of Minnesota Public Utilities Commission (PUC), shall be regulated as following:
- I. Solar Farms shall be prohibited in all zoning districts within the City.
- e. Additional Standards. In addition to the standards allowed above, all SES shall meet the following standards:

- I. The owners or operators of SES that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement;
  - II. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing;
  - III. All SES shall meet the standards of the Minnesota and National Electric Code;
  - IV. All SES using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare;
  - V. Setbacks. All SES structures and equipment shall meet the setback and coverage limitations for the zoning district in which the system is located;
  - VI. Abandonment. Any SES which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit;
  - VII. Building Permit. A building permit shall be obtained for any SES prior to installation; and
  - VIII. All SES shall meet all federal and state requirements including the Public Utilities Commission (PUC) requirement and size requirements.
- G. Hydronic Furnaces. Accessory use of a wood fired furnace, stove or boiler not located within a building intended for habitation by humans or animals shall be allowed as an interim use only within the AG Agricultural District, subject to the following provisions:
1. Minimum Lot Area. The minimum lot area for use of an accessory hydronic furnace shall be ten (10) acres;
  2. Setbacks. Hydronic furnaces shall be set back a minimum of one hundred feet (100') from all property lines;

3. Burning Material. Material to be burned shall be limited to corn, pellet materials or natural, dry wood that has not been painted, varnished or coated in any way, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products;
4. Exterior Storage. Outdoor storage of burning material shall be in accordance with Section 1501.025.;
5. Other Requirements. All requirements for installation and maintenance shall be met including, but not limited to, local, state and federal regulations and manufacturer's specifications and shall be EPA phase II qualified;
6. Permit Termination. The interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:
  - a. The property on which the hydronic furnace is located is zoned to other than an Agricultural district;
  - b. The property on which the hydronic furnace is located is subdivided and the resulting lot area is less than ten (10) acres; and
  - c. Any of the events outlined by Section 1501.007.D.

#### H. Prohibited Characteristics of Alternative Energy Systems.

1. No alternative energy system shall be constructed within twenty feet (20') laterally of any overhead power line (excluding secondary electrical service lines or service drops). Setbacks from underground distribution lines shall be at least ten feet (10').
2. An alternative energy system utilizing a rotary blade shall not have an arc diameter greater than thirty-three feet (33').
3. An alternative energy system shall not cause radio and television interference.
4. For wind speeds in the range of 0-25 mph, wind turbines shall not cause a sound pressure level in excess of 60 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling. This level, however, may be exceeded during short-term severe windstorm events.
5. No alternative energy system shall violate MPCA noise standards, air quality standards, or otherwise result in a nuisance source of noise.

6. No alternative energy system shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
7. No alternative energy system shall be located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
8. No alternative energy system shall display any advertisement, nor shall it be used for any purpose other than for alternative energy.
9. No alternative energy system shall be erected which contains, includes or is illuminated by any flashing light or lights, except as required by law.
10. No alternative energy system shall be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle. Further, all systems shall be constructed as to prevent beams or rays of light from being directed at any portion of a building or residence.

I. Permits for Alternative Energy Systems.

1. Compliance With Law. All alternative energy systems shall be constructed in accordance with all applicable building and electrical codes and comply with all applicable federal, state and local laws and regulations.
2. Required Alternative Energy System Permit. Except as otherwise specifically authorized, no alternative energy system shall be located, constructed, erected, moved, reconstructed, extended, enlarged or structurally altered within the City until a permit for the system ("system permit") has been issued by the City. No system permit shall be issued for a system not in conformity with the regulations applicable to such system. An application for a system permit shall be accompanied by the fee as specified in the City Fee Schedule. No application will be considered unless and until the required fee has been paid by the applicant to the City Clerk. The alternative energy system permit will include:
  - a. Recorded property easements;
  - b. A description of the project including: number, type, height, diameter of all alternative energy systems;
  - c. Site layout, including location of property lines, roads, ground source heat pump, wind turbine, or solar panel, electrical wires, interconnection points with the electrical grid, and all related accessory structures;

- d. Engineer's certification; and
  - e. Interconnection Agreement.
3. Duration. Any system permit issued by the City under this section shall be valid for a period of 12 months from the date of issuance. If the construction of the system is not completed within 12 months from the date of its issuance, the system permit shall be void, and the site for which the permit was sought shall be returned to the condition it was in prior to the issuance of such system permit.
  4. Zoning Certificate. In addition to the system permit required by this section, a zoning certificate must be obtained from the City prior to the construction of any system. An application for a zoning certificate shall be accompanied by the fee as specified in the City Fee Schedule.
  5. Building Permit. In addition to the system permit and zoning certificate required by this section, a building permit must be obtained from the City prior to the construction of any system when construction activity is of such a nature that a building permit is required.
  6. Application Requirements. Building permit applications for any alternative energy systems shall be accompanied by standard drawings depicting the specifications and location of the alternative energy system and any other documentation as required by the City. An application for a building permit shall be accompanied by the fee as specified in the City Fee Schedule.
- J. Conditional Use Permit. Deviations to the standards in this section may be permitted as a conditional use. In granting a conditional use permit, the City Council shall consider the criteria in Section 1501.006. and the following additional criteria unique to alternative energy systems:
1. That the deviation is required to allow for the improved operation of the alternative energy system;
  2. That the alternative energy system has a net energy gain;
  3. That the alternative energy system does not adversely affect solar access to adjacent properties;
  4. That the alternative energy system complies with all other engineering, building, safety and fire regulations; and
  5. That the alternative energy system is found to not have any adverse impacts on the area, including the health, safety and general welfare of occupants of neighboring properties and users of public rights-of-way.

- K. Interpretation. In interpreting Section 1501.018. and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This section shall be construed broadly to promote the purposes for which it was adopted.
- L. Conflict. Section 1501.018., is not intended to interfere with, abrogate or annul any other ordinance, code section, rule or regulation, statute or other provision of law except as provided herein. If any provision of this section imposes restrictions different from any other ordinance, code section, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes higher standards shall control.

**1501.019. Wireless Telecommunications Services.**

- A. Definitions. The following words and terms, when used in this Ordinance, shall have the following meanings unless the context clearly indicates otherwise:
1. Accessory Structure. Any structure subordinate to and serving the principal use on the same lot, attached or detached, and clearly and customarily incidental thereto.
  2. Antenna. Any structure or device used for the purpose of collecting, receiving, transmitting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.
  3. Commercial Receiving or Transmitting Antenna. Any antenna erected for the commercial use of information.
  4. Private Receiving or Transmitting Antenna. Any antenna erected for the noncommercial use of information.
  5. Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communications services (pcs), specialized mobilized radio (smr), enhanced specialized mobilized radio (esmr), paging, and similar services that are marketed to the general public.
  6. Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land-line telephone services to the general public. For the purpose of this Ordinance, commercial wireless telecommunication services shall not be considered public utility uses, and are defined separately.

7. Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas). Towers or antenna towers shall be considered antennas by definition.
  8. Tower, Multi User. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.
- B. Purpose and Intent. The purpose of this Ordinance is to establish balanced regulations for the construction and maintenance of wireless communication equipment in order to accommodate the growth of wireless communication systems within the City of Winsted while protecting the public against adverse impacts on the City's aesthetic resources and the public welfare. In order to accommodate the communication needs of residences and businesses while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:
1. Facilitate provision of wireless communications services to the residences and businesses of the City;
  2. Minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
  3. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and
  4. Maximize use of any new or existing communication tower to reduce the number of towers needed to serve the community.
- C. Existing Towers and Antennas. Antennas, towers and accessory structures in existence as of June 1, 2001, which do not conform to or comply with this section are subject to the following provisions:
1. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance; and
  2. If such towers are damaged due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimension upon obtaining a building permit, except if it is destroyed to the extent of more than fifty percent (50%) of the assessed market value, then it shall not be restored unless the use of such structure shall thereafter conform to this section.



D. General Requirements for Commercial Telecommunications Towers and Antennas.

1. Towers and antennas less than two hundred feet (200') in height above ground level (AGL), for wireless communications facilities are permitted upon the issuance of a conditional use permit pursuant to this Ordinance.
2. Antennas or towers shall be located on the following property:
  - a. Municipally owned land or municipally owned structures (in either such location, to be subject to a Lease Agreement to be entered into between the City and the proposed user including such terms and conditions including rent that the City Council deems appropriate under the circumstances; or
  - b. On any land located within the City of Winsted that is zoned as an Agricultural or Industrial district.
3. Antennas attached to existing structures shall not exceed twenty feet (20') above the highest point of the structure.

E. Conditional Use Permit Requirements. Construction and maintenance of a wireless communication services requires a conditional use permit issued by the City.

1. In reviewing an application for a conditional use permit for the construction and maintenance of wireless communication services and supporting towers and accessory structures, the City shall consider the effect of the proposed use upon the health, safety, convenience and general welfare of occupants of surrounding lands, the effect on property values of property in surrounding areas, and the effect of the proposed use on the comprehensive plan.
2. In applying for a conditional use permit, the applicant shall provide the following information:
  - a. Documentation illustrating compliance or pending compliance with FAA and FCC authorization procedures;
  - b. Sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons;
  - c. Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a one and a half (1.5) mile radius) clearly explaining why the site was

selected, and a completed environmental assessment worksheet, including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations;

- d. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons:
  - I. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost;
  - II. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost;
  - III. No existing or approved tower industrial sites within a one and a half (1.5) mile radius meet the radio frequency (RF) design criteria;
  - IV. Existing or approved tower and commercial/industrial sites within a one and a half (1.5) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer; and
  - V. A good faith effort to co-locate on existing towers and structures within one and a half (1.5) mile radius was made, but an agreement could not be reached;
- e. A certified survey showing the location of the proposed tower/antenna;
- f. A detailed screening plan;
- g. A report from a qualified and licensed professional engineer that:
  - I. Describes the tower height and design with cross section and elevation;

- II. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation between antennas;
  - III. Describe the number and type of antennas that can be accommodated;
  - IV. Documents the steps the applicant will take to avoid interference with public safety telecommunications; and
  - V. Includes the engineer's stamp and registration number; and
    - h. A letter of intent committing all commercial wireless telecommunications service towers to allow the shared use of the tower if an additional user agrees, in writing, to meet reasonable terms and conditions for structures.
- F. Conditional User Permits, Not Required. A conditional use permit is not required in the following circumstances:
- 1. Antennas and towers used by the City for City purposes;
  - 2. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor;
  - 3. Antennas or towers erected temporarily for test purposes or for emergency communications. Temporary antennas shall be removed within seventy-two (72) hours following installation; and
  - 4. Antennas mounted on water towers, public structures or on the roofs of existing public buildings not exceeding twenty (20) feet above the principal structure.
- G. Fees. Fees issued for a conditional use permit pursuant to this Ordinance shall be set from time to time by City Council resolution. The City shall not be responsible for incurring any of the costs associated with providing expert opinions or any charges associated with the approval of this conditional use permit. The applicant shall also be responsible for the fees associated with the need for the City's consulting engineers to review the applicant's plans. In addition to any fees associated with the conditional use permit, the applicant must also submit a performance bond to guarantee all construction and maintenance of the tower.
- H. Standards for the Issuance and Continuation of a Conditional Use Permit. All antennas/towers constructed, and all writing therefore, shall comply with the following requirements:

1. Towers shall be certified by a registered professional engineer under the laws of the State of Minnesota and shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the Electronics Industry Association;
2. An agreement providing for co-location and prompt removal of unused or obsolete towers shall be attached and become part of the permit;
3. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority on part of any antenna or tower, no lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way of a public street or highway, sidewalk, or property line;
4. Any ground mounted tower/antenna design shall be such that the antenna will withstand high velocity wind and seasonal storms. The tower/antenna shall be maintained by the applicant so as to assure that it remains upright;
5. Applicant must obtain Federal Aviation Administration approval or provide documentation that Federal Aviation Administration approval is not needed;
6. Application must obtain Federal Communication Commission licensure and approval as required for various communications applications. Applicant shall follow Federal Communication Commission regulations regarding the correction or prevention of any radio frequency interference problems;
7. Complete screening shall be provided surrounding all towers in excess of fifteen feet (15') in height from ground level. This screening shall be provided to a height necessary to cover all supporting equipment or buildings needed to support this tower. This screening shall be one hundred percent (100%) opaque. The applicant shall also fence off the tower/antenna with a minimum of a six foot high fence or barrier with a located gate to prevent public access;
8. Towers and antennas shall be designed to blend into the surrounding environment through the use of a natural color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
9. Commercial wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would better blend into the surrounding environment;
10. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State or local authorities;

11. Applicant must submit proof of liability and Worker's Compensation insurance. All communication towers, their antennas, and associated equipment shall be insured in the sum of at least \$1,000,000 for injury or property damage caused by structural failure of the tower or associated equipment. Proof of all of said insurance shall be provided to the City on an annual basis. The insurance policy shall name the City of Winsted as an additional insured; and
  12. The permit will be subject to annual administrative review.
- I. Tower Setback. Towers shall conform to each of the following minimum setback requirements:
1. Towers shall be set back from the lot line as shown on a registered land survey by a minimum distance equal to one half of the height of the tower including all antennas and attachments. In industrial and agricultural zoning districts, towers may encroach into the rear setback area, provided that the rear property line abuts another industrially or agriculturally zoned property and the tower does not encroach upon any easements.; and
  2. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- J. Lights or other Attachments. No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
- K. Towers Supporting Amateur Radio Antennas and Towers. In residential, commercial and agriculture districts, private towers supporting amateur radio antennas/towers may be constructed subject to the following:
1. That such structures are incidental to the principal use of the premises;
  2. Such structures shall not exceed thirty feet (30') in height as measured from ground level. Any proposed structure in excess of thirty feet (30') feet shall be by Conditional Use Permit;
  3. Metal structures shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with rot-resistant, non-flammable substances;

4. Every tower affixed to the ground shall be protected to discourage climbing of the tower;
  5. Such structures shall be screened to the greatest extent practicable to minimize visual impact on surrounding properties. Screening shall include landscape materials for ground-mounted tower/antenna structures. The City shall approve screening plans;
  6. No tower/antenna shall have affixed or attached reflectors unless required by the Federal Aviation Administration or Federal Communications Commission; and
  7. A building permit shall be obtained prior to construction of such tower/antenna. All towers may be inspected at least once a year by the City Building Inspector to determine compliance with original construction standards.
- L. Violations. Notice of violations will be sent by registered mail to the owner and the owner shall have thirty (30) days from the date the notification is issued to correct the violation. The owner shall notify the building official that the corrections have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results. If the owner of the tower does not correct the violations, the City will then take the necessary steps in this Ordinance to revoke the user's conditional use permit. Revocation of the conditional use permit will result in the need to take down the tower. If the tower is abandoned by the owner, and is not removed, the City shall have the right to use the bond submitted to the City with the initial application to pay for the removal of the tower.

#### **1501.020. Signs.**

- A. Purpose. Regulations governing signs are established to allow effective signage appropriate to planned character of each district, to promote an attractive environment, to minimize adverse effects on nearby property, and protect the public health, safety, and welfare.
- B. Permit Required. Except as otherwise provided in this Ordinance no sign or structure shall be erected, constructed, altered, rebuilt, or relocated except as provided in this Ordinance and until a permit has been issued by a City Administrator or designee upon application submitted in such form as the City requires.

It shall be the duty of the City Administrator or designee, upon the filing of an application for a sign permit as required by this Ordinance, to examine such plans

and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with the requirements of this Ordinance, the building code of the City and all other laws and Ordinances of the City, the City Administrator or designee shall then issue the sign permit. Such application shall be accompanied by a fee in accordance with the schedule established annually by the Winsted City Council.

C. Application. The following information shall be supplied by an applicant for a sign permit:

1. Name, address and telephone number of person making the application;
2. Site address where the sign will be erected;
3. Two copies of the site plan drawn to scale, showing the location of lot lines, building structures, parking areas, existing and proposed signs, and any other physical features;
4. Plans, location, type of construction and specifications, including dimensions, height, style and illumination;
5. Written consent of the owner or lessor of any site on which the sign is to be erected; and
6. Such other information as the City shall require; showing full compliance with this and all other laws and ordinances of the City

D. Signs Not Requiring a Permit.

1. Official public notices or warning signs required by local, state, or federal law, including but not limited to traffic control and other regulatory purposes.
2. Any political campaign sign in compliance with Minn. Stat. § 211B.045 and erected in compliance with this Ordinance.
3. The replacement of any sign matching the same size and location of the previous sign.
4. Temporary signs erected in compliance with this Ordinance.
5. Real-Estate signs erected in compliance with this Ordinance.
6. Signs advertising a community event or fundraiser. Signs must be removed no more than seven (7) days after the event. Signs under this provision may not be erected more than thirty (30) days prior to the event.

7. Home security signs not exceeding two (2) square feet in area.

E. General Sign Conditions.

1. **Wall Sign.** Wall signs may not extend more than eighteen inches (18") from the wall they are attached to. Wall signs may not exceed more than twenty percent (20%) of the wall area that they are affixed to except as regulated in Section 1501.020.I.

2. **Temporary Banner or Portable Signs.** A temporary banner or portable sign made of plastic or other similar material.

Properties zoned in the highway commercial and industrial districts may place one free standing temporary banner or portable sign on a property.

The Winsted City Council shall annually set days in which requirements for banner and portable signs shall be waived to coincide with special events or celebrations. Banner and portable signs erected during these designated times, must be removed immediately upon the end of the appointed day and time as set by the Winsted City Council.

Temporary and portable signs may be no larger than sixty (60) square feet.

3. **Projecting Sign.** A sign, other than a wall sign, that is attached to and projects from the building facade. In no case may a projecting sign extend beyond the top of the wall to which it is attached.

4. **Freestanding Sign.** Freestanding signs shall not exceed eighty (80) square feet per sign face, no more than one freestanding sign is permitted on any site and freestanding signs must be located at least five feet (5') from any property line except as regulated in Section 1501.020.I. Freestanding signs are not permitted in the Downtown Commercial District.

One additional freestanding sign may be allowed on a property upon acquiring a conditional use permit. The sign must be of similar size and design as the existing sign on the property except as regulated in Section 1501.020.I.

5. **Awning Sign.** Awning Signs shall have a minimum clearance of eight feet (8') above a public sidewalk or right-of-way.

6. All temporary banners or portable signs including, but not limited to, real estate signs, garage sale signs, advertising signs or other signs, of any nature whatsoever, shall be removed from their placement within seventy-two (72) hours of the expiration of the event or purpose for which the sign was



placed, or such designated times allowed pursuant to this section of the Municipal Code of Winsted.

7. All permanent signs on an individual property shall be designed and constructed in a uniform manner.
8. Multi-tenant commercial and industrial buildings shall have uniform signage.

F. Prohibited Signs. The following signs shall be prohibited in all zoning districts:

1. Signs placed within the right-of-way, except for canopy or projecting signs within the C-1 Downtown Commercial District;
2. Billboard signs;
3. Roof signs or signs mounted on the roof of a building or on a parapet wall;
4. Sign placed on municipal property, other than official signs for City use;
5. Signs erected that imitate or resemble official traffic or government signs;
6. Signs placed on vehicles or trailers which are parked or placed for the primary purpose of displaying said sign;
7. Signs erected greater than a height of fifteen feet (15'). Signs will be measured from the top of the sign to the ground;
8. Signs placed upon or fastened or supported by utility poles, street signs, street lights, trees or rocks shall not be allowed;
9. Signs in any residential district excluding signs as permitted in this Municipal Code under Section 1501.020.I.;
10. Signs erected that, by reason or position, shape, or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal. There shall be no use of revolving beacons, beamed lights, or similar devices that should so distract motor vehicle traffic as to constitute a safety hazard. No sign shall interfere with the ability of vehicle operators or pedestrians to see traffic signals or encroach upon the traffic sight visibility triangle;

11. Illuminated signs shall not be permitted within any residential district, except as regulated in Section 1501.020.I.;
12. Signs painted directly on the outside wall or roof of the building shall not be permitted in any zoning district. Signs shall not be painted on sheets, plywood, fences, rocks, or similar structures or features in any district. Paper and similar signs shall not be attached directly to a building by an adhesive or similar means. This sub-section shall not apply to signs used for purposes of air traffic direction and navigation;
13. Signs containing obscene language or actions;
14. Abandoned or dilapidated signs; and
15. Any other sign not expressly permitted by the provisions of these regulations.

G. Temporary Signs.

1. Temporary Real Estate Signs. For purposes of selling, renting or leasing property, two (2) temporary real estate sign not in excess of ten (10) square feet per surface may be placed within the front yard of such property to be sold or leased.
2. Signs for Selling Residential Property. For the purpose of selling or promoting a residential project of six (6) or more dwelling units, a commercial area of three (3) acres or more, or an industrial area of ten (10) acres or more, one sign not to exceed eighty (80) square feet of advertising surface may be erected upon the project site. Such signs shall not remain after ninety percent (90%) of the project is developed. The permit for such signs shall be issued for a one (1) year period whereupon it may be renewed by the council providing it is in conformance with this Ordinance.
3. Garage Sale Signs. For the purpose of advertising for a private sale of personal household possessions; not used for the use of any commercial venture. Signs may be placed during the days of operation of the sale, and may be installed one day before the first day of operation and must be removed no more than one day after the last day of operation. No garage sale sign may be erected for more than seven (7) days.
4. Election Signs. Election signs are permitted on private property in any zoning district provided such signs are removed within thirty (30) days following the election as related to the sign. No election sign shall be permitted in any residential district sooner than six (6) months preceding the election relating to the sign.

H. Sign Maintenance in all Districts.

1. Sign Maintenance.

- a. All signs shall be maintained by the sign owner in a safe condition. A sign shall be repainted whenever its paint begins to fade, chip, or discolor.
- b. Any sign or sign apparatus now or thereafter existing which no longer advertises an existing business at the location or a product sold shall be taken down and removed by the owner of the property or their agent upon which said sign is located within ten (10) days upon certified written notice by the City of Winsted.
- c. Any sign that is located on City property, upon a street right-of-way, or attached to a street sign, light pole or similar device as described in this ordinance may be immediately removed without notice by the City Administrator or designee. The City has the right to destroy said sign, not in compliance with this provision, within thirty (30) days.

I. Signs Permitted in Residential Districts. Within the residential district, the following signs are permitted and additional regulations apply:

1. Nameplate Signs.

- a. One nameplate sign for each dwelling group of six (6) or more units, and such sign shall not exceed six (6) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces; and
- b. One nameplate sign for each permitted use or use by conditional permit (permitted home occupation) other than residential and such sign shall not exceed four (4) square feet in area per surface;

2. Symbols, statues, sculptures and integrated architectural features on non-residential buildings may be illuminated by flood lights provided the direct source of light is not visible from the public right-of-way or adjacent residential district;
3. Garage Sale Signs. Garage sale signs as regulated by temporary sign provisions in this Ordinance;
4. Banner and Portable Signs. Banner and portable signs are expressly not permitted within a single family residential district;
5. Governmental and public utility buildings and structures, public or semi-public recreational buildings and community centers, churches, nursing

homes, rest homes, homes for the aged, clinics and other buildings for the treatment of human beings, funeral homes, public parks, libraries, museums, schools, memorial buildings, hospitals and cemeteries shall be allowed the following signs:

a. Freestanding sign.

- I. Number Allowed: One sign is allowed per lot, except that one additional sign shall be allowed for each additional street the lot fronts;
- II. Area. The area of each sign may not exceed eighty (80) square feet per sign face;
- III. Monument Type; Height: The sign shall be a monument type with a maximum height not to exceed ten feet (10');
- IV. Changeable Copy Signs: Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed; and
- V. Illumination. Each freestanding monument type sign shall be allowed to use illumination to light the sign. Illumination may come from inside the sign or from a separate detached light;

b. Wall signs.

- I. Not more than one sign larger than one hundred (100) square feet shall be allowed on one facade fronting a public street, except in the case of a corner lot or through lot where one additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street; and
- II. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance;

J. Signs in the Downtown Commercial District. All signs requiring a permit in the Downtown Commercial District shall conform to any ordinance of the City regarding downtown design guidelines;

K. Unsafe Signs.

1. If the City Administrator or designee shall find that any signs or other advertising structures regulated herein are unsafe or insecure, or is a menace to the public, or has constructed or erected or is being maintained in violation of the provisions of this Ordinance, the City Administrator or designee shall

give written notice to the holder of the permit. If the holder of the permit fails to remove or alter the structure so as to comply with the standards required by this Ordinance and indicated by the City Administrator or designee within ten (10) days after the issuance of such notice, such sign or billboard or advertising structure may be removed or altered to comply with the City Administrator or designee at the expense of the holder of the property owner.

2. The City Administrator or designee shall refuse to issue a permit to any applicant or owner who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure or billboard which is an immediate peril to persons or property to be removed summarily and without notice;

L. Non-conforming Signs. Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size, or location does not conform to the provisions of this Ordinance; however this exception does not pertain to any regulation pertaining to sign maintenance, unsafe signs or temporary signs. An existing non-conforming sign upon change of location, size, height, or design shall be made to comply with this Ordinance; and

M. Revoke Permit. The City Administrator or designee is authorized and empowered to revoke any permit upon failure of the holder of the said permit thereof to comply with any provisions of this Ordinance.

#### **1501.021. Fence Regulations.**

A. Intent. The purpose of the Ordinance is to regulate minimum standards for the construction, erection and placement of fencing to ensure orderly and attractive development in the City of Winsted.

B. Definition of Fence. The word fence shall be construed to mean a partition made from rails, timbers, chain link, boards, stone walls, hedges, vinyl or any other materials.

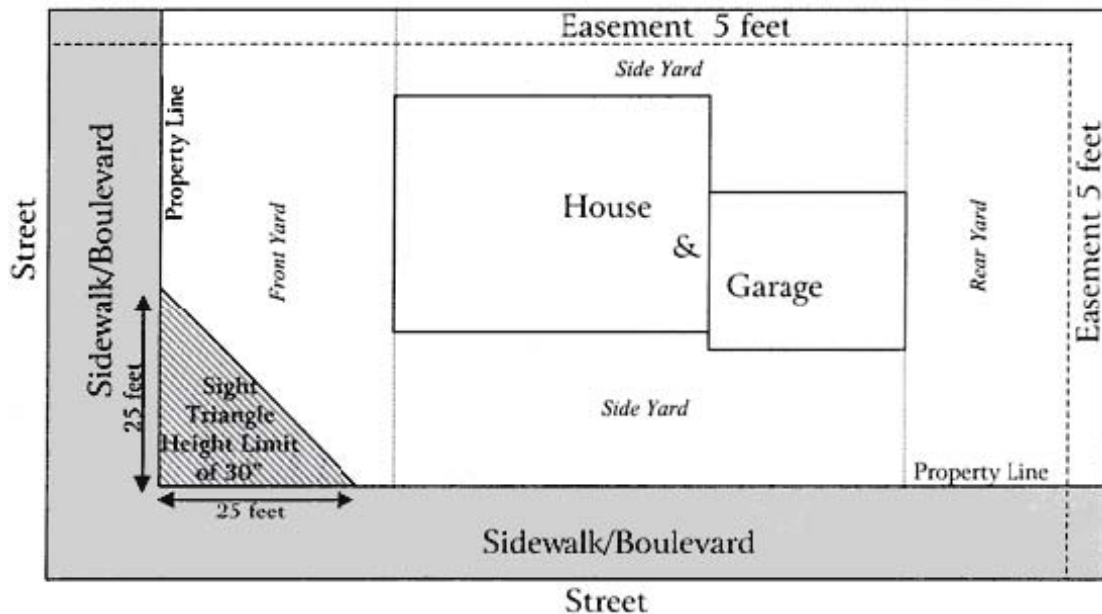
C. Permit Required. No person or other entity shall construct or erect any fence without first obtaining a building permit from the City Administrator or designee of the City of Winsted. Fence permit fees shall be established annually by the City Council.

D. Location. All fences must be located entirely upon the private property of the person or entity constructing or causing the fence to be constructed or erected. Fences shall not encroach on any public right-of-way or public property. The City Administrator or designee may require an applicant for fence permit to establish a true boundary line as required below.

1. Property Line Fences. Fences constructed at the limits of a property shall comply with the following provisions:
    - a. Fences, including footings, shall be located entirely upon the private property for which the permit has been issued; and
    - b. The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:
      - I. Locating their property irons; or
      - II. If the property lines cannot be located, the City Administrator or designee may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence, to establish the boundary lines of the property by requiring a certificate of survey prepared by a registered land surveyor. The City does not provide or pay for surveying services.
    - c. Fences in easements shall not impede the flow of water. If the City needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.
  2. Yards Abutting Public Rights of Way. Fences located within front yards, within side yards of a corner lot, or within rear yards of a double frontage lot abutting a public right of way or an alley.
    - a. A fence constructed within the front yard, within a required side yard of a corner lot abutting a public right of way or alley, or within the required rear yard of a double frontage lot abutting a public right of way or alley shall be set back ten feet (10') from the property line abutting a public right of way or alley, except where additional setback is required for the traffic sight visibility triangle.
- E. Residential and Commercial Fencing. All fencing located within any Residential or Commercial district, as defined in this Section, shall be subject to the following conditions:
1. All fencing located within the front yard, shall not exceed four feet (4') in height. Fences located within the front yard setback may not be chain link. Fences located on the side or back yards may not exceed six feet (6') in height and shall be no closer to the front lot line than a point intersecting the front line of the principal building;

2. Fences shall not exceed thirty inches (30") inches in height within a corner traffic sight visibility triangle. A traffic sight visibility triangle is defined by the traffic sight visibility triangle drawing appearing at the end of this Section;
  3. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side of the fence without exposed supports or posts;
  4. Approved residential fences include: stone, brick, finished wood, vinyl and chain link; and
  5. For interior lots, a gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard.
- F. Industrial Fencing. All fencing located within any Industrial district, as defined in this Section, shall be subject to all of the conditions mentioned in Section 1501.021.E. regulating residential and commercial fencing. In addition thereto, industrial fencing is subject to the following:
1. All fencing located within the front yard or side yard abutting a street, shall not exceed six (6') in height. Fences located on the side or back yards may not exceed eight feet (8') in height and shall be no closer to the front lot line than a point intersecting the front line of the principal building; and
  2. An industrial chain link fence may be constructed with three (3) strands of barbed wire when used above a height of eight feet (8') and provided the barbed wire projects over the property on the exterior side (i.e. applicant's side) of the fence. A conditional use permit must be obtained from the City prior to making application to installing barbed wire fencing. Barbed wire may not be used when the industrial use immediately borders an adjacent residential or commercial use. Conditional Use Permits will be reviewed under the guidelines set forth in Section 1501.006.
- G. Agricultural Fencing. All fencing located within any Agricultural District, as defined in this Section, shall be subject to all of the conditions mentioned in Section 1501.021.E. regulating residential and commercial fencing. In addition thereto, agricultural fencing is subject to the following:
- a. Agricultural fences using electric current or barbed wire fence are allowed within the Agricultural district unless the fence immediately borders an adjacent residential or commercial use.
- H. Prohibited Fences. The following fences are prohibited in all zoning districts: fences utilizing electric current; fences utilizing razor wire; fences utilizing barbed wire, except as allowed in an Agricultural or Industrial district, as specified in Sections 1501.021.G. and 1501.021.F.

- I. Violation. The City Administrator or designee may deem any fence which through lack of repair, type of construction or which otherwise imperils life, health, property, or aesthetic quality of a neighborhood shall be deemed a violation of this Ordinance subject to the penalties prescribed herein below.
- J. Penalty. Violation of any provisions of this Ordinance will be a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.
- K. Conflict. To the extent this Ordinance conflicts with any other Chapter of the Winsted Municipal Code, this Ordinance shall control.



### 1501.022. Screening and Landscaping

- A. Screening Provisions. The purpose of this section is to establish standards for the installation of screening and landscaping as may be required by other sections of this Ordinance and to protect the general health, safety, and welfare of the City.
  - 1. General Provisions. In all zoning districts where yard setbacks exist or are required, the areas shall be kept clear of all structures and storage, except as otherwise allowed by this Ordinance. In the case of corner lots, the property shall have two (2) front yards. In those instances when screening is required, a screening or landscaping plan must be submitted to the Planning Commission and the City Council for review and approval.
  - 2. Required Screening.



- a. Screening. Where any commercial, industrial or institutional use, abuts a residential district, that use shall provide screening along the property line abutting any property in the residential district. Screening shall also be provided on the side of a commercial, industrial or institutional use across the street from a residential district. All the screening specifically required by this Ordinance shall be subject to Section [1501.025.N](#). related to traffic sight visibility triangles and shall consist of a greenbelt strip as provided for below:
  - I. A greenbelt planting strip shall consist of evergreen trees or deciduous trees and plants and shall be a minimum of twenty feet (20') in width and of a sufficient density to provide a substantially continuous visual screen at maturity of the installed plantings. This planting strip shall be designed to provide continuous visual screening to a minimum height of six feet (6'). The grade for determining height shall be the grade elevation of the building, parking lot or use for which the screening is providing protection, unless otherwise established by the City Administrator or designee. The planting plan and type of plantings shall require the approval of the City Administrator or designee. Plantings must provide at least seventy-five Percent (75%) opacity during growing season. Such plantings must also conform to the requirements of the landscape provisions in Section 1501.022.B.;
  - II. A fence or wall may also be installed, but not in lieu of the greenbelt. The fence shall be constructed of masonry, brick, vinyl or maintenance free composite materials. Such fence shall provide a solid screening effect and shall be no higher than six feet (6') in height or if in a Industrial District no higher than eight feet (8') in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the City Administrator or designee. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Administrator or designee. When walls or fences are used as a screening devise along a state or county road, walls and fences shall be setback a minimum of fifteen feet (15') from the road right of way with landscaping between the wall or fence and right of way;
  - III. Berms may also be used and earth berms shall be physical barriers that block or screen the view similar to a hedge, fence or wall.

- (a). Height. The height of the required earth berm shall be measured from the following:
    - i. Existing grade located next to but not on the earth berm when provided next to a common property line;
    - ii. The grade of the parking lot when used to screen off street parking areas; and
    - iii. From the centerline of the street when used to screen property from adjacent rights of way.
  - (b). Construction. Earth berms shall be constructed with slopes no steeper than one foot (1') vertical for each three feet (3') horizontal, with a minimum two foot (2') wide crest on top of the berm. Earth berms may undulate in height and from side to side, provided that the minimum opacity requirements are met.
  - (c). Protection from Erosion. All earth berms shall be planted with sod, ground cover, or other suitable live plant material to protect the earth berm from erosion so that it retains its height and shape.
  - (d). Existing landscape material in good condition may be used to satisfy the requirements of this section in whole or part when, in the opinion of the City Administrator or designee, such material meets the requirements and intent of this Ordinance.
- b. Screening of Outdoor Storage Areas. Outside storage areas shall be screened from all public roads, residential and commercial districts, from front and side lot lines in all cases and from rear lot lines except when the rear yard is immediately adjacent to an agricultural or industrial use.
  - c. Screening of Mechanical Equipment. All rooftop and ground mounted mechanical equipment of residential buildings having five (5) units or more and of nonresidential buildings shall comply with the following standards:
    - I. All rooftop and ground mounted mechanical equipment shall be screened so as to mitigate noise in compliance with Section 1501.016.J.;
    - II. All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building. Screening of and landscaping around the equipment may be

required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening; and

III. Rooftop mechanical equipment less than three feet (3') in height may be exempt from screening requirements by the City Administrator or designee.

3. Maintenance Requirements.

- a. The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.
- b. Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.
- c. Areas left in a natural state and vegetative screening area shall be properly maintained in a neat and well kept condition.
- d. Diseased, dying or dead vegetative screening elements shall be removed and then replaced, at a minimum, with health plants of the same size required when first planted.

B. Landscape Provisions.

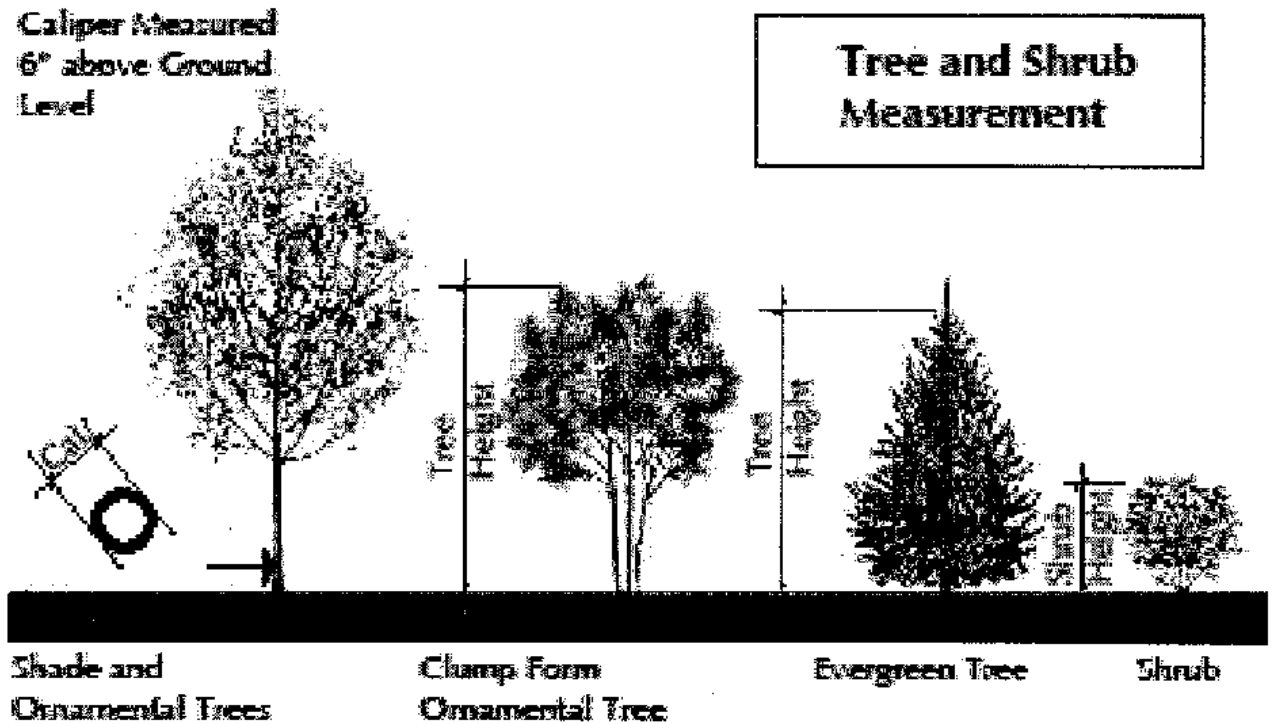
1. General Mandatory Landscaping and Maintenance.

- a. All exposed ground areas, including street boulevards, and areas not devoted to off street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees (except in boulevard portions of the public right of way) or other ornamental landscape materials within one (1) year following the date of building occupancy, as determined by the certificate of occupancy.
- b. All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.

- c. Fences or plantings placed upon drainage and utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall not exceed fifteen feet (15') in height, and such trees shall be the property owner's responsibility to maintain.
2. Required Landscaping. Required landscaping for new residential subdivisions and commercial, industrial or public and institutional uses shall include plantings at the property perimeter including yards fronting a state or county road, off street parking perimeter landscaping and interior landscape plantings.
- a. Landscaping Plan Requirements. When landscaping is required, a landscaping plan must be submitted to the City for Planning Commission review and comment and City Council approval based on the following requirements:
    - I. The plan must be drawn at a scale of not less than one inch (1") equals fifty feet (50');
    - II. Boundary lines of property with dimensions based upon certified survey;
    - III. Location of all existing or proposed streets, rights-of-way, utility easements, buildings, parking areas or water bodies;
    - IV. Location of typical sections and details of all fences, tie walls, retaining walls, berms and landscaped islands, planter boxes, planting beds and foundation plantings with the plan materials identified;
    - V. Location and appropriate detail of all required screening showing the relationship of the screening to the development site and adjacent property;
    - VI. Planting details indicating common name and location of all new plant materials;
    - VII. Location and common name of existing trees and shrubs; and
    - VIII. Details of sodding and seeding, including the delineation of area and square footage.
3. Standards and Criteria. All landscaping required by this section shall conform to the following standards and criteria.

- a. Minimum Size. All plants must at least equal the following minimum size in conformance with American Nursery Association standards measured from the top of the ball or container to the top of the tree/shrub or bottom of the evergreen leader as shown below.

Shade trees	Balled and Burlapped/Container
Ornamental trees (flowering crabs, hawthorn serviceberry)	2½ inch diameter
Coniferous evergreen trees	2 inch diameter, 6 - 7 foot, clump form
Tall shrubs and hedge material (evergreen or deciduous)	8 feet
Low shrubs:	3 - 4 feet
Deciduous	18 - 24 inch
Coniferous evergreen	18 - 24 inch
Spreading coniferous evergreen	18 - 24 inch spread



- b. Spacing.

- I. Plant material centers shall not be located closer than five feet (5') from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways.

- II. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the City.
  - III. Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted not more than fifteen feet (15') apart.
  - IV. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four feet (4') on center or closer, or, evergreen shrubs shall be planted three feet (3') on center or closer.
- c. Types of New Trees. Trees suitable for complying with this section shall be limited to those specified below, or as approved by the City Council.

I. Coniferous Trees.

Arborvitae (White Cedar).
Fir, Douglas.
Fir, White
Hemlock, Canada (Eastern)
Junipers
Larch, Eastern (Tamarack)
Larch, European
Pine, Austrian
Pine, Eastern White
Pine, Mugo
Pine, Ponderosa
Pine, Red (Norway)
Pine, Scotch
Red Cedar, Eastern
Redwood, Dawn
Spruce, Black Hills
Spruce, Colorado Blue
Spruce, Norway
Spruce, White
Spruce, Japanese

II. Deciduous Trees.

Basswood
Beech, Blue
Birch, River

Canada Red Cherry, Shubert
Catalpa, Northern
Chokecherry, Amur
Chokecherry, Shubert's
Corktree, Amur
Crabapple (ornamental)
Dogwood, alternate-leafed
Elm, Accolade
Ginkgo (Male trees)
Hackberry
Hawthorns
Hickory, Bitternut
Honeylocust, Imperial
Honeylocust, Skyline
Ironwood
Kentucky Coffeetree
Lilac, Japanese tree
Linden, all varieties
Maple, all varieties
Mountain Ash, European and Showy
Mulberry, Red
Nannyberry
Oak, Burr
Oak, Chestnut
Oak, Pin
Oak, Red
Oak, Scarlet
Oak, Swamp White
Oak, White
Plum, American and Canada
Redbud, Eastern
Serviceberry
Walnut, Black

d. Prohibited Species of Trees.

- I. Boxelder.
- II. Eastern Cottonwood.
- III. Elm, except Accolade Elm.
- IV. Ginkgo.
- V. Poplar, except Sioux Poplar.

VI. Others as determined by the City.

e. Design.

- I. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the City.
- II. Turf slopes in excess of three to one (3:1) are prohibited.
- III. All ground areas under the building roof overhang must be treated with a decorative mulch or foundation planting.
- IV. Trees and shrubs shall not be planted in the right of way except as approved by the City Administrator or designee.
- V. Not more than fifty percent (50%) of the required number of trees shall be of one (1) species.
- VI. All plants required as part of an approved landscaping plan shall be maintained and kept alive and in good condition. Dead plants or plants in poor health shall be replaced in accordance with the approved landscape plan.

4. Off Street Parking Areas.

- a. Perimeter Requirements. All off street parking areas with five (5) or more parking spaces or any parking area within twenty feet (20') of a residential district shall be screened from view as follows:
  - I. Installation of shade, ornamental or evergreen trees in accordance with the spacing requirements of Sections 1501.022.B.1. and 1501.022.B.3.; and
  - II. For all commercial, public and institutional uses, and for those industrial uses abutting a county or state road, a continuous opaque barrier with a maximum height of thirty six inches (36") shall be provided along the perimeter abutting public rights-of-way and residentially zoned properties that consists of plantings, hedges, decorative or ornamental fences, walls or earth berms or any combination thereof.



- b. Interior Requirements. Any open off street parking area with fifty (50) or more parking spaces within Commercial or Industrial Districts shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsula or island types.
  - I. Protection. All landscaped areas shall be elevated above the pavement and surrounded by concrete curb except where approved by the City Engineer for stormwater management purposes.
  - II. Minimum Dimension. Landscape areas shall be no less than five feet (5') in any single dimension, measured from back of curb to back of curb.
  - III. Minimum Area. The minimum landscape area permitted shall be one hundred fifty (150) square feet.
- 5. Landscape Guarantee and Financial Surety. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, in good health, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.
  - a. Low Density Residential. Any new single family detached or two-family attached residential dwelling unit construction, which requires a building permit, shall require the applicant to submit cash, certified check or credit escrow payment acceptable to the City in the sum as stated on the City fee schedule to secure installation of the required landscaping.
  - b. Medium & High Density Residential, Commercial, Industrial and Public and Institutional. Any new attached residential dwelling unit with three (3) or more units, commercial, industrial and public and institutional construction which requires a building permit, shall submit cash, certified check, or credit escrow payment in the amount of 125% of the estimated landscaping cost, as determined by the City, for the site to secure installation of the required landscaping.
  - c. Refunding of Escrow or Letter of Credit. The escrow or letter of credit shall be returned in full to the applicant upon the City certifying that the landscaping improvements have been made and fully established on the property. Escrow funds will be forfeited to the City in the event the required landscaping is not completed prior to twelve (12) months after the date the certificate of occupancy is issued.

### **1501.023. Off-Street Parking Requirements.**

- A. Purpose. The regulation of off street parking spaces in this Ordinance is to alleviate or prevent congestion of the public rights of way and to promote the safety and general welfare of the public, by establishing minimum requirements for off street parking of motor vehicles in accordance with the intensity of utilization of various parcels of land or structures.
- B. Application of Off-Street Parking Regulations. The regulations and requirements set forth herein shall apply to all off street parking facilities in all of the zoning districts of the City.
- C. Site Plan Drawing Necessary. All applications for a building permit or a certificate of occupancy in all zoning districts shall be accompanied by a site plan, as specified in Section 1501.010., indicating the location of off street parking and loading spaces in compliance with the requirements set forth in this section.
- D. General Provisions.
  - 1. Floor Area. The term "floor area" for the purpose of calculating the number of off street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten percent (10%), except as may hereinafter be provided or modified.
  - 2. Reduction of Existing Off Street Parking Space or Lot Area. Off street parking spaces and loading spaces or lot area existing upon the effective date hereof shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
  - 3. Off Street Loading Space. Off street loading space shall not be counted towards supplying off-street parking space.
  - 4. Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by this Ordinance.
  - 5. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Ordinance.

6. Disability Accessible Parking. Disability accessible parking spaces shall be provided as applicable pursuant to Minn. Stat. § 169.345.
7. Restrictions On Parking.
  - a. Required accessory off street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, or storage of snow. All site plans required by this Ordinance shall illustrate the size and location of snow storage space on the property in question.
  - b. On and off street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable vehicles.
8. Repair Work. No motor vehicle repair work of any kind shall be permitted in conjunction with exposed off street parking facilities, except for temporary (not exceeding 8 hours) minor repairs of vehicles owned by the occupant or resident of the principal use for which the parking space is intended. No exterior storage of car parts is allowed at any time.
9. Calculating Space.
  - a. When determining the number of off street parking spaces results in a fraction, each fraction of one-half ( $\frac{1}{2}$ ) or more shall constitute another space.
  - b. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each eighteen inches (18") of such design capacity seating facilities shall be counted as one seat for the purpose of determining requirements.
  - c. Except as provided for under joint parking, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required.
  - d. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
  - e. Boulevard. The boulevard portion of the street right of way shall not be used for parking nor parking calculation.
10. Maintenance. It shall be the joint and several responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping, and required fences/screening.

11. Stall, Aisle and Driveway Design.

- a. Design Standards. Except as otherwise provided for herein, all off street parking facilities shall conform to the following design standards:

PARKING LOT DIMENSION TABLE

Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0°	9' 0"	23' 0"	9' 0"	12' 0"
	9' 6"	23' 0"	9' 6"	12' 0"
	10' 0"	23' 0"	10' 0"	12' 0"
20°	9' 0"	26' 4"	15' 0"	11' 0"
	9' 6"	27' 10"	15' 6"	11' 0"
	10' 0"	29' 3"	15' 11"	11' 0"
30°	9' 0"	18' 0"	17' 4"	11' 0"
	9' 6"	19' 0"	17' 10"	11' 0"
	10' 0"	20' 0"	18' 3"	11' 0"
40°	9' 0"	14' 0"	19' 2"	12' 0"
	9' 6"	14' 10"	19' 6"	12' 0"
	10' 0"	15' 8"	19' 11"	12' 0"
45°	9' 0"	12' 9"	19' 10"	13' 0"
	9' 6"	13' 5"	20' 2"	13' 0"
	10' 0"	14' 2"	20' 6"	13' 0"
50°	9' 0"	11' 9"	20' 5"	12' 0"
	9' 6"	12' 5"	20' 9"	12' 0"
	10' 0"	13' 2"	21' 0"	12' 0"
60°	9' 0"	10' 5"	21' 0"	18' 0"
	9' 6"	11' 0"	21' 3"	18' 0"
	10' 0"	11' 6"	21' 6"	18' 0"
70°	9' 0"	9' 8"	21' 0"	19' 0"
	9' 6"	10' 2"	21' 3"	18' 6"
	10' 0"	10' 8"	21' 3"	18' 0"
80°	9' 0"	9' 2"	20' 4"	24' 0"
	9' 6"	9' 8"	20' 5"	24' 0"
	10' 0"	10' 3"	20' 6"	24' 0"
90°	9' 0"	9' 0"	20' 0"	24' 0"
	9' 6"	9' 6"	20' 0"	24' 0"
	10' 0"	10' 0"	20' 0"	24' 0"

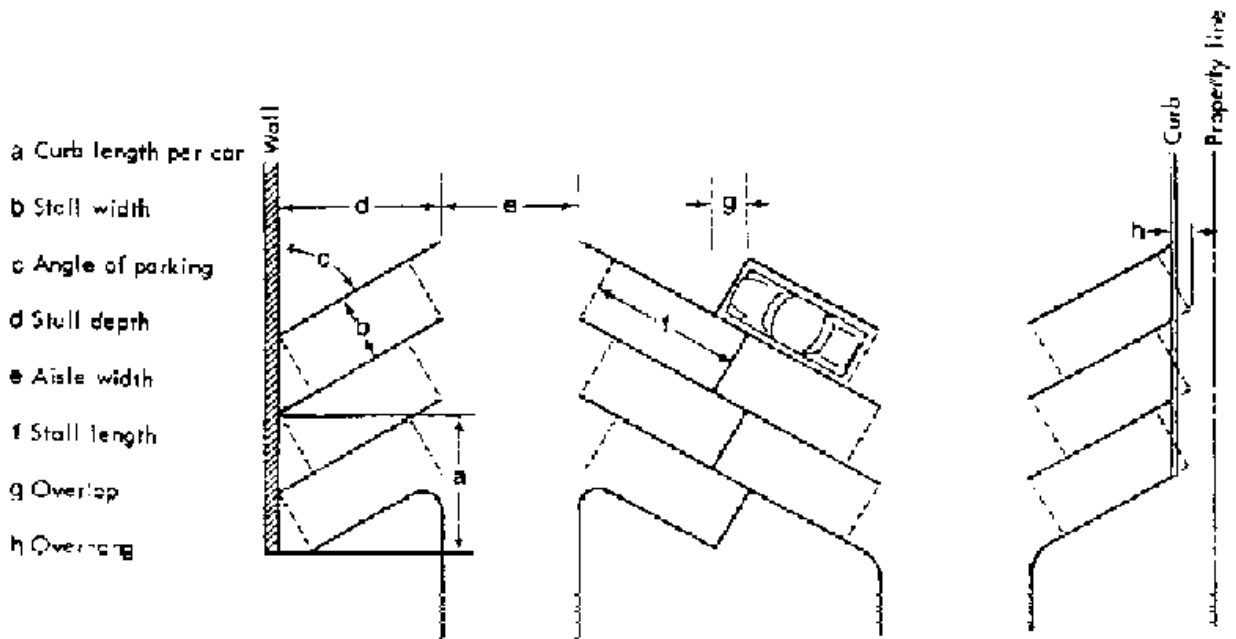
PARKING AREA AND DRIVE SETBACKS

Dimension	Land Use	Setback (Feet)
From private drives	All districts	15.0

Front yard and side yard abutting a street setback of parking and drive to lot line <sup>1</sup>	Agricultural and residential districts	15.0
	C-1 district	5.0
	C-2 district	15.0
	I-1 and A districts	15.0
Interior side and rear yard setback of parking to lot line <sup>1</sup>	All residential districts	5.0
	Commercial Districts	5.0
	Industrial & Special Districts	5.0

Note:

1. Joint or combined parking facilities on separate lots as authorized and when constructed adjacent to a common lot line separating two (2) or more parking areas are not required to observe the parking area setback from such common lot line. For commercial and industrial uses, side and rear yard setbacks shall be increased to front yard setback requirements when such side or rear yard abuts an residential district.



b. Parking Space Size. Except as may be specifically provided herein, parking space shall be not less than nine feet (9') wide and twenty feet (20') in length exclusive of snow storage and access aisles, and each space shall be served by access aisles as required by this Chapter.

c. Within Structures.

- I. The off street parking requirements may be furnished by providing stalls within the principal building or detached accessory structure.
- II. Parking stalls shall comply with the dimensions specified by Section 1501.023.D.11.a.
- III. Unless alternative provisions in compliance with this section and Ordinance are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity.

d. Circulation.

- I. Except in the case of single-family, two-family and townhouse dwellings, access and parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley.
- II. Except in the case of single-family, two-family and townhouse dwellings, access and parking area design which requires backing into the public street is prohibited.

e. Curb Cut Location & Driveway Access Spacing. Curb cut locations and driveway access spacing shall meet the following setbacks:

MINIMUM DRIVEWAY DISTANCE FROM INTERSECTING STREET				
Street With Proposed Driveway	Nearest Intersecting Street			Min. Spacing Between Adjacent Driveways
	Local Street	Collector	Arterial	
Local street:				
Residential	40 ft.	40 ft.	50 ft.	-
Commercial, Industrial, Institutional & Multi-family	50 ft.	50 ft.	90 ft.	50 ft.
Collector:				
Residential	40 ft.	40 ft.	50 ft.	-
Commercial, Industrial, Institutional & Multi-family	50 ft.	50 ft.	90 ft.	50 ft.
Arterial:				
Residential	NP	NP	NP	NP

Commercial, Industrial, Institutional & Multi-family	NP	NP	660 ft.	230 ft.
NP = Not permitted				

- I. The land uses identified in the aforementioned table reflect the site zoning designation.
  - II. Residential land uses identified in the aforementioned table are limited to single-family, two-family, and townhome dwellings.
  - III. Street functional classification shall be defined by the City of Winsted Pavement Management Plan.
  - IV. The setback measurement shall be measured from the edge of the street right of way to the nearest edge of the curb cut.
  - V. Driveways onto arterials and collectors shall be prohibited where alternative street access is available. For existing lots of record, where alternative access is not available, direct access onto arterial and collectors may be permitted, provided a site plan is submitted for review and approval of the City Engineer.
- f. Compliance. Except in the case of single-family, two-family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the standards outlined in this section and the following provisions
- I. Except as may be required or exempted by the City Engineer, drive aisles and parking stalls shall be constructed in accordance with the following minimum tonnage standards:
    - (a). One and one-half inch (1.5") wear course;
    - (b). Two inch (2") base course;
    - (c). Six inch (6") aggregate base (class 5); and
    - (d). Subgrade subject to City Engineer's approval.
  - II. A minimum one lift of surface as required by this section shall be installed prior to issuance of a certificate of occupancy or temporary certificate of occupancy.
- g. Curb Cut Width.

- I. No driveway curb cut access shall exceed twenty four feet (24') in width unless approved by the City Engineer.
  - II. Property access over a surmountable curb shall be limited to the area of the designated, paved driveway.
- h. Property Lines. Except as allowed by administrative permit from the City Administrator or designee, curb cut openings shall be a minimum of five feet (5') from the side yard property line in all districts.
- i. Grade Elevation.
- I. Parking Spaces and Areas. The grade elevation of any parking area shall not exceed five percent (5%), except as approved by the City Engineer.
  - II. Driveways. Unless approved by the City Engineer, the grade elevation of any driveway shall not exceed the following:
    - (a). Ten percent (10%) for single-family, two-family, and townhouse dwellings; and
    - (b). Five percent (5%) for all other uses.
- j. Number Allowed. Each property shall be allowed one curb cut access for each one hundred twenty five feet (125') of street frontage unless an administrative permit is approved by the City Administrator or designee. All property shall be entitled to at least one curb cut. Single-family uses shall be limited to one curb cut access per property unless an administrative permit is approved by the City Administrator or designee. Administrative permits for additional curb cuts shall be subject to the following criteria:
- I. The additional access is necessary to provide adequate on site circulation; and
  - II. The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this section.
- k. Surfacing.
- I. All driveways and parking stalls shall be surfaced with asphalt, concrete, cobblestone or paving brick, except for those uses specifically exempted below:



- (a). Farm dwellings and farm operations; and
  - (b). A detached accessory building that has a second driveway access from a side or rear yard adjacent to a street or alley. This driveway access shall not be the principal point of access to the lot.
- II. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the City Engineer's written approval.
- III. Legal nonconforming driveways and parking area surfaces existing on 8/21/2018. shall be regulated in accordance with Section 1501.015. and brought into compliance with this section at the time of any improvement on the property.
- l. Striping. Except for single-family, two-family, and townhouses, all parking areas of five (5) spaces or more shall be marked with white or yellow painted lines not less than four inches (4") wide.
  - m. Lighting. Any lighting used to illuminate an off street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights of way and shall be in compliance with Section 1501.016.F.
  - n. Curbing and Landscaping. Except for single-family, two-family, and townhouses, all open off street parking shall have a perimeter continuous concrete curb around the entire parking lot, unless otherwise approved by the City Engineer. Said curb shall be subject to the parking area and drive setbacks table in Section 1501.023.D.11. Additional setback may be required to accommodate landscaping.
  - o. Pedestrian Provision. All off street parking areas shall be designed with due regard to pedestrian circulation. Off street parking areas shall be designed such that vehicle and pedestrian circulation is accommodated in a safe, complementary and orderly fashion. When curb separated sidewalks are provided at the head of parking stalls, the minimum width shall be five feet (5').
  - p. Required Screening. All open, nonresidential off street parking areas of five (5) or more spaces shall be screened and buffered from abutting or surrounding residential districts in compliance with Section 1501.022.
  - q. Parking Lot Landscaping. All exposed parking areas shall be landscaped on all sides in compliance with Section 1501.022.

12. Parking Deferment. The City may allow a reduction in the number of required parking stalls for commercial, industrial, public and institutional, and multiple-family uses by administrative permit provided that.
- a. The proposed use will have a peak parking demand less than the required parking under Section 1501.023.F. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:
    - I. Size of building, or number of dwelling units and number of bedrooms per dwelling unit;
    - II. Type and use;
    - III. Number of employees or residents;
    - IV. Projected volume and turnover of customer traffic;
    - V. Projected frequency and volume of delivery or service vehicles;
    - VI. Number of company owned vehicles; and
    - VII. Storage of vehicles on site.
  - b. In no case shall the amount of parking provided be less than one-half ( $1/2$ ) of the amount of parking required by ordinance.
  - c. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this section if the parking demand exceeds on site supply.
  - d. On-site parking shall only occur in areas designed and constructed for parking in accordance with this section.
  - e. The applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the City Administrator or designee that such additional parking stalls are necessary to accommodate the use.
  - f. A change of use will necessitate compliance with the applicable zoning ordinance standard for parking.
- E. Location. All accessory off street parking facilities required by this section shall be located and restricted as follows:

1. Lot and Ownership. Required off street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Sections 1501.023.G. and 1501.023.H.;
2. Direct Access. Except for single-family, two-family, and townhouse dwellings, head in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited;
3. Off Street Parking. There shall be no required off-street parking within ten feet (10') of any public or private street surface. All off-street parking areas for residential properties other than single family detached, two-family and townhouses shall be ten feet (10') from the property lines; and
4. Prohibited in Yard. In the case of single-family, two-family, and townhouse dwellings, parking shall be prohibited in any portion of the front, side, or rear yard except on designated driveways leading directly into a garage or one open, surfaced space located on the side of a garage, away from the principal use, except as allowed during the winter months per the Municipal Code for the City of Winsted. Said extra space located on the side of the garage shall be surfaced with asphalt, concrete, paving brick or gravel.

F. Number of Spaces Required. The following minimum number of off street parking spaces shall be provided and maintained by ownership, easement or lease for and during the life of the respective uses hereinafter set forth.

Use	Number of Parking Spaces
RESIDENTIAL	
Single Family & Two Family	Two (2) spaces per dwelling unit.
Multiple Family & Townhouses (3 or more units per building)	Two (2) spaces per dwelling unit.
Senior Housing Independent Living Units	One and one-half (1 ½) spaces per dwelling unit or one (1) space per two (2) dwelling units when units are within a continuing care retirement community facility.
Senior Housing Assisted Living Units and Memory Care Units	Four (4) stalls per ten (10) dwelling units, plus stalls equal to the number of employees on a maximum shift.
Nursing Homes & Rest Homes	Residential care facility: Two (2) spaces per unit for uses serving six (6) or fewer persons in a residential district.
Manufactured Home	Two (2) spaces per dwelling unit.
COMMERCIAL/INDUSTRIAL	
Motels, Hotels, Lodging or boarding	One (1) space per room for rent, plus one (1) space for every ten rooms for rent, plus one (1)

Use	Number of Parking Spaces
	space for every employee on whichever shift has the most employees.
Medical or Dental Offices or Hospital Out-patient Clinic	1 space for each 200 square feet of floor area.
Fast Food Drive-In Establishment & Convenience Food	One (1) space for every 35 square feet of gross floor area or fifteen (15) spaces, whichever is greater.
Office Buildings, Professional Offices and Banks	One (1) space for every 250 square feet of floor area.
Bowling Alley	Five (5) spaces for each alley plus additional spaces as may be required for related uses contained within the principal structure.
Motor Fuel Stations and Auto Repair	Four (4) spaces plus two (2) spaces for each service stall plus additional spaces as may be required for related uses contained within the principal structure.
Retail Stores and Service Establishments	One (1) space for every 200 square feet of floor area.
Retail Sales & Service Business with 50% of gross floor area devoted to storage or warehousing	One (1) space for every 200 square feet of floor area devoted to public sales or service, plus one (1) space for every 500 square feet of storage area or one (1) space for each employee on the largest work shift, whichever is greatest.
Restaurants, Cafes, Taverns, Nightclubs, Clubs, Lodges, Brewpubs and Taprooms	One (1) space for every sixty (60) square feet of <del>gross floor</del> dining area and one (1) space for each eight (80) square feet of kitchen area.
Funeral Homes	Twenty (20) spaces for every parlor or chapel, plus one (1) space for every funeral vehicle parked on the premises. Adequate stacking space shall also be provided on-site for staging funeral procession.
Bus Terminal, Boat & Marine Sales and Repair, Bottling Company, Garden Supply Store & Building Material Sales	Eight (8) spaces for the first 1,000 square feet of floor area, plus one (1) space for every 800 square feet of floor area thereafter.
Manufacturing, Fabricating or Processing of a Product or Material & Bulk Goods Handling	Eight (8) spaces, plus one (1) space for every two (2) employees on the largest work shift or a minimum of one (1) space for every 500 square feet of floor space
Animal hospital/kennel	One (1) space for each 200 square feet of floor area.
Auto sales	One (1) space per 500 square feet of showroom plus one (1) space for each 3,000 square feet of

Use	Number of Parking Spaces
	outdoor sales lot, plus additional parking required for ancillary service or repair.
Fitness Centers	One (1) space per exercise station (e.g., strength machine or cardiovascular) plus one (1) space per employee on the largest shift plus additional parking required for ancillary uses.
Warehousing & Storage	Office: One (1) space per 200 square feet. Other: One (1) space per 1,000 square feet plus 1 space per company vehicle not stored within the principal structure.
Daycare	In a residential district serving less than twelve (12) persons: Two (2) spaces per use. All others: One (1) space for each four (4) persons of licensed capacity.
<b>INSTITUTIONAL</b>	
Religious Institution, Theater, Auditorium & Sports Arenas	One (1) space for every four (4) seats, based upon the design capacity of the main assembly hall plus additional spaces required for adjoined facilities like schools or offices.
Community Center & Libraries	10 spaces plus 1 space per 300 square feet over 2,000 square feet of floor area for the principal structure.
Baseball Fields	1 space per 8 seats of design capacity.
School, Elementary and Junior High	1 space per 7 students based upon building design.
School, High School and Post-High School Facilities	1 space per 3 students based on building design capacity, plus 1 space per classroom.
Post Office	Eight (8) spaces, plus one (1) space for every two (2) employees on the largest work shift or a minimum of one (1) space for every 500 square feet of floor space.
<b>MISCELLANEOUS</b>	
Uses not specified or not precisely identified	Calculated by City Administrator or designee based upon, but not limited to, characteristics for similar uses.

G. Joint Facilities. The City Council may, after receiving a report and recommendations from the Planning Commission, approve as applicable a conditional use permit for long term permanent joint parking facilities as regulated under the provisions of [Section 1501.006.](#), or an interim use permit for short term temporary joint parking facilities as regulated under the provisions

of [Section 1501.007.](#), for one (1) or more businesses to provide the required off street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the City Council approve such a permit except when the following conditions are found to exist:

1. Up to fifty percent (50%) of the parking facilities required for a conference center, theater, bowling alley, banquet hall, bar or restaurant may be supplied by the off street parking facilities provided by types of uses specified as primarily daytime uses in Section 1501.023.G.4.;
2. Up to fifty percent (50%) of the off street parking facilities required for any use specified under Section 1501.023.G.4. as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to a public or parochial school, religious buildings, bowling alleys, banquet halls, theaters, bars, apartments, restaurants, or health clubs;
3. Up to eighty percent (80%) of the parking facilities required by this section for a religious building or for any auditorium incidental to a public or parochial school may be supplied by the off street parking facilities provided by uses specified under Section 1501.023.G.4. as primarily daytime uses;
4. For the purpose of this section the following uses are considered as primarily daytime uses: banks, business offices, wholesale and similar uses, as determined by the City Administrator or designee; and
5. Conditions required for joint use.
  - a. The building or use for which application is being made to utilize the off street parking facilities provided by another building or use shall be located within five hundred feet (500') of such parking facilities.
  - b. There shall be no substantial conflict in the principal operating hours of the two (2) buildings or uses (for which joint use of off street parking facilities is proposed).
  - c. A properly drawn legal instrument, executed by the parties involved in joint use of off street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the County Recorder. The legal instrument shall legally bind all parties and provide for amendment or cancellation only upon written approval from the City.

## H. Off Site Parking.

1. Any off-site parking which is used to meet the requirements of this section may, as applicable, be allowed by a conditional use permit for long term off-site parking facilities as regulated under the provisions of Section 1501.006., or an interim use permit for short term temporary off-site parking facilities as regulated under the provisions of Section 1501.007., and shall be subject to the conditions listed below.
2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this section.
3. Reasonable access from off-site parking facilities to the use being served shall be provided.
4. Except as provided by Section 1501.023.H.8., the site used for meeting the off street parking requirements of this section shall be under the same ownership as the principal use being served or under public ownership.
5. Off-site parking for multiple-family dwellings shall not be located more than two hundred fifty feet (250') from any normally used entrance of the principal use served.
6. Off-site parking for nonresidential uses shall not be located more than five hundred feet (500') from the main public entrance of the principal use being served. Off-site parking located more than five hundred feet (500') from the main entrance may be allowed with the provision of a private shuttle service.
7. Any use which depends upon off-site parking to meet the requirements of this Ordinance shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.
8. Compliance with off street parking requirements provided through leased off street parking may be approved by the City Council, subject to the following additional conditions:
  - a. The lease shall specify the total number and location of parking spaces under contract and this number, when added to any on-site parking provided, must be equal to or exceed the total number of parking spaces required;
  - b. The lease instrument shall legally bind all parties to the lease and provide for amendment or cancellation only upon written approval from the City; and

- c. The lease agreement shall incorporate any other provisions, as recommended by the City Attorney that are deemed necessary to ensure compliance with the intent of this Ordinance.

I. C-1 Downtown Commercial District Parking.

1. C-1 Downtown Commercial District. Within the C-1 Downtown Commercial District, on street parking stalls directly abutting a parcel may be counted in satisfaction of the number of spaces required pursuant to Section 1501.023.F.
2. Parking Space Size.
  - a. For existing off street parking lots within the C-1 Downtown Commercial District, each parking space shall be not less than eight feet (8') wide and eighteen feet (18') in length, exclusive of snow storage and access aisles, and each space shall be served by access aisles as required by Section 1501.023.D.11.
  - b. Construction of new or expanded parking areas shall be designed in accordance with the provisions of Section 1501.023.D.11.
3. Development and Uses. Within the C-1 Downtown Commercial District, the City may approve development and uses which do not comply with the required number of parking spaces as an administrative permit, provided that:
  - a. A development agreement running with the land is completed in which it is agreed that the property in question is financially responsible for its proportionate share of the City sponsored and provided parking space construction, maintenance, and parking site acquisition for new on street, lot parking. Said responsibility shall be determined on the basis of the property's parking space shortage based upon ordinance requirements, in relationship to the total parking space shortage, as defined by Section 1501.023.F. for a defined service and benefit area. The "service and benefit area" shall include all properties which benefit from the available public parking serving a particular retail and commercial neighborhood or district;
  - b. The amount of parking provided on the property in question is the maximum amount possible, taking into account the use and design objectives of the C-1 Downtown Commercial District, as outlined by this Ordinance; and
  - c. The parking shortages created by the development are not premature or in excess of the supply which can be provided by the City through a public parking system on a long term basis.



**1501.024. Off-Street Loading Requirements.**

A. Purpose. The regulation of loading spaces in this Ordinance is to alleviate or prevent congestion of the public right of way and to promote the safety and general welfare of the public by establishing minimum requirements for off street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

B. Number of Loading Areas Required. The number of required off street loading areas shall be as follows:

1. Customer Drop Off Spaces. Customer drop off spaces shall not constitute off street loading spaces as may be required by Section 1501.024.B.2.;

2. Number of Loading Spaces Required. The number of required off street loading area spaces shall be as follows:

Gross Floor Area (square feet)	Minimum Required Loading Berths
Less than 25,000	1
25,001 to 50,000	2
50,001 to 75,000	3
75,001 to 100,000	4
each additional 50,000 over 100,000	1 additional

3. Reduction In Spaces. Reductions to the number of loading spaces required by Section 1501.024.B.2. may be granted by administrative permit upon determination of facility need.

C. Off Street Loading Required. Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off street loading area as required for a new structure.

D. Location.

1. All required loading areas shall be off street and located on the same lot as the building or use to be served.

2. All loading area curb cuts shall comply with standards established in Section 1501.023.D.11.

3. Except for uses allowed within residential districts, or unless located within a structure, loading areas shall be prohibited within one hundred feet (100') of residentially zoned or guided property unless completely screened by an intervening building. Loading areas not screened by an intervening building shall be screened from adjacent residentially zoned or guided property by the

use of greenbelts, berms, fences, or walls to provide one hundred percent (100%) opacity to a height of at least ten feet (10').

4. Loading areas shall not occupy the required front yard, except as provided below.
  5. Loading areas located at the front or side of buildings on a corner lot adjacent to a street shall be reviewed and approved in the following manner.
    - a. Loading areas located at the front of a building or side of a building located on a corner lot adjacent to a street may be allowed by administrative permit subject to the following conditions:
      - I. Loading areas shall not conflict with pedestrian movement;
      - II. Loading areas shall not obstruct the view of the public right of way from off street parking access;
      - III. Loading areas shall comply with all other requirements of this section; and
      - IV. Loading areas and associated staging areas shall be screened from the abutting public rights of way. Said screening shall consist of either a screening fence or a greenbelt planting strip as provided for by Section [1501.022](#).
  6. Each loading area shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- E. Surfacing. All loading areas and accessways shall be improved to control the dust and drainage according to a plan submitted to and subject to the approval of the City Engineer.
- F. Accessory Use, Parking and Storage. Any space allocated as a required loading area or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street parking area.
- G. Screening. All loading areas shall be screened and landscaped from abutting and surrounding residential uses and districts and public rights of way in compliance with Section 1501.022.
- H. Size.

1. The first loading area shall be not less than seventy feet (70') in length and additional areas required shall be not less than thirty feet (30') in length and all loading areas shall be not less than ten feet (10') in width, exclusive of aisle and maneuvering space, and fourteen feet (14') in clearance height.
2. The size of the loading area may be reduced upon approval of an administrative permit. To qualify for such exception, the following provisions must be met.
  - a. It must be demonstrated that the site cannot physically accommodate a loading area to the size required.
  - b. It must be demonstrated that semitrailer truck deliveries will not occur at the site or all deliveries will occur at such a time as to not conflict with customer or employee access to the building and parking demand.

I. Circulation.

1. All maneuvering for off street loading shall be accomplished on private property.
2. In addition to the required loading space, all loading spaces shall include a maneuvering area. The maneuvering area shall not use any of that portion of the site containing parking stalls or customer service areas. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into the loading space, without blocking the use of other loading spaces, drives, parking spaces, or maneuvering areas on public rights of way.

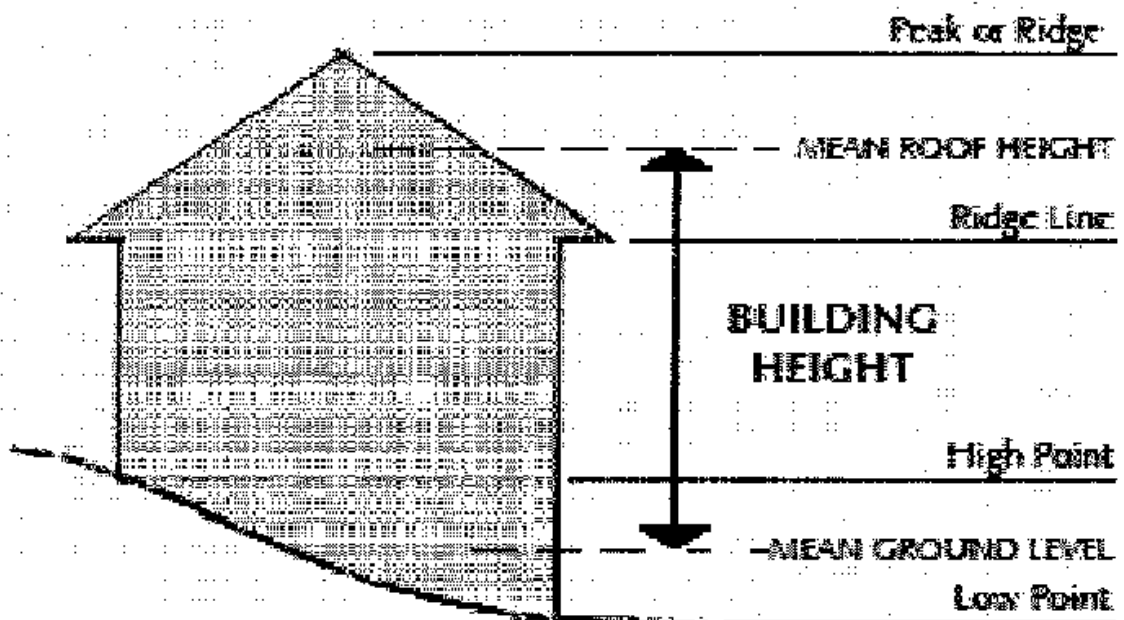
**1501.025. General Yard, Lot Area and Building Regulations.**

- A. Purpose. This section identifies yard, lot area, building size, building type, and height requirements in each zoning district.
- B. High Water Elevation. No structure, except piers, docks, and retaining walls shall be placed at an elevation such that the lowest floor, including basement floor, is less than three feet (3') above the highest known water level, or less than one foot (1') above the 100-year regulatory flood protection elevation, if determined, of any adjacent lake, pond, river, watercourse, or wetland. If sufficient data on known high water levels is not available, the elevation of the line of permanent aquatic vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the City.

C. Groundwater Elevation. The lowest floor, including basement floor, of all structures shall be at a level at least three feet (3') above the highest known groundwater table elevation. If requested by the building official, the groundwater table elevation shall be determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.

D. Building Height.

1. Building Height shall be defined for the purposes of this Ordinance as a distance measured from the mean ground level to the mean height of the roof as follows:



2. The specific regulation of building height within the various zoning districts shall be as set forth in those sections of this Ordinance.
3. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty five percent (25%) of the area of such roof nor exceed ten feet (10') above the roof unless otherwise noted.
4. The building height limits established herein for districts shall not apply to the following.
  - a. Belfries.
  - b. Church spires.

- c. Cupolas and domes which do not contain usable space.
  - d. Flagpoles.
  - e. Parapet walls extending not more than three feet (3') above the limiting height of the building.
  - f. Poles, towers and other structures for essential services.
  - g. Necessary mechanical and electrical appurtenances, including, but not limited to, chimneys or flues, cooling towers or elevator penthouses.
  - h. Agricultural buildings on farm properties.
  - i. Wind energy conversion system towers as regulated by Section 1501.018.E.
  - j. Antenna support structures as regulated by Section 1501.019.
5. Building heights in excess of the standards established within the individual zoning districts or this section may be allowed through a conditional use permit provided that:
- a. The site is capable of accommodating the increased intensity of use.
  - b. The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
  - c. Public utilities and services are adequate.
  - d. For each additional story over three (3) stories or for each additional ten feet (10') above thirty five feet (35'), front and side yard setback requirements shall be increased by five feet (5').
  - e. The increased height is not in conflict with airport zoning regulations as provided in Section 1501.043.
  - f. The performance standards and criteria of [Section](#) 1501.006. are considered and satisfied.
- E. Building Type and Construction. Buildings in all zoning districts shall maintain a high standard for exterior architecture to ensure a high quality of development and land use compatibility that contribute positively to community image in regard to material quality, visual aesthetics, permanence and stability and to prevent use of materials that are unsightly, deteriorate rapidly, contribute to depreciation of area property values, or cause urban blight.

1. General Provisions.
  - a. General Design Concept. Building or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.
  - b. Design Elements. Projects may be required to utilize building ornamentation features, including, but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.
2. Architectural and Aesthetic Compatibility. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the community's public health, safety and general welfare.
3. Permitted Exterior Building Materials.
  - a. The primary exterior building facade finishes for residential uses shall consist of materials comparable in grade to the following:
    - I. Brick;
    - II. Stone (natural or artificial);
    - III. Integral colored split face (rock face) concrete block;
    - IV. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress;
    - V. Stucco (natural or artificial); and
    - VI. Vinyl, steel, or aluminum siding.
  - b. The primary exterior building facade finishes for commercial uses shall consist of materials comparable in grade to the following:
    - I. Brick;
    - II. Stone (natural or artificial);
    - III. Integral colored cast in place concrete or precast concrete panels;
    - IV. Integral colored split face (rock face) concrete block;

- V. Glass curtain wall panels;
  - VI. Stucco (natural or artificial); and
  - VII. Steel or aluminum siding.
- c. The primary exterior building facade finishes for industrial and institutional uses shall consist of materials comparable in grade and quality to the following:
- I. Brick;
  - II. Stone (natural or artificial);
  - III. Integral colored cast in place concrete or precast concrete panels;
  - IV. Integral colored split face (rock face) concrete block;
  - V. Curtain wall panels of steel, fiberglass and aluminum (nonstructural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design;
  - VI. Glass curtain wall panels;
  - VII. Stucco (natural or artificial); and
  - VIII. Steel, aluminum, COR-TEN siding.
- d. Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material requirements.
- e. Building foundations not exceeding two (2) feet and other such portions of a building's facade need not comply with the requirements for the facade treatment or materials.
4. Prohibited Exterior Building Materials. Unadorned pre-stressed concrete panels, non-decorative concrete block, sheet metal, corrugated metal or unfinished metal shall not be used as exterior materials, except in association with farming activities in the AG Agricultural District.
5. Pole Construction Buildings. Pole construction buildings having a design that uses augured pillars or columns as footings, shall not be permitted in any zoning

district except the AG Agricultural District in association with farming activities and the I-1 Industrial District. The construction of pole construction buildings in the two districts mentioned, shall be allowed upon the application for and issuance of a conditional use permit by the City Council.

6. Residential and Commercial Districts.

- a. Except in the AG Agricultural District, all accessory buildings larger than one hundred and twenty (120) square feet, shall be the same or similar color and shall be constructed with the same or similar quality and scale exterior building materials as in the principal building. All accessory buildings shall be compatible with the principal building on the lot.
- b. Accessory buildings for nonresidential uses, including those allowed in the residential districts, shall be of a similar character, design, and facade as the principal structure.

7. Exceptions. Exceptions to the provisions of this section may be granted as a conditional use permit by the City Council, provided that:

- a. The proposed building maintains the quality intended by this Ordinance.
- b. The proposed building is compatible and in harmony with other structures within the zoning district.
- c. The provisions of Section 1501.006. are considered and satisfied.

F. Yards. Except as provided below, no lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space is less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another structure.

1. Exceptions. The following shall not be considered as encroachments on yard setback requirements.

- a. Cantilever building sections without a foundation and supported only by one (1) wall of the structure, building elements supported by a foundation including chimneys, flues, leaders, sills, pilasters, lintels and other ornamental features up to ten feet (10') in width, and cornices, eaves, gutters, and the like may project not more than two feet (2') into a yard.
- b. Recreational and laundry drying equipment, arbors and trellises, gazebos, and air conditioning or heating equipment shall be allowed only in a rear or side yard, provided they are at a distance of five feet (5') from any lot



line. No encroachment shall be permitted in existing or required drainage or utility easements.

c. No encroachment shall be permitted in existing or required drainage and utility easements.

2. Triangular Lots. In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.

G. Minimum Floor Area Per Dwelling Unit.

1. Single Family Dwelling Units. Except as otherwise specified in the zoning district provisions, single-family homes as classified below shall have the following minimum floor areas per unit.

1 and 2 bedroom	960 square feet above grade	
2. 3 bedrooms or more	1,040 square feet above grade	Multiple Family

Dwelling Units. Except as otherwise specified in zoning district provisions, living units classified as multiple family dwelling (excepting elderly housing) shall have the following minimum floor areas per unit.

Efficiency units	500 square feet
1 bedroom units	700 square feet
2 bedroom units	800 square feet
More than 2 bedroom units	An additional 80 square feet for each additional bedroom

3. Senior Housing. Except as otherwise specified in the zoning district provisions, living units classified as senior housing units shall have the following minimum floor areas per unit.

Efficiency units	440 square feet	
4. 1 bedroom units	520 square feet	Two-Family
More than 1 bedroom units	An additional 80 square feet for each additional bedroom	and

Townhouses. Except as otherwise specified in the zoning district provisions, two-family and townhouses, as classified below, shall have the minimum floor area per unit.

Two-family	650 square feet first floor above grade, plus 100 additional square
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	feet for each bedroom
Townhouses	600 square feet first floor above grade, plus 100 additional square feet for each bedroom

H. Efficiency Apartments. Except for senior housing, the number of efficiency apartments in multiple-family dwellings shall not exceed one (1) unit or ten percent (10%) of the total number of dwelling units in the building, whichever is greater. In the case of senior housing, efficiency apartments shall not exceed thirty percent (30%) of the total number of apartments.

I. Minimum Lot Area, Unsewered Lots. Lot sizes where public sewer is not available shall conform to the minimum requirements set forth below.

1. Single-Family Dwelling.

- a. Except as herein provided, the minimum single-family lot size is ten (10) acres.
- b. The minimum lot size of ten (10) acres shall not apply to smaller separate parcels of record in separate ownership at the time of adoption of this Ordinance, provided that they comply with minimum standards for the district in which they are located or Section 1501.015.; and that it can be demonstrated by means satisfactory to the City that the smaller parcels will not result in groundwater, soil or other contamination which may endanger the public health.

2. Prohibited Structures.

- a. Dwelling unit structures other than single-family detached units are prohibited.
- b. Religious facilities, schools and other non-government institutional uses.
- c. Commercial and industrial uses.

J. Single Family Dwellings. All single-family detached homes except in approved manufactured home parks shall meet the following.

- 1. State Building Code. All residential structures shall be constructed upon a continuous perimeter foundation that meets the requirements of the state building code. This requirement shall not apply to accessory buildings or structures.
- 2. Measurements. Not be less than thirty feet (30') in length and not less than twenty-four feet (24') in width over that entire minimum length. Length refers to

the side of the structure having the longest horizontal measurement. Width measurements shall not take into account overhangs and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this section. This requirement does not apply to accessory buildings or structures.

3. Roof. Have an earth covered, composition, metal, shingled or tiled roof.
4. Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of future deck, porch or garage additions whether or not such construction is intended. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to adversely affect the public health, safety or general welfare.
5. Requirements. Meet the requirements of the state building code or the applicable manufactured housing code.
6. Site Plan. For lots of record all site plans for single-family homes shall provide for the location of a two (2) stall attached or detached garage, with a minimum size of twenty-two feet (22') wide by twenty-two feet (22') deep for a total of four hundred and eighty-four (484) square feet, whether or not construction is intended.

K. Building Relocation/Moving.

1. Compliance Required. Such activity shall comply with Chapter 14 of the Winsted Municipal Code.
2. Dwellings. The relocation of a building previously occupied as a dwelling to any parcel within the City shall comply with the following requirements.
  - a. Moving a dwelling onto a lot within the City shall require approval of a conditional use permit in compliance with Section 1501.006., provided that the use is allowed in the respective zoning district and the building maintains architectural and aesthetic compatibility with surrounding properties based upon, but not limited to, the following factors.
    - I. Building massing, height, and floor area.
    - II. The type, grade and quality of exterior building finish.

III. The dwelling is to receive an occupancy permit from the City building official within six (6) months from the date the conditional use permit is issued.

L. Storm Shelter.

1. Any dwelling or dwelling units that are constructed slab on-grade, provisions shall be made to provide for storm protection internally to the dwelling or dwelling unit.
2. Compliance with this requirement shall be based upon federal emergency management agency (FEMA) guidelines and standards, except that the shelter door shall be solid core construction (not limited to metal) and only one deadbolt lock shall be required.

M. Conveyance of Single-Family Attached Dwelling Units. The construction, conversion or conveyance of single-family attached dwelling units or multiple-family dwelling units, which result in separate ownerships of the dwelling units, shall conform to the following requirements.

1. Condominiums. Condominiums (a form of individual ownership within a multi-family building which entails joint responsibility for maintenance and repairs; in the condominium each apartment or townhouse is owned outright by its occupant) shall meet the following.
  - a. The regulatory provisions of Minn. Stat. Chapter 515A, commonly known as the Uniform Condominium Act, are hereby adopted.
2. Single-family attached dwellings. Single-family attached dwelling shall meet the following requirements.
  - a. The dwelling units are attached on the side and the remaining side conforms to the minimum side yard setbacks as required by the zoning district regulations where the structure is to be located.
  - b. That if a division or conveyance of a portion of a platted land or parcel of land is necessary, the applicable sections of the subdivision ordinance are applied and met. In the case where the dwelling units are situated on a parcel of property which is described within a recorded plat and that it is proposed to subdivide or create common ownership, it is the intent of the ordinance to require formal revision or replat of the original recorded plat as set forth in the subdivision ordinance.
  - c. Each dwelling unit must have independent and separate front and rear entrances.

d. The owner(s) shall submit, to the satisfaction of the City Council, an agreement addressing:

- I. The repair and maintenance of all common properties;
- II. A provision regarding access to the abutting property for the adjacent property owner or his representatives for the purpose of construction, reconstruction, repair and maintenance of either side of the total property;
- III. A provision which provides easements for necessary encroachments for footings and eaves, and provides for mutual perpetual easements in the event of an encroachment by the party wall;
- IV. A restriction limiting changes in color, material and design of the dwelling, so as to be compatible with the attached unit; and
- V. A provision which addresses maintenance of insurance coverage in event of fire, explosion, vandalism and malicious mischief.

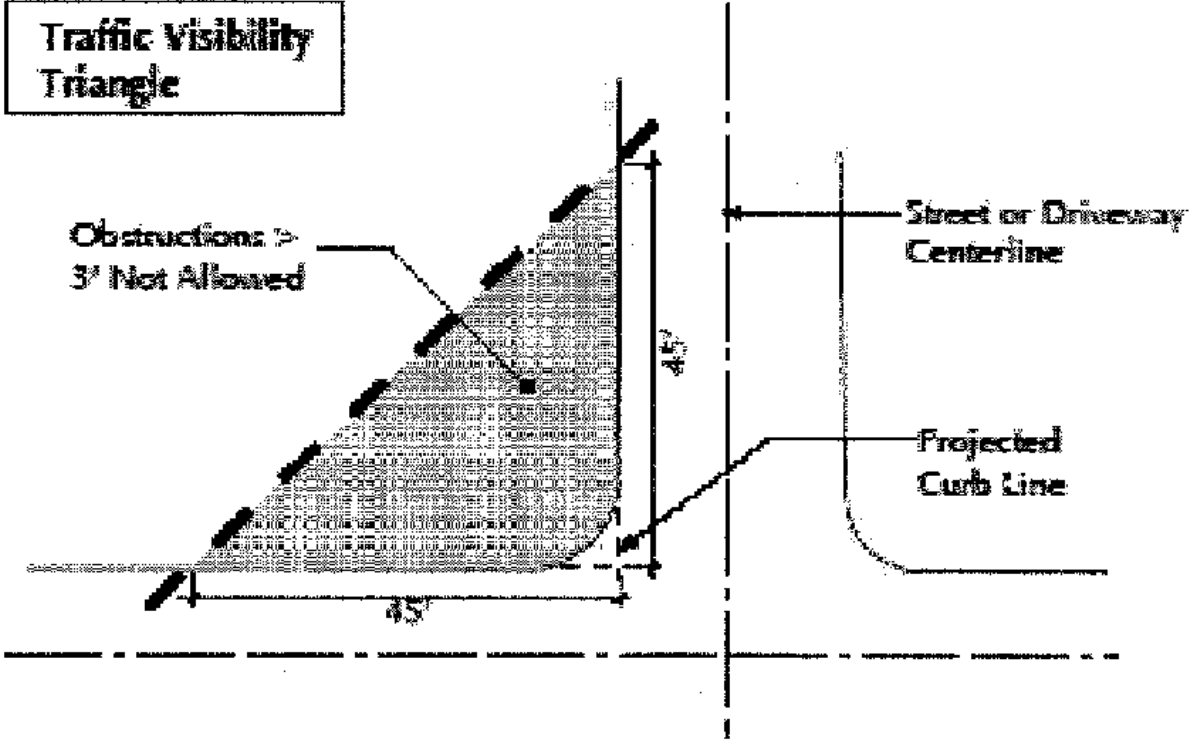
e. Utility Connections.

- I. Water Connections. Where more than one (1) resident is served from the same service line, a shutoff valve must be located in such a way that each unit's services may be shut off by the City, in addition to the normally supplied shutoff at the street.
- II. Sewer Connection. Where more than one (1) unit is served by a sanitary sewer lateral, which exceeds three hundred feet (300') in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the homeowner's association, or owner.

N. Traffic Sight Visibility Triangle.

1. Screening; Obstruction of View. Except as may be approved by the City Administrator or designee, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right of way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.
2. Visibility From Street or Driveway. Visibility from any street or driveway shall be unobstructed above a height of three feet (3'), measured from where

**Traffic Visibility Triangle**



both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets or drives, thence forty five feet (45') along one curb line, thence diagonally to a point forty five feet (45') from the point of beginning along the other curb line.

- 3. Exceptions.
  - a. Trees, plantings or landscape arrangements within the area described by this section that will not create a total obstruction higher than three feet (3') shall be allowed.
  - b. Visibility From Street or Driveway. Visibility from any street or driveway shall be unobstructed above a height of three feet (3'), measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets or drives, thence forty five feet (45') along one curb line, thence diagonally to a point forty five feet (45') from the point of beginning along the other curb line.
  - c. Properties within the C-1 Downtown Commercial District shall be exempt from the provisions of Section 1501.025.N.3.b.

**1501.026. Outdoor Storage.**

A. Purpose. The purpose of this section is to provide standards for allowing outdoor storage of materials, equipment, and vehicles as may be allowed within the Ordinance such that the activity can occur compatibly with surrounding uses and properties.

B. Vehicles and Equipment.

1. Vehicles "For Sale".

a. Residential Districts. Motor vehicles and recreational vehicles which are permitted within the respective residential districts may be advertised for sale and sold provided the vehicle is owned by the resident where the vehicle is parked and the vehicle is currently licensed, operable and parked entirely on a driveway. Vehicles shall not be parked or stored on public property or rights of way. At no time shall any commercial vehicle be parked within a residential district and advertised for sale.

b. Nonresidential Districts. Motor, commercial and recreational vehicles shall not be displayed "for sale" or sold within nonresidential districts unless as part of an approved licensed sales dealership or for short term parking (12 hours or less) if the vehicle is owned by an employee of said business where the vehicle is parked with the consent of the business owner.

2. Commercial Vehicles in Agricultural or Residential Districts. No commercial vehicle or equipment shall be parked or stored in an agricultural or residential district except when loading, unloading, or rendering a service, unless otherwise noted in the Municipal Code for the City of Winsted.

C. Exceptions; Accessory Use. Except as herein provided or as specifically allowed within the specific zoning districts established by Section 1501.034., all open storage of materials and equipment shall be prohibited or shall be stored within a building.

1. Exceptions.

a. Clothesline pole and wires and play equipment.

b. In agricultural and residential districts no more than five (5) licensed and operable motor vehicles or recreational vehicles and equipment may be parked or stored anywhere outside a permanent building. Any such motor vehicle or recreational vehicles and equipment placed upon a trailer shall constitute one (1) vehicle for purposes of this section. All motor vehicles or recreational vehicles and equipment must be owned by the resident of the dwelling, excluding occasional guests and patrons of an approved business. Motor vehicles or recreational vehicles and

equipment parked in the front yard area must be on a paved or gravel surface (not dirt or grass surface). A front yard shall constitute the area from any public street right of way or easement line to the front of the dwelling. Motor vehicles or recreational vehicles and equipment are exempt from the previously mentioned front yard provision for the months of January, February, March, November and December of each year. The following requirements shall also apply for recreational vehicles and equipment within all other districts.

- I. Not more than two (2) licensed and operable recreational vehicles and equipment may be parked or stored on property outside a building as follows:
  - (a). In the front yard, provided they are kept on an established driveway, entirely on the equipment or vehicle owner's property. Recreational vehicles may not be parked or stored on public property or street right of way;
  - (b). In the side yard only when abutting an attached or detached garage, provided that:
    - i. The recreational vehicles and equipment are not closer than five feet (5') from the side lot line and not within a required buffer yard;
    - ii. The area on which the recreational vehicle and equipment are stored shall be surfaced with asphalt, concrete, paving brick or gravel; and
    - iii. Parking or storage of recreational vehicles and equipment within the setback required from a public right of way for the side yard of a corner lot is prohibited.
  - (c). In the rear yard not closer than ten feet (10') from the rear lot line, five feet (5') from the side lot lines; and
  - (d). On a corner lot not closer than twenty feet (20') from the property line abutting the side street or within the setback from the public right of way, whichever is greater.
- c. Construction and landscaping material currently being used on the premises, provided it is kept in a neat and orderly manner and does not create a nuisance to adjoining property per Section 1603.000. of the Winsted Municipal Code.



- d. Off street parking of motor vehicles as specified in the respective zoning districts.
  - e. Within the I-1 Industrial District semitractor trailers used for normal freight and cartage in transit for up to one hundred twenty (120) consecutive days per calendar year.
2. Accessory Use. Outdoor storage within the I-1 Industrial District shall be an allowed accessory use under the following conditions:
- a. The outdoor storage area occupies space other than a required front yard setback or side yard setback area on a corner lot except in the I-1 Industrial district the outdoor storage area may occupy the side yard of a corner lot or the rear yard of a double frontage lot abutting a public right when screened by a solid wall or privacy fence;
  - b. The outdoor storage area shall be fenced, screened or landscaped according to a plan in compliance with Section 1501.021. and 1501.022. of this Ordinance and subject to the approval of the City Administrator or designee;
  - c. The outdoor storage area is surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the City Engineer exempts all or portions of the curb and surfacing material for stormwater management purposes;
  - d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right of way or from neighboring residences and shall be in compliance with Section 1501.016.F.;
  - e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Ordinance;
  - f. The property stored shall not include any waste, except as provided in Section [1501.016.L.](#); and
  - g. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a residential district.
3. Stacking of Materials.
- a. In the commercial and industrial districts, the stacking of materials outdoors is permitted to a height of eight feet (8'). Stacking of materials in excess of eight feet (8') is allowed to a total height of sixteen feet (16'), provided that for each one foot (1') in excess of eight feet (8'), the materials must be setback from all yard setback requirements an additional two feet (2').

- b. In the residential districts, the stacking of material outdoors is permitted to a height of five feet (5'), however, in the cases of construction or landscaping materials that are being used on the premises, this rule shall not apply.

**1501.027. Essential Services.**

- A. Purpose. The purpose of this section is to provide for the installation of essential services such as telephone lines, fiber optic lines, cable lines, gas pipelines, electric transmission lines and substations in such a manner that the health, safety and welfare of the City will not be adversely affected. Essential services shall also be installed in recognition of existing and projected demands for such services.
- B. Application. This section shall not apply to overhead electric transmission lines and substations greater than one hundred (100) kV or radio and wireless communication systems and facilities, which are governed by Section 1501.019.
- C. Administrative Permit Required. All telephone lines, cable lines, fiber optic lines, gas pipelines and structures for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than thirty-three (33) kV, when installed in any public right of way or utility easement, in any zoning district, shall require an administrative permit approved by the City Administrator or designee and subject to review and comment of the City Engineer. Approval shall be based upon the information furnished in the following procedural requirements:
  - 1. Prior to the installation of any of the previous essential services, the owner of such service shall file with the City Administrator or designee all maps and other pertinent information as deemed necessary for the City Engineer to review the proposed project;
  - 2. The City Administrator or designee shall transmit the map and accompanying information to the City Engineer for review and approval regarding the project's relationship to the comprehensive plan or ordinances and parts thereof;
  - 3. The City Engineer shall report in writing to the City Administrator or designee its findings as to the compliance of the proposed project with the comprehensive plan and ordinances of the City;
  - 4. In considering applications for the placement of essential services, as regulated in this section, the City Engineer shall consider the effect of the proposed project upon the health, safety and general welfare of the City, as

existing and as anticipated; and the effect of the proposed project upon the comprehensive plan; and

5. Upon receiving the approval of the City Engineer, the City Administrator or designee shall issue an administrative permit for the installation and operation of the applicant's essential services. If the City Engineer's report recommends the denial of said permit causing the City Administrator or designee to deny its issuance, the applicant may appeal said decision to the Board of Adjustments and Appeals under the rules and procedures as set forth in Section 1501.004. of this Ordinance

D. Conditional Use Permit Required. All transmission pipelines (i.e., pipelines not required for local distributing network), overhead transmission and substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV shall be a conditional use in all districts subject to the procedural requirements and standards stipulated in this section and Section 1501.006.

E. Performance Standards. Essential services shall be subject to the following:

1. All distribution lines shall be underground;
2. Outdoor storage of materials or equipment shall be prohibited;
3. All poles and similar type structures shall be placed in the public right of way or utility easement;
4. All facilities shall be landscaped and screened to the extent practical and applicable;
5. The size and number of accessory buildings are to be minimized to the extent possible and are to house only equipment directly related to the operation of the facility in question; and
6. The architectural appearance of all structures and buildings shall be in harmony with the primary uses within the vicinity of the site.

#### **1501.028. Temporary Structures.**

- A. Purpose. The purpose of this section is to provide for the erection of temporary structures such as roadside stands for sale of in season agricultural products, temporary sales offices and structures needed for emergency purposes or for temporary use during the construction of a permanent structure.

B. Procedure. The erection of a temporary structure shall require an administrative permit, as may be issued by the City Administrator or designee, except as otherwise provided by this section.

C. Special Requirements.

1. Structures. Temporary structures governed by this section shall be allowed in all zoning districts.
2. Termination of Permit. The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the building official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. The permit may be extended for an additional ninety (90) days by the City Administrator or designee.
3. Setback. Temporary structures may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30') of a public street or obstruct visibility at any street intersection or driveway access.
4. State Building Code. All applicable requirements of the state building code shall be met.
5. Water and Sewer. Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the building official.
6. Security Measures. Security measures such as lighting shall be implemented subject to the review and approval of the City Administrator or designee.
7. Parking. Subject to the provisions of Section 1501.023.
8. Signage. Subject to the provisions of Section 1501.020.
9. Residential Use. Unless otherwise allowed by this section, no temporary structure shall be used for residential purposes

D. Roadside Stands for Sale of In Season Agricultural Products. Roadside stands for the sale of in season agricultural products as a temporary structure are permitted by issuance of an administrative permit, provided:

1. Only agricultural products such as vegetables, juices, fruits, flowers, nursery stock, and similar items shall be sold on the premises;
2. In residential districts all products to be sold shall be grown or made by the operator of the stand, and the stand shall be operated by the owner or lessee of the property on which it is located;

3. In residential districts a portion of the agricultural products to be sold must be grown on the property on which the stand is located with the other portion grown on other property owned or leased by the operator of the stand;
  4. Structures used for the sale of agricultural products shall not be enclosed, but may be roofed. Said structures shall be temporary in nature and may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30') of a public street or obstruct visibility at any street intersection or driveway access or shall meet principle structure setback requirements;
  5. Enclosed structures shall only be permitted for storage purposes accessory to the stand for agricultural products;
  6. The aggregate floor area of all temporary structures or accessory structures and buildings shall not occupy more than ten percent (10%) of the minimum lot area of the zoning district;
  7. The stand for the sale of agricultural products or similar items shall only be open from May 1 to November 5, except that the stand may be used for the sale of Christmas trees;
  8. Mechanical refrigeration devices shall be limited to one thousand six hundred (1,600) cubic feet in size;
  9. Off street parking shall be provided to adequately accommodate the use. No on street parking shall be allowed; and
  10. Signage shall conform to Section 1501.020.
- E. Temporary Sales Offices. Where permitted, temporary sales offices must satisfy all of the following performance standards:
1. All temporary sales offices are required to receive a building permit;
  2. Each development project shall be limited to one temporary sales office;
  3. All temporary sales offices shall be required to meet the standards of the Americans with disabilities act;
  4. Temporary sales offices shall have skirting around the entire perimeter;
  5. Prior to use by the public, all temporary sales offices shall be provided with at least three (3) customer parking spaces. In addition, the surface of the parking spaces shall at a minimum consist of a class 5 crushed rock; and

6. Temporary sales offices shall be permitted only for residential subdivisions for which a final plat has been approved by the City Council. Additionally, a temporary sales office shall be located on the property for which the final plat was approved. No off site temporary sales offices will be permitted.

#### **1501.029. Home Occupations.**

- A. Purpose. The purpose of this section is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.
- B. Application. All occupations conducted in the home shall comply with the provisions of this section. This section shall not be construed, however, to apply to home occupations accessory to farming, nor home offices as defined by this Ordinance.
- C. Procedures.
  1. Administrative Permit.
    - a. Except as required by this section, home occupations defined by this Ordinance shall require an administrative permit pursuant to Section 1501.009. issued subject to the conditions of this section, other applicable City ordinances and state law.
    - b. The permit shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this section have been breached.
  2. Declaration of Conditions. The City Administrator or designee may impose such conditions on the granting of an administrative permit as may be necessary to carry out the purpose and provisions of this section.
  3. Effect of Permit.
    - a. An administrative permit may be issued for a period of one (1) year, after which the permit may be reissued for periods of up to three (3) years each.
    - b. Each application for permit renewal shall, however, be processed in accordance with the provisions of Section 1501.009. regarding

administrative permits, with a fee as set by the City Council in the City of Winsted fee schedule.

4. Transferability. Administrative permits shall not run with the land and shall not be transferable.
5. Lapse of Administrative Permit by Non-Use. Whenever within one (1) year after granting an administrative permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the City Administrator or designee at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.
6. Renewal of Permits.
  - a. An applicant shall not have a vested right to renewal of an administrative permit by reason of having obtained a previous permit.
  - b. In applying for and accepting a permit, the permit holder agrees that their monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment.
  - c. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

D. General Provisions. All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

1. Glare, Noise, Odor, Etc.; Prohibited. No home occupation shall produce light, glare, noise, odor, vibration or any other item that could be considered a nuisance per Section 1501.016. that will in any way have an objectionable effect upon adjacent or nearby property.
2. Equipment. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
3. Incidental to Residential Use. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no

incompatibility or disturbance to the surrounding residential uses. Home occupations shall not include retail or wholesale sales except by mail.

4. External Alterations. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
5. Activities Conducted within Principal Dwelling. All home occupations shall be conducted entirely within the living quarters of the principal dwelling or within an attached private garage or within an accessory building.
6. Exterior Storage. There shall be no exterior storage of equipment or materials used in the home occupation or no exterior or interior storage of hazardous materials, except personal motor vehicles used in the home occupation may be parked on the site.
7. Compliance with Fire and Building Codes. The home occupation shall meet all applicable fire and building codes.
8. Displays and Signs. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one non-illuminated sign not to exceed four (4) square feet in area.
9. Hours. No home occupation shall be conducted between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M.
10. Employment. No person other than those who customarily reside on the premises shall be employed by the home occupation.
11. Parking. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple-family dwellings, where no vehicle is parked so as to obstruct a public street, sidewalk or trail or private driveway. Home occupations shall be limited to one (1) customer at a time and shall not generate traffic in greater volume than would normally be found in residential neighborhoods.
12. Deliveries. Shipment and delivery of products, merchandise, or supplies shall be limited to between eight o'clock (8:00) a.m. and six o'clock (6:00) p.m. and shall occur only in single rear axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.

E. Allowed Home Occupations.



1. Home occupations include, and are limited to the following:
  - a. Blade Sharpening Service;
  - b. Business consulting service;
  - c. Hair salon;
  - d. Instructional classes with not more than one pupil at a time. Additional students receiving instruction at one time may be allowed for single-family uses subject to approval of an interim use permit;
  - e. Massage therapy;
  - f. Photography studio;
  - g. Small appliance & small engine repair;
  - h. Tailoring, sewing and alternations;
  - i. Taxidermy;
  - j. Auto detailing;
  - k. Pet grooming; and
  - l. Professional offices such as legal, accounting, insurance or computer technician.
2. Home occupations shall not involve any of the following:
  - a. Repair service or manufacturing which requires equipment other than found in a dwelling;
  - b. Services which consist of more than one pupil, client, or customer at a time; or
  - c. Over the counter retail sale of merchandise produced off the premises.

F. Inspection. The City hereby reserves the right upon issuing any administrative permit to inspect the premises in which the home occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.

**1501.030. Keeping of Animals.**

- A. Purpose. The purpose of this section is to provide standards for the keeping of animals in association with various allowed uses in a manner compatible with surrounding uses and consistent with the health, safety, and general welfare of the community.
- B. Keeping Animals. The following animals may be kept in the City.
1. House Pets. The keeping of house pets is a permitted accessory use in all agricultural and residential zoning districts.
    - a. Not more than three (3) domestic animals over four (4) months of age shall be allowed to be kept except as a licensed kennel allowed within the respective zoning district in which the animals are located.
  2. Horses. The keeping of horses is a permitted accessory use in the agricultural zoning district provided:
    - a. The minimum lot size is ten (10) acres; and
    - b. The number of horses does not exceed one (1) per acre or ten (10) animal units, whichever is less, unless a higher number is granted by the issuance of an interim use permit.
  3. Farm Animals. The keeping of farm animals in numbers or conditions not defined as an "animal feedlot" is an allowed activity on all farm property. Farm animals may not be confined in a pen, feedlot or building within one hundred feet (100') of any residential dwelling not owned or leased by the farmer. Uses defined as animal feedlots shall be regulated by Section 1501.030.C.
  4. Kennel Must be Authorized. Animals may only be kept as a kennel defined by this Ordinance or otherwise for commercial purposes if authorized in the zoning district in which the animals are located.
  5. Nuisance Animals. Animals may not be kept if they cause a nuisance or endanger the health or safety of the community.
  6. Animal Enclosure. Animal enclosures shall be subject to the accessory structure requirements of Section 1501.017.F.4.
  7. Prohibited Animals. The following animals shall not be kept within the City:
    - a. Any member of the cat family (felidae) including, but not limited to, lions, tigers, cougars, bobcats, leopards and jaguars, but excluding those recognized as domesticated house cats;

- b. Any naturally wild member of the canine family (canidae) including, but not limited to, wolves, foxes, coyotes, dingoes, and jackals, but excluding those recognized as domesticated dogs;
- c. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets;
- d. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including, but not limited to, rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;
- e. Honey bees and apiaries whether accessory to a single family dwelling or within the AG Agriculture District; and
- f. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this section including, but not limited to, bear, deer, non-human primates, and game fish.

C. Animal Feedlots.

1. Purpose. The purpose of this section is to provide for the operation of animal feedlots within the City of Winsted as to:
  - a. Prohibit establishment of new animal feedlots or expansion of existing animal feedlots to levels not compatible with the existing or planned character of the City;
  - b. Allow for continuance of existing animal feedlots at present intensities while protecting land use compatibility in recognition of ongoing growth and development of the community; and
  - c. Provide regulations that can be applied in an equitable manner to promote Best Farm Management Practices, protect valuable ground and surface water resources, minimize environmental effects and protect human and animal health, safety and welfare.
2. Feedlots Prohibited.
  - a. No new animal feedlots shall be established within the City.
  - b. No existing animal feedlot shall be allowed to expand its operations beyond its permitted level on 8/21/2018.

- c. No farm property or other property allowed to keep farm animals with ten (10) animal units or less established prior to 8/21/2018, shall expand to more than ten (10) animal units.
3. Nonconforming Use. Existing animal feedlots established prior to 8/21/2018, may continue operations as legal nonconforming uses as allowed by Section 1501.015. For the purposes of interpreting expansion of a nonconforming use applicable only to this section, only those activities or actions that result or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in the capacity of a manure storage area shall be considered to be an expansion of the use and are prohibited.
  4. Performance Standards.
    - a. Setbacks
      - I. The following setbacks shall be required for all manure storage facilities, stockpiles and application in addition to the requirements of the zoning district in which the use is located.

<b>Category</b>	<b>Animal Building</b>	<b>Manure Storage/Stockpile</b>	<b>Manure Application</b>
Public lake	1,000 feet	1,000 feet	1,000 feet
Public river or stream, public or private ditch	300 feet	300 feet	300 feet
Wells serving the public, schools or childcare centers	200 feet	200 feet	200 feet
Private wells	100 feet	100 feet	100 feet
Public street	300 feet	300 feet	300 feet
Residence other than owned by the feedlot owner/operator	100 feet	100 feet	100 feet
Wetland	75 feet	75 feet	75 feet

- II. The separation distances established between an animal feedlot and the categories of uses established above shall be measured from the perimeter of the animal feedlot, manure storage facility or stockpile or land application to the nearest structure or boundary of the referenced category.
- b. Manure Storage and Handling.
    - I. Transportation. All vehicles used to transport manure on public rights-of-way shall be leakproof. Spreaders with end gates shall be in compliance with this provision provided that the end gate effectively restricts leakage. Any manure that does leak or spill onto the public

right-of-way shall be removed and properly disposed of by the hauler immediately and if removed by the City, any cost shall be paid for by the hauler or reimbursed to the City.

II. Land Application. Manure shall be injected or incorporated into the soil within twenty four (24) hours of application.

5. Other Requirements. Compliance with all Federal, State and local statutes, rules, codes, ordinances, requirements and standards shall be required.
6. Emergency Notification. In the event of a manure leak or spill, the owner, operator or individual responsible for the transport and application of manure shall immediately notify the City of Winsted and shall take appropriate actions in accordance with those agencies to prevent harm to public safety, health, and welfare.

**1501.031. Reserved.**

**1501.032. Reserved.**

**1501.033. Reserved.**

**1501.034. General Zoning District Provisions.**

A. Establishment of Zoning Districts. In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the City is hereby divided into zoning districts. The following zoning districts are hereby established and shall be known as.

1. Agricultural Districts.

AG Agricultural District.

2. Residential Districts.

R-1A Single Family Residential District.  
R-1B Single Family Residential District.  
R-2 Multiple Family Residential District.  
R-M Manufactured Home Residential District.

3. Commercial Districts.

- C-1 Downtown Commercial District.
- C-2 Highway Commercial District.

4. Industrial Districts.

- I-1 Industrial District.

5. Special Districts.

- A Airport District.
- PUD Planned Unit Development Overlay District

6. Environmental Districts.

- SL Shoreland Overlay District.
- FP Floodplain Overlay District

B. Zoning District Map. The location and boundaries of the zoning districts established by this Ordinance are hereby set forth on the zoning map entitled "The Official Zoning Map of the City of Winsted, Minnesota". Said map shall be on file with the City Administrator or designee, and hereinafter referred to as the "zoning map". Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference. It is the responsibility of the City Administrator or designee to maintain the zoning map, and amendments thereto shall be recorded on said map. The official zoning map shall be kept on file in the City Hall.

C. Zoning District Boundaries. Zoning district boundary lines established by this Ordinance generally follow lot lines, the centerlines of street rights-of-way, alleys, watercourses or the corporate limit lines, all as they exist upon the effective date of this Ordinance.

1. Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment and Appeals pursuant to Section 1501.004.
2. Whenever any street, alley or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

3. All streets, alleys, and public ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways or railroad rights-of-way. Where the centerline of a street, alley or public way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
  4. All areas within the corporate limits of the City which are underwater and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point or to the corporate limits.
- D. Annexations. All territory hereafter annexed to the City which is not shown on the zoning map shall automatically, upon annexation, be classified within the Agricultural District and shall be subject to all regulations, notations, references and conditions as are applicable to said district until such time that a determination may be made as to the proper zoning district classification for such territory and an amendment can be made to that effect unless a different zoning district classification is designated upon annexation.

**1501.035 AG Agricultural District.**

- A. Purpose. The Agricultural District is intended to provide a district which will allow suitable areas of the City to be retained and utilized for low density residential, open space or agricultural uses.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the Agricultural District:
  1. Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots;
  2. Public parks, trails, playgrounds, and directly related buildings and structures;
  3. A state licensed residential facility or housing with services accommodating up to six (6) or fewer persons, which must be licensed and registered as specified under Minn. Stat. Chapter 144D, in a single-family detached dwelling; and
  4. Single-family detached dwellings.

- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the AG Agricultural District:
1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance;
  2. Administrative offices, meeting rooms, classrooms, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
  3. Swimming pools subject to the design standards contained in Section 1501.016.N.;
  4. Boarding or renting of rooms within an owner occupied dwelling unit to not more than two (2) persons who are each unrelated to the principal family as an accessory use provided that:
    - a. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period; and
    - b. There shall be one (1) off street parking stall provided for each rental occupant on the property in addition to the off-street parking stalls required under Section 1501.023.F.;
  5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
  6. Licensed daycare facilities serving twelve (12) or fewer persons in a single-family detached dwelling per Minnesota Rules, Chapter 9502;
  7. Fences as regulated by Section 1501.021.;
  8. Ground source heat pump systems as regulated by Section 1501.018.D.;
  9. Home offices;
  10. Keeping of animals subject to Section 1501.030.;
  11. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted;



12. Private garages and off-street parking as regulated by Section 1501.023.;
13. Signs as regulated by Section 1501.020.; and
14. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.

D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the AG Agricultural District:

1. Government and public utility buildings and structures necessary for the health, safety and general welfare of the City;
2. Planned Unit Developments regulated in Section 1501.046.;
3. Relocation of building exceeding two hundred (200) square feet. Any building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the City of Winsted to a parcel of land within the City of Winsted, shall require a conditional use permit along with a building permit. A conditional use permit shall only be issued to those relocated buildings that the City determines meet the standards required in Section 1501.006. and upon a further showing that the building conforms generally with the architectural design of the buildings located in the neighborhood in which said relocated building is to be located. Any relocated building not exceeding two hundred (200) square feet, shall only require an administrative permit;
4. Commercial stables and riding academies;
5. Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed;
6. Golf courses;
7. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.; and
8. Pole construction buildings having a design that uses augured pillars or columns as footings for agricultural uses only.

E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the AG Agricultural District:

1. Animal kennels as a secondary use;
2. Hydronic furnaces as regulated by Section 1501.018.G.;
3. Wind energy systems exceeding the height requirements, as regulated by Section 1501.018.E. and
4. Farm wineries with tasting rooms.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the AG Agricultural District by administrative permit:

1. Temporary structures as regulated by Section 1501.028.;
2. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.; and
3. Home Occupations as regulated by Section 1501.029.

G. Lot, Yard, Area and Height Requirements.

1. The following standards apply to the district's uses:

	Single Family Dwellings & Other Uses
Lot area - minimum	40 acres
Lot width - minimum	660 feet
Front yard setback - minimum	30 feet
Side yard setback - minimum	20 feet
Rear yard setback - minimum	30 feet
Height - maximum	35 feet
Lot coverage maximum - structures	No coverage requirement

2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

**1501.036. R-1A Single Family Residential District.**

- A. Purpose. It is the intent of this district to permit the development of low density single family detached and two family attached dwelling units and directly related, complementary uses in the developing areas of the community; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land that would be incompatible with or detrimental to the essential residential character of such district.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the R-1A Single Family Residential District:
1. Single family detached dwellings;
  2. Two Family dwelling units;
  3. A Housing with Services Establishment up to six (6) or fewer persons, which must be licensed and registered as specified under Minn. Stat. Chapter 144D, in a single-family detached dwelling; and
  4. Parks, trails, play fields, playgrounds, and directly related buildings and structures.
- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the R-1A Single Family Residential District:
1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance;
  2. Administrative offices, meeting rooms, classrooms, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use;
  3. Swimming pools subject to the design standards contained in Section 1501.016.N.;
  4. Boarding or renting of rooms within an owner occupied dwelling unit to not more than two (2) persons who are each unrelated to the principal family as an accessory use provided that:
    - a. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period; and

- b. There shall be one (1) off street parking stall provided for each rental occupant on the property in addition to the off street parking stalls required under Section 1501.023.F.;
  - 5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
  - 6. Licensed daycare facilities serving twelve (12) or fewer persons in a single-family detached dwelling per Minnesota Rules, Chapter 9502;
  - 7. Fences as regulated by Section 1501.021.;
  - 8. Ground source heat pump systems as regulated by Section 1501.018.D.;
  - 9. Home offices;
  - 10. Keeping of animals subject to Section 1501.030.;
  - 11. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted;
  - 12. Private garages and off-street parking as regulated by Section 1501.023.;
  - 13. Signs as regulated by Section 1501.020.;
  - 14. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.
- D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the R-1A Single Family Residential District:
- 1. Planned Unit Developments regulated in Section 1501.046.;
  - 2. Relocation of building exceeding two hundred (200) square feet. Any building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the City of Winsted to a parcel of land within the City of Winsted, shall require a conditional use permit along with a building permit. A conditional use permit shall only be issued to those relocated buildings that the City determines meet the standards required in Section 1501.006. and upon a further showing that the building conforms generally with the architectural design of the buildings located in the neighborhood in which said relocated building is to be located. Any relocated building not

exceeding two hundred (200) square feet, shall only require an administrative permit;

3. Golf courses;
4. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.; and
5. Government buildings and structures, public or quasi-public or private recreational buildings and neighborhood or community centers, public and private schools, cemeteries and religious institutions such as churches, chapels, temples, and synagogues, provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the R-1A Single Family Residential District

1. None.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009. of this Ordinance, the following are uses allowed in the R-1A Single Family Residential District by administrative permit:

1. Temporary Structures as regulated by Section 1501.028.;
2. Home Occupations as regulated by Section 1501.029.; and
3. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard, Area and Height Requirements.

1. The following standards apply to the district's uses:

	Single Family Dwellings & Other Uses	Two Family Dwellings
Lot Area - minimum	10,000 sq. ft.	12,000 sq. ft.
Area per attached unit	--	6,000 sq. ft.
Lot width - minimum	75 feet	100 feet

Front yard setback - minimum	30 feet	30 feet
Side yard setback - minimum	5 feet	5 feet
Side yard setback - minimum total both sides	13 feet	13 feet
Rear yard setback - minimum	25 feet	25 feet
Height - maximum	35 feet	35 feet
Lot coverage maximum	35%	40%

2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

H. General Provisions.

1. Required Trash Areas. For all non-residential uses in the R-1A Single Family Residential District, exterior waste and recycling receptacle collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.

**1501.037. R-1B Single Family Residential District.**

- A. Purpose. It is the intent of this district to permit the development of new low density single family detached and two family attached dwelling units and directly related, complementary uses and the expansion of existing single family detached dwellings in the older established areas of the community; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land that would be incompatible with or detrimental to the essential residential character of such district.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the R-1B Single Family Residential District:
  1. Single family detached dwellings;
  2. Two Family dwelling units;
  3. A Housing with Services Establishment accommodating up to six (6) or fewer persons, which must be licensed and registered as specified under Minn. Stat. Chapter 144D, in a single-family detached dwelling; and
  4. Parks, trails, play fields, playgrounds, and directly related buildings and structures.

C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the R-1B Single Family Residential District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance;
2. Administrative offices, meeting rooms, classrooms, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use;
3. Swimming pools subject to the design standards contained in Section 1501.016.N.;
4. Boarding or renting of rooms within an owner occupied dwelling unit to not more than two (2) persons who are each unrelated to the principal family as an accessory use provided that:
  - a. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period; and
  - b. There shall be one (1) off street parking stall provided for each rental occupant on the property in addition to the off street parking stalls required under 1501.023.F of this Ordinance;
5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
6. Licensed daycare facilities serving twelve (12) or fewer persons in a single-family detached dwelling per Minnesota Administrative Rule 9502;
7. Fences as regulated by Section 1501.021.;
8. Ground source heat pump systems as regulated by Section 1501.018.D.;
9. Home offices;
10. Keeping of animals subject to Section 1501.030.;
11. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted;

12. Private garages and off-street parking as regulated by Section 1501.023.;
13. Signs as regulated by Section 1501.020.; and
14. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.

D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the R-1B Single Family:

1. Residential District. Planned Unit Developments regulated in Section 1501.046.;
2. Relocation of building exceeding two hundred (200) square feet. Any building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the City of Winsted to a parcel of land within the City of Winsted, shall require a conditional use permit along with a building permit. A conditional use permit shall only be issued to those relocated buildings that the City determines meet the standards required in Section 1501.006. and upon a further showing that the building conforms generally with the architectural design of the buildings located in the neighborhood in which said relocated building is to be located. Any relocated building not exceeding two hundred (200) square feet, shall only require an administrative permit;
3. Golf courses;
4. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.;
5. Government buildings and structures, public or quasi-public or private recreational buildings and neighborhood or community centers, public and private schools, cemeteries and religious institutions such as churches, chapels, temples, and synagogues, provided that side yards shall be double that required for the district, but no greater than thirty feet (30');
6. Bed and Breakfast Establishments. A bed and breakfast establishment may be allowed provided that:
  - a. A maximum of four (4) registered guest and transient resident sleeping rooms may be established in a structure;
  - b. The facility shall have a state license (hotel and food), and comply with building and fire codes as may be required or applicable;



- c. The facility shall be owner or manager occupied;
- d. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet and shall be located on a lot which meets the minimum lot size of the district in which it is located;
- e. All registered guest and transient resident sleeping rooms shall be established within the principal structure;
- f. Not more than the equivalent of one (1) full time person shall be employed in the operation of the facility who is not a resident of the structure;
- g. Dining and other facilities shall not be open to the general public but shall be used exclusively by the registered guests and transient residents;
- h. Two (2) off street parking spaces shall be provided for the home plus one off street parking space for each registered guest and transient resident sleeping room.;
- i. Not more than one identification sign not exceeding four (4) square feet in area may be attached to each wall which faces a street. The sign shall be reflective of the architectural features of the structure and may not be internally illuminated or lighted between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.; and
- j. Adequate lighting shall be provided between the principal structure and the parking area for safety purposes. Any additional external lighting is prohibited.

E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the R-1B Single Family Residential District:

- 1. None.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the R-1B Single Family Residential District by administrative permit:

- 1. Temporary Structures as regulated by Section 1501.028.;
- 2. Home Occupations as regulated by Section 1501.029.; and

3. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard Area and Height Requirements.

1. The following standards apply to the district's uses:

	Single Family Dwellings & Other Uses	Two Family Dwellings
Lot Area - minimum	9,000 sq. ft.	10,000 sq. ft.
Area per attached unit	--	5,000 sq. ft.
Lot Width - minimum	60 feet	100 feet
Front yard setback - minimum	20 feet	20 feet
Side yard setback - minimum	5 feet	5 feet
Side yard setback - total both sides	13 feet	13 feet
Rear yard setback - minimum	20 feet	20 feet
Height - maximum	35 feet	35 feet
Lot coverage maximum	40%	45%

2. On corner lots, the side yard setback on the street side shall not be less than fifteen feet (15') provided this does not reduce the buildable width to thirty feet (30') or less. The side yard on the street side shall be considered a front yard.

H. General Provisions.

1. Required Trash Areas. For all non-residential uses in the R-1A Single Family Residential District, exterior waste and recycling receptacle collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.
2. Front Deck Exception. The owner may construct and maintain a deck that encroaches into the front yard setback of the R-1B Single Family Residential District, as long as:
  - a. The deck is constructed of wood or similar product;
  - b. The deck must be "open air" and cannot be screened or have a roof or awning or any side enclosures of any nature, whatsoever, except for a railing or bench which, in no event, shall be higher than forty-two inches (42");

- c. The deck shall not be longer than the length of the house facing the front yard;
- d. The deck shall not be closer than five feet (5') to any public utility easement or public right of way;
- e. The deck can only be as deep as the original steps, which may include a landing that contains footings, but under no circumstances, a depth greater than ten feet (10') from the house; and
- f. Decks shall not be included in the lot coverage requirements of this Ordinance.

**1501.038. R-2 Multiple Family Residential District.**

- A. Purpose. It is the intent of this district to provide for multiple family dwelling unit structures and directly related complimentary uses.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the R-2 Multiple Family Residential District:
  - 1. Two Family dwelling units;
  - 2. Parks, trails, play fields, playgrounds, and directly related buildings and structures;
  - 3. Multiple family dwelling structures, townhouses, or other attached dwelling units, subject to requirements in Section 1501.038.;
  - 4. Nursing homes; and
  - 5. Senior assisted or continuing care retirement community.
- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the R-2 Multiple Family Residential District:
  - 1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance;

2. Administrative offices, meeting rooms, classrooms, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use;
  3. Swimming pools subject to the design standards contained in Section 1501.016.N.;
  4. Boarding or renting of rooms within an owner occupied dwelling unit to not more than two (2) persons who are each unrelated to the principal family as an accessory use provided that:
    - a. The property owner shall not enter into a rental agreement with more than two (2) individuals within a thirty (30) day period; and
    - b. There shall be one (1) off street parking stall provided for each rental occupant on the property in addition to the off-street parking stalls required under Section 1501.023.;
  5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
  6. Fences as regulated by Section 1501.021.;
  7. Ground source heat pump systems as regulated by Section 1501.018.D.;
  8. Home offices;
  9. Keeping of animals subject to Section 1501.030.;
  10. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted;
  11. Private garages and off-street parking as regulated by Section 1501.023.;
  12. Signs as regulated by Section 1501.020.; and
  13. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.
- D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the R-2 Multiple Family Residential District:
1. Planned Unit Developments regulated in Section 1501.046.;

2. Relocation of building exceeding two hundred (200) square feet. Any building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the City of Winsted to a parcel of land within the City of Winsted, shall require a conditional use permit along with a building permit. A conditional use permit shall only be issued to those relocated buildings that the City determines meet the standards required in Section 1501.006. and upon a further showing that the building conforms generally with the architectural design of the buildings located in the neighborhood in which said relocated building is to be located. Any relocated building not exceeding two hundred (200) square feet, shall only require an administrative permit;
  3. Golf courses;
  4. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.;
  5. Government buildings and structures, public or quasi-public or private recreational buildings and neighborhood or community centers, public and private schools, cemeteries and religious institutions such as churches, chapels, temples, and synagogues, provided that side yards shall be double that required for the district, but no greater than thirty feet (30');
  6. Funeral homes provided yard area and screening is adequate to buffer adjoining residential properties and adequate parking is provided;
  7. More than one (1) principal residential building on one lot of record, provided that:
    - a. The applicable provisions of Section 1501.038.J. are satisfactorily met.
  8. State licensed residential facilities serving from seven (7) to sixteen (16) mentally or physically challenged persons, licensed and registered as specified under Minn. Stat. Chapter 144D, or as amended or; a state licensed day care facility serving thirteen (13) to sixteen (16) children, as regulated under Minnesota Rules, Chapter 9502.
- E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the R-2 Multiple Family Residential District:
1. None.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the R-2 Multiple Family Residential District by administrative permit:

1. Temporary Structures as regulated by Section 1501.028.;
2. Home Occupations as regulated by Section 1501.029.; and
3. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard, Area and Height Requirements.

1. The following standards apply to the district's uses:

	Other uses	Two Family Homes	Multiple Family, Townhouses, Senior Housing & Nursing Homes
Lot Area - minimum	10,000 sq. ft.	12,000 sq. ft.	15,000 sq. ft.
Area per unit	--	6,000 sq. ft.	2,000 sq. ft.
Lot Width - minimum	75 feet	100 feet	100 feet
Front yard setback - minimum	30 feet	30 feet	30 feet
Side yard setback - minimum	5 feet	5 feet	10 feet
Side yard setback - total both sides	13 feet	13 feet	20 feet
Rear yard setback - minimum	25 feet	25 feet	25 feet
Height - maximum	35 feet	35 feet	35 feet
Lot coverage maximum	60%	40%	60%

2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

H. Attached Dwelling Unit Standards.

1. Site Plans Required. All development requests for the construction of multiple family dwellings, townhouses, senior housing and nursing homes shall be accompanied by a properly prepared site plan per the requirements under Section 1501.010. In addition to the information required by the site plan review, the following information must also be submitted:
  - a. Solid waste disposal provisions and facilities shall be located so as not to detract from the aesthetic character of the development;

- b. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes;
- c. Exterior wall materials information;
- d. A grading plan illustrating the proposed grade changes from the original topographical map. All site areas, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff;
- e. A recreation plan illustrating in detail all recreational facilities and structures; and
- f. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen percent (18%).

2. Landscape Provisions.

- a. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping so that no portion of the site remains undeveloped.
- b. A minimum of twenty percent (20%) of the site shall be landscaped.
- c. Sidewalks shall be provided from parking areas and loading zones to the entrances of the building.
- d. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

3. Screening.

- a. Screening to a height of at least five feet (5') shall be required where:
  - I. Any off street parking area contains more than six (6) parking spaces and is within thirty feet (30') of an adjoining residential zone.
  - II. Where the driveway to the parking area of more than six (6) parking spaces is within fifteen feet (15') of an adjoining residential zone.

- b. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five feet (5') high, but shall not extend within fifteen feet (15') of any street, driveway or lot line.
- c. Required Trash Areas. For all multiple family dwellings that abut single family uses, exterior garbage and trash collection areas must be screened from view of the single family residential uses on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.

4. Appearance.

- a. All multiple family dwelling buildings shall be designed and constructed to have the equivalent of a front appearance on each exterior surface. All accessory or ancillary buildings, including garages, shall be designed and constructed with the same facing materials as the principal building. Such material shall be used in the same or better proportions as used on said principal building.
- b. Any detracting aspects (i.e. parking or exterior storage) of the multiple family dwelling development shall be integrated into the site design so as to minimize the impact on adjacent residential areas. Mitigation of these aspects shall include landscaping and fencing treatments.

I. Common Areas. The following minimum requirements shall be observed in the R-2 Multiple Family Residential District governing common areas:

- 1. Ownership. All common areas within an R-2 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, shall be owned in one of the following manners:
  - a. Condominium ownership pursuant to Minn. Stat. 515A.1-105(7); and
  - b. Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area;
- 2. Homeowners' Association. A homeowners' association shall be established for all two-family, townhome and multiple-family developments within the R-2 Multiple Family Residential District, subject to review and approval of the City, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development;



J. General Provisions.

1. Required Trash Areas. For all non-residential uses in the R-2 Multiple Family Residential District, exterior waste and recycling receptacle collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.

**1501.039. R-M Manufactured Home District.**

A.—Purpose. It is the intent of this district to permit the development of manufactured home parks in the community; to supplement applicable state laws pertaining to manufactured homes; to provide reasonable standards for site development of such parks; to avoid overcrowding; to provide setbacks and other development standards that will make such developments in the community more aesthetically pleasing.

All statutes of the State of Minnesota pertaining to the regulation of manufactured homes and manufactured home parks are hereby adopted by reference and are declared to be an integral part of this Ordinance as if they were reproduced in their entirety herein, provided, that where standards of this Ordinance are higher or more restrictive than said statutes, this Ordinance shall govern.

For the purpose of this Ordinance, the front of a manufactured home is that part of the unit at either end of the narrow width which is closest to a right-of-way.

B.—Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the R-M Manufactured Home District:

1. Manufactured homes;
2. Manufactured home parks; and
3. Manufactured home park office, laundry, recreation and storm shelter facilities provided these structures are permanent in nature.

C.—Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the R-M Manufactured Home District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and

administrative in this section, subject to applicable regulation of this Ordinance;

2. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
3. Fences as regulated by Section 1501.021.;
4. Home offices;
5. Keeping of animals subject to Section 1501.030.;
6. Private garages and off-street parking as regulated by Section 1501.023.;
- and
7. Signs as regulated by Section 1501.020.

~~D.~~—Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the R-M Manufactured Home District:

1. Planned Unit Developments regulated in Section 1501.046.;
2. Relocation of building exceeding two hundred (200) square feet. Any building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the City of Winsted to a parcel of land within the City of Winsted, shall require a conditional use permit along with a building permit. A conditional use permit shall only be issued to those relocated buildings that the City determines meet the standards required in Section 1501.006. and upon a further showing that the building conforms generally with the architectural design of the buildings located in the neighborhood in which said relocated building is to be located. Any relocated building not exceeding two hundred (200) square feet, shall only require an administrative permit; and
3. Essential services involving transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

~~E.~~—Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the R-M Manufactured Home District:

1. None.

F.—Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the R-M Manufactured Home District by administrative permit:

1. Temporary Structures as regulated by Section 1501.028.;
2. Home Occupations as regulated by Section 1501.029.; and
3. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G.—Lot, Yard, Area and Height Requirements.

1. Minimum Park Size Requirement. Five (5) acres or more.
2. The following standards apply to the district’s uses:

Maximum density allowed	6 units per acre
Lot Area (minimum)	5,750 sq. ft.
Lot Width - minimum	50 feet
Front yard setback - minimum	25 feet
Side yard setback – minimum	10 feet
Rear yard setback - minimum	20 feet
Height - maximum	20 feet
Lot coverage maximum	60%

H.—Procedure for Manufactured Home Park or Manufacture Home Subdivision Approval.

1. The developer shall meet informally with the City to review tentative site plans for the development and review procedural steps required by this Ordinance, specifically the preparation and approval of a site plan upon the procedures established under Section 1501.010.
2. A zoning amendment application to amend the zoning boundaries shall be filed and processed upon the procedures established under Section 1501.005.
3. The site plan review and zoning amendment shall also be accompanied by the following information:
  - a. The number, location and dimensions of all spaces;

- b. Typical manufactured home locations on proposed spaces;
- c. Street locations, widths and typical cross-sections;
- d. Pedestrian circulation plan;
- e. Location and materials description of walls or fences;
- f. Off-street parking space locations;
- g. Vehicle storage areas; and
- h. Sign; location, size, height and illumination.

I.—Parking Requirements.

1. Manufactured Home Space. A minimum of two (2) parking spaces per each manufactured home space is required.
2. Manager's Office and Residence. Two (2) parking spaces per manager's office and two (2) additional parking spaces per residence.
3. Recreation or Social Centers Within Manufactured Home Parks. Each recreation or social center within a manufactured home subdivision shall develop at least one (1) off-street parking space for each ten (10) manufactured home spaces.
4. Each manufactured home parking space and access drive and parking space shall be hard surfaced.

J.—Accessory Structure Standards.

1. Two residential accessory buildings or structures are allowed per residential lot. The size of one accessory structure shall not exceed seven hundred and fifty (750) square feet in size. The size of the second accessory structure shall not exceed two hundred (200) square feet in size.
2. All accessory structures shall be constructed upon and anchored to a concrete slab or floating foundation (Minnesota State Building Code). Steel rods cast in concrete shall be used as anchoring devices for the accessory structure, unless some other anchoring system is otherwise approved by Building Inspector.
3. Ties; Materials and Tension. Cable or strapping or other approved methods or materials shall be used for ties.

4. Permanency of Connections. Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Hook ends shall not be used in any part of the anchoring system.
5. Tensioning Device Design. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.
6. Other Anchoring Devices. Other anchoring devices meeting the requirements of this part shall be permitted if approved prior to installation by the Building Inspector.

K.—Utilities.

1. All manufactured homes shall be connected to a public water and sanitary sewer system.
2. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. All installations for disposal of surface storm water must be approved by the City.
3. All utility connections shall be as approved by the City.
4. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
5. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related manufactured home equipment.
6. The method of garbage, waste and trash disposal must be as approved by the City. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution. Shelters for common refuse collection shall be provided by the developer. Distance from the refuse collection area for manufactured home park residents shall not exceed one hundred fifty feet (150'). Exterior garbage and trash collection areas must be screened from neighboring residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.
7. The owner shall pay required sewer and water connection fees to the City.

L.—Internal Roads and Streets.

1. All roads shall have a hard-surfaced roadway mountable or roll type curb and gutter, and shall be maintained in a suitable condition, free of holes and other hazards at all times.
2. All streets shall be developed with a road bed of not less than forty feet (40') in width. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.
3. The matter of development of such roads shall be approved by the City Council subject to engineering review and the cost of development and maintenance shall be at the owner/operator's expense.
4. Intersections within fifty feet (50') of an street intersection shall be at right angles. A distance of eighty-five feet (85') shall be maintained between the centerlines of offset intersection streets. Intersections of more than two streets at any one point shall be avoided.
5. Manufactured-Home Park Entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of one hundred feet (100') from its point of beginning.

~~M.~~—Recreation. All manufactured home parks shall have at least ten percent (10%) of the land area developed for recreational use. Development of such recreational land shall be approved by the City Council and the cost and maintenance shall be at the owner/operator's expense. Such area of recreational land shall not include areas within any setback requirement nor shall they include any areas of less than thirty feet (30') in length or width.

~~N.~~—Landscaping.

1. Each site shall properly landscaped.
2. A compact hedge, wood fence or landscaped area shall be installed around each manufactured home park.
3. All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs or trees, along the property boundary line separating the park and such uses, which shall be maintained in a neat and orderly fashion.

~~O.~~—Weather Shelters. There shall be emergency weather shelters large enough to accommodate manufactured home park residents per Minn. Stat. § 327.20.

~~P.~~—Lighting.

1. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.
2. The manufactured home park grounds shall be lighted as approved by the City from sunset to sunrise.

Q.—Tiedown and Skirting of Manufactured Homes Required.

1. All manufactured homes, other than transient home or recreational vehicles, installed in the manufactured home park shall be anchored by means of adequate tiedowns to prevent uplift, sliding, rotation and overturning. Such anchoring systems shall conform to the regulation pertaining to manufactured home installation adopted by the Minnesota Commissioner of Administration.
2. Each manufactured home within a manufactured home park shall be properly and completely skirted.

R.—General Provisions.—

1. Any additional data required by the State Board of Health for licensing of manufactured home parks shall also be submitted to the City prior to or concurrently with its submittal to the State Board of Health.
2. The sale or storage of manufactured homes in a manufactured home park shall be prohibited, if the purpose is as a source of income or for the purpose of conducting a business.

**1501.040. C-1 Downtown Commercial District.**

- A. Purpose. It is the intent of this district to provide for the establishment of more pedestrian oriented commercial and service activities that draw and serve customers from the entire community or region.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the C-1 Downtown Commercial District:
  1. Banks, savings and loan, savings credit unions and other financial institutions;
  2. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops;

3. Equipment services including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade;
4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises;
5. Retail businesses, including but not limited to, drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail and flower shops;
6. Buildings used for research and testing laboratories;
7. Residences, when included as an integral part of the principal building, and off-street parking is provided according to Section 1501.023. No such residence shall be allowed on street level;
8. Governmental and public utility buildings and structures;
9. Indoor commercial recreation such as theaters and bowling lanes;
10. Hotels and motels;
11. Clinics and other buildings for treatment of human beings;
12. Office businesses;
13. Post Office;
14. Funeral homes;
15. Service businesses, including but not limited to, barber and beauty shops and salons and photographic shops;
16. Fitness centers;
17. Pet shops which may include pet grooming, pet supplies, or pet accessories;
18. Restaurants;
19. Taverns, saloons, clubs and lodges; and
20. Motor vehicle and recreation equipment sales.



- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the C-1 Downtown Commercial District:
1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance, anywhere on a lot as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building;
  2. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
  3. Fences as regulated by Section 1501.021.;
  4. Ground source heat pump systems as regulated by Section 1501.018.D.;
  5. Off-street parking as regulated by Section 1501.023.;
  6. Signs as regulated by Section 1501.020.;
  7. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.; and
  8. Open outdoor sales, services or rental as an accessory use in association with an allowed principal use provided that:
    - a. The area is fenced or screened from abutting residential districts;
    - b. Sales areas are surfaced to control dust.;
    - c. The area so occupied shall not exceed ten percent (10%) of the principal building; and
    - d. The outdoor sales services or rental area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for off street parking.
- D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the C-1 Downtown Commercial District:
1. Planned Unit Developments regulated by Section 1501.046.;
  2. Kennels or other animal care or shelter facilities excluding livestock feeding, slaughtering of animals or stock yards;

3. Drive-through facilities for restaurants, banks and other businesses, provided that the following standards shall apply:
  - a. Design Standards.
    - I. The entire area of any drive-through business shall have a drainage system approved by the City Engineer.
    - II. The entire area, other than that occupied by structures or planting, shall be surfaced with a hard surface material that will control dust and drainage.
    - III. A fence or screen of acceptable design shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.
  - b. General.
    - I. Any drive-through business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.
    - II. The hours of operation shall be set forth as a condition of any building permit for drive-through businesses.
    - III. Each drive-through business serving food may have outside seating.
    - IV. Each food or beverage drive-through business shall include refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
    - V. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides or rear of the principal structure.
  - c. Locations. No drive-through business shall be located in such a way that it will increase traffic volumes on nearby residential streets.
  - d. Site Plan.
    - I. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
    - II. A landscaping plan shall be included and shall set forth complete specifications for plan and other features.

III. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

IV. The design of any structure shall be compatible with other structures in the surrounding area.

4. Auto repair provided that:
  - a. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer;
  - b. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas;
  - c. Parking or car magazine storage space shall be screened from view of abutting residential districts; and
  - d. No outside storage except as allowed in compliance with this Ordinance;
5. Off street parking as a principal use as regulated by Section 1501.023.;
6. Religious institutions such as churches, chapels, temples, and synagogues;
7. Daycare facilities;
8. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than thirty percent (30%) of the area of the principal building provided that:
  - a. The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Sections 1501.021. and [1501.022.](#);
  - b. A principal building is required and the architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence. No outdoor sales are allowed on vacant lots without a principal structure;
  - c. The sales area is surfaced with bituminous material or concrete;

- d. The sales area does not take up parking space as required for conformity to this ordinance;
- e. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the City Council; and
- f. Accessory automobile repair shall require the processing of a separate conditional use permit, subject to the conditions contained in Section 1501.041.D.4.

E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the C-1 Downtown Commercial District:

- 1. Single-family dwellings existing as of 8/21/2018, provided that:
  - a. The use shall be subject to the requirements applicable to single-family uses within the R-1B Single Family Residential District;
  - b. One detached accessory building not greater than two hundred (200) square feet in area shall be allowed; and
  - c. The interim use shall terminate upon subdivision or redevelopment of the property for a use allowed within the C-1 Downtown Commercial District or as provided for by Section [1501.007.D](#).

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the C-1 Downtown Commercial District by administrative permit:

- 1. Temporary Structures as regulated by Section 1501.028.; and
- 2. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard, Area and Height Requirements.

- 1. The following standards apply to the district's uses:

Lot Area - minimum	No minimum
Lot Width - minimum	No minimum
Front yard setback - minimum	No setback requirement
Side yard setback - minimum	No setback requirement

Rear yard setback - minimum	No setback requirement
Height - maximum	45 feet
Lot coverage maximum	No coverage requirement

2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

H. Site Plan Review Required. A site plan review is required to be prepared and approved by the City for all uses proposed in this district according to Section 1501.010.

**1501.041. C-2 Highway Commercial District.**

A. Purpose. It is the intent of this district to provide for the establishment of motor vehicle oriented or dependent commercial and service activities which draw and serve customers from the entire community or region while allowing different standards and criteria from the C-1 Downtown Commercial District.

B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the C-2 Highway Commercial District:

1. Banks, savings and loan, savings credit unions and other financial institutions;
2. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops;
3. Equipment services including radio and television shops, electrical appliance shops, show room of a plumber, decorator or similar trade;
4. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises;
5. Retail businesses, including but not limited to, drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail and flower shops;
6. Buildings used for research and testing laboratories;
7. Residences, when included as an integral part of the principal building, and off-street parking is provided according to Section 1501.023. No such residence shall be allowed on street level;

8. Governmental and public utility buildings and structures;
9. Indoor commercial recreation such as theaters and bowling lanes;
10. Hotels and motels;
11. Clinics and other buildings for treatment of human beings;
12. Office businesses;
13. Post Office;
14. Funeral homes;
15. Service businesses, including but not limited to, barber and beauty shops and salons and photographic shops;
16. Fitness centers;
17. Pet shops which may include pet grooming, pet supplies, or pet accessories;
18. Restaurants;
19. Taverns, saloons, clubs and lodges; and
20. Motor vehicle and recreation equipment sales.

C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the C-2 Highway Commercial District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance, anywhere on a lot as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building;
2. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
3. Fences as regulated by Section 1501.021.;
4. Ground source heat pump systems as regulated by Section 1501.018.D.;

5. Off-street parking as regulated by Section 1501.023.;
6. Signs as regulated by Section 1501.020.;
7. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.;
8. Open outdoor sales, services or rental as an accessory use in association with an allowed principal use provided that:
  - a. The area is fenced or screened from abutting residential districts;
  - b. Sales areas are surfaced to control dust;
  - c. The area so occupied shall not exceed ten percent (10%) of the principal building; and
  - d. The outdoor sales services or rental area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for off street parking.

D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the C-2 Highway Commercial District:

1. Planned Unit Developments regulated by Section 1501.046.;
2. Kennels or other animal care or shelter facilities excluding livestock feeding, slaughtering of animals or stock yards;
3. Drive-through facilities for restaurants, banks and other businesses, provided that the following standards shall apply:
  - a. Design Standards.
    - I. The entire area of any drive-through business shall have a drainage system approved by the City Engineer.
    - II. The entire area, other than that occupied by structures or planting, shall be surfaced with a hard surface material that will control dust and drainage.
    - III. A fence or screen of acceptable design shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained.

- b. General.
    - I. Any drive-through business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.
    - II. The hours of operation shall be set forth as a condition of any building permit for drive-through businesses.
    - III. Each drive-through business serving food may have outside seating.
    - IV. Each food or beverage drive-through business shall include refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
    - V. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides or rear of the principal structure.
  - c. Locations. No drive-through business shall be located in such a way that it will increase traffic volumes on nearby residential streets.
  - d. Site Plan.
    - I. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
    - II. A landscaping plan shall be included and shall set forth complete specifications for plan and other features.
    - III. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
    - IV. The design of any structure shall be compatible with other structures in the surrounding area.
4. Auto repair provided that:
- a. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer;
  - b. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas;



- c. Parking or car magazine storage space shall be screened from view of abutting residential districts; and
  - d. No outside storage except as allowed in compliance with this Ordinance.
5. Off street parking as a principal use as regulated by Section 1501.023.;
  6. Religious institutions such as churches, chapels, temples, and synagogues;
  7. Daycare facilities;
  8. Greenhouses, farm or truck gardens, display and sale of agricultural products;
  9. Motor vehicle fuel facilities with or without convenience grocery or prepared food.
    - a.—Motor Fuel Facilities. Motor fuel facilities shall be installed in accordance with state and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
    - b.—Setbacks. When this use is adjacent to residential districts, the buildings, signs and pumps shall be a minimum of thirty feet (30') from adjoining property.
    - e.—Curb and Gutters. Concrete curb and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.
    - d.—Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
    - e.—Fencing and Screening. When adjacent to a residential district, there shall be fencing or screening and all areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened per Sections 1501.021. and 1501.022. All structures and

landscaped areas shall be maintained in an orderly, clean and safe manner;

~~f.~~—Architecture Standards.-

- I. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
- II. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
- III. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment.
- IV. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- V. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation. Such colors are limited to brown, black, grey, tan, beige, soft green, soft blue, or white.
- VI. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.

~~g.~~—Canopy. A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:

- I. The edge of the canopy shall be twenty feet (20') or more from the front or side lot line, provided that adequate visibility both on site and off site is maintained;
- II. The canopy shall not exceed eighteen feet (18') in height and must provide a minimum of fourteen feet (14') of clearance between the bottom of the canopy and the ground to accommodate a semitrailer truck passing underneath;

- III. The canopy fascia shall not exceed three feet (3') in vertical height;
- IV. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot-candles below the canopy at ground level. The fascia of the canopy shall not be illuminated;
- V. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site;
- VI. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
  - (a). The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way; and
  - (b). The canopy fascia shall not be illuminated, except for permitted canopy signage; and
- VII. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.

~~h.~~—Exterior Lighting. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent residential districts or from the public right of way and shall be in compliance with Section 1501.016.F. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

- I. Perimeter Lighting. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot-candles at ground level;
- II. Illumination. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any boundary line with an adjoining residential district or any public property; and
- III. Exception. Lighting of entire facades of the principal building shall only utilize illuminating devices mounted on top and

facing downward onto the structure. Accessory structures, including the canopy fascia, shall not be illuminated.

i.—Pump Islands. Pump islands must comply with the following performance standard:.

- I. Pump islands must be elevated six inches (6") above the traveled surface of the site; and
- II. All pump islands must be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty four feet (24').

j.—Signs. A comprehensive sign plan must be submitted as part of a conditional use permit application. All signing and informational or visual communication devices shall be minimized and shall be in compliance with Section 1501.020.

10. Commercial car washes (drive-through, mechanical and self-service) provided that:

- a. Magazine or stacking space is constructed to accommodate three (3) vehicles per wash stall and shall be subject to the approval of the City Engineer;
- b. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas;
- c. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 1501.022.;
- d. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
  - I. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle;
- e. The location and operation of vacuum machines must not interfere with magazines or stacking areas, on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property; and

- f. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the City Engineer, and subject to applicable requirements of the MPCA.
11. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than thirty percent (30%) of the area of the principal building provided that:
- a. The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section [1501.022](#).;
  - b. A principal building is required and the architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence. No outdoor sales are allowed on vacant lots without a principal structure;
  - c. The sales area is surfaced with bituminous material or concrete;
  - d. The sales area does not take up parking space as required for conformity to this ordinance;
  - e. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the City Council; and
  - f. Accessory automobile repair shall require the processing of a separate conditional use permit, subject to the conditions contained in Section 1501.041.D.4.

E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the C-2 Highway Commercial District:

- 1. Outdoor service, sale and rental as an accessory use, provided that:
  - a. Outside services, sales and rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use;

- b. Outside services, sales and rental areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 1501.022.;
- c. Sales area is surfaced with asphalt, concrete or pavers to control dust;
- d. The use does not take up parking space as required for conformity with Section 1501.023.; and
- e. The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with Section 1501.007.D. of this Ordinance.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009. of this Ordinance, the following are uses allowed in the C-2 Highway Commercial District by administrative permit:

- 1. Temporary Structures as regulated by Section 1501.028.; and
- 2. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard, Area and Height Requirements.

- 1. The following standards apply to the district’s uses:

Lot Area - minimum	20,000 sq. ft.
Lot Width - minimum	100 feet
Front yard setback - minimum	30 feet
Side yard setback - minimum	20 feet or 30 feet abutting a residential district
Rear yard setback - minimum	30 feet
Height - maximum	45 feet
Lot coverage maximum	75%

- 2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

H. Site Plan Review Required. A site plan review is required to be prepared and approved by the City for all uses proposed in this district according to Section 1501.010.

**1501.042. I-1 Industrial District.**

- A. Purpose. It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the I-1 Industrial District:
1. Building materials sales, storage yards, lumber yards;
  2. Contractor's equipment and storage yards;
  3. Wholesale business and warehousing, including self-storage facilities;
  4. Motor vehicle repair including recreational vehicles and equipment and machine shops;
  5. Governmental and public utility buildings and structures.
  6. Gas regulator stations;
  7. Public transportation terminals, transformer stations without storage walls and distributing stations;
  8. Data centers;
  9. Cartage and express facilities;
  10. Commercial printing establishments;
  11. Compounding, assembly, packaging, treatment, or storage of products and materials except waste;
  12. Laboratories, research and development facilities; and
  13. Manufacturing.
- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the I-1 Industrial District:
1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this

Ordinance, anywhere on a lot as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building;

2. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.;
3. Fences as regulated by Section 1501.021.;
4. Ground source heat pump systems as regulated by Section 1501.018.D.;
5. Off-street parking as regulated by Section 1501.023.;
6. Signs as regulated by Section 1501.020.;
7. Wind energy systems conforming to the height limit of this district, as regulated by Section 1501.018.E.;
8. Open and outdoor storage;
9. Offices accessory to a principal use;
10. Parking attendant shack, guard house, gate house; and
11. Indoor sale and rental as an accessory use, provided that:
  - a. Indoor sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use;
  - b. Indoor sales or rental areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Sections 1501.021 and 1501.022.;
  - c. The indoor sales or rental area is surfaced with asphalt, concrete, pavers or other surface to control dust; and
  - d. The indoor sales or rental area does not take up parking space as required for conformity to Section 1501.023.

D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the I-1 Industrial District:

1. Manufacturing of cement, concrete, lime gypsum or plaster;



2. Composting of vegetation waste;
  3. Forge presses;
  4. Used equipment yard;
  5. Grain elevators;
  6. Storage for the collection and temporary storage of recyclable materials such as, but not limited to, glass, paper products, plastic and metals;
  7. Pole construction buildings having a design that uses augured pillars or columns as footings;
  8. Auto repair provided that:
    - a. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City Engineer;
    - b. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas;
    - c. Parking or car magazine storage space shall be screened from view of abutting residential districts; and
    - d. No outside storage except as allowed in compliance with this Ordinance.
- E. Interim Use. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the I-1 Industrial District:
1. Community solar energy systems (SES).
  2. Outdoor storage as a principal use, provided that:
    - a. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way in compliance with Sections 1501.021 and 1501.022.;
    - b. The storage area is surfaced with asphalt, concrete, pavers or other surface to control dust;
    - c. The storage area does not take up parking space as required for conformity to Section 1501.023.;

- d. The storage does not include any waste; and
- e. The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with Section 1501.007.D.

F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the I-1 Industrial District by administrative permit:

- 1. Temporary Structures as regulated by Section 1501.028.; and
- 2. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.

G. Lot, Yard, Area and Height Requirements.

- 1. The following standards apply to the district's uses:

Lot Area - minimum	30,000 sq. ft.
Lot Width - minimum	100 feet
Front yard setback - minimum	30 feet
Side yard setback - minimum	20 feet or 30 feet abutting a residential district
Rear yard setback - minimum	30 feet
Height - maximum	45 feet <sup>a</sup>
Lot coverage maximum	85%
a - Each structure may exceed forty-five feet (45') in height by one foot (1') for each five feet (5') feet by which the structure sets back from the front, side and rear property lines in excess of the minimum required.	

- 2. On corner lots, the side yard setback on the street side shall be the same as the front yard setback and the side yard on the street side shall be considered a front yard.

H. General Provisions.

- 1. Screening. Where land zoned industrial is directly contiguous to land zoned agricultural, residential or commercial, proper screening so as to provide visual and noise relief to adjoining properties shall be provided according to Section 1501.022. Such screening shall be accomplished with materials or vegetation in such a way as to satisfy the City Council or their designee that relief of a significant nature is accomplished.

- I. Site Plan Review Required. A site plan review is required to be prepared and approved by the City for all uses proposed in this district according to Section 1501.010.

**1501.043. A Airport District.**

- A. Purpose. It is the intent of this district to provide specifically for the regulation of uses located adjacent to or near an airport.
- B. Permitted Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in the A Airport District:
  1. Aircraft hangars;
  2. Flight based operations, including maintenance, sales and charter activities; and
  3. Aircraft repair.
- C. Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses within the A Airport District:
  1. Offices accessory to a principal use;
  2. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim and administrative in this section, subject to applicable regulation of this Ordinance, anywhere on a lot as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building;
  3. Fences as regulated by Section 1501.021.;
  4. Ground source heat pump systems as regulated by Section 1501.018.D.;
  5. Off-street parking as regulated by Section 1501.023.; and
  6. Signs as regulated by Section 1501.020.
- D. Conditional Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the A Airport District:
  1. Open and outdoor service, storage, sale and rental as an accessory use, provided that:

- a. Outdoor services, sales, storage, and exterior garbage and trash collection areas are fenced and screened from view of neighboring residential uses or an abutting Residential District;
  - b. Tie-down facilities are provided for aircraft stored outdoors;
  - c. All lighting is hooded and so directed that the light source is not visible from the public right-of-way or from neighboring residences;
  - d. The use does not take up parking space as required for conformity to this Chapter; and
  - e. Sales, service and storage areas are grassed or surfaced to control dust.
- E. Interim Uses. In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the A Airport District:
- 1. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.018.F.
- F. Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions and performance standards of this section, and the processing requirements of Section 1501.009., the following are uses allowed in the A Airport District by administrative permit:
- 1. Essential services, except transmission pipelines and transmission or substation lines in excess of thirty three (33) kV and up to one hundred (100) kV, as regulated by Section 1501.027.
- G. Lot, Yard, Area and Height Requirements. The minimum requirements for this district are established and as agreed to in Chapter 18 – Winsted Municipal Airport Zoning Ordinance of the Municipal Code for the City of Winsted.

**1501.044. SL Shoreland Overlay District.**

A.—Purpose. The uncontrolled use of shorelands in the City of Winsted affects the public health, safety and general welfare not only by contributing to pollution of public waters. In furtherance of these policies, the City adopts the following minimum standards and criteria for the subdivision, use and development of shorelands and floodplain areas.

B.—Shoreland Management Classification.

Lake	Protected Waters Inventory I.D. #
Winsted Lake - a general development lake	43-12P
Grass Lake	43-13P
South Lake	43-14P
Butler Lake - natural environment lakes	86-255P

~~C.~~—Shoreland Overlay District Designation. The shorelands of the City of Winsted, Minnesota, are hereby designated as a Shoreland Overlay District. The boundaries of the Shoreland Overlay District are defined on the City of Winsted's official zoning map.

~~D.~~—DNR Review. The Department of Natural Resources ("DNR") must be notified of all conditional uses, amendments and variances the (10) days prior to the public hearing so it may comment. The DNR must be notified of the final action taken. Said notification to the DNR shall be within ten (10) days of the final action taken. Additional evaluation criteria and conditions shall apply with the shoreland area.

1. Thorough evaluation of the waterbody and the topographic vegetation and soils conditions on the site must be made to ensure that:
  - a. The prevention of soils, erosion or other possible pollution of public waters, both during and after construction;
  - b. The visibility of structures and other facilities as viewed from public waters is limited; and
  - c. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
2. Conditions that may be attached include, but are not limited to, the following:
  - a. Increased setbacks from the ordinary high water level;
  - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
  - c. Special provisions for the location, design and use of structures, watercraft launching and docking areas and vehicle parking areas.

- E. Permitted Uses. All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the City.
- F. Conditional Uses. All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the City.
- G. Utility Service. Hook-ups to publicly owned utility systems are required. No individual on-site sewage treatment systems, septic sanitary systems or private wells are allowed within the Shoreland Overlay District.
- H. Lot Design Standards. The following standards shall apply to all shoreland areas within the City. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the most restrictive standards shall apply:

	<b>General Development Lake</b>		<b>Natural Environment Lake</b>	
	<b>Riparian Lots (Waterfront)</b>	<b>Nonriparian Lots (non-waterfront)</b>	<b>Riparian Lots (Waterfront)</b>	<b>Nonriparian Lots (non-waterfront)</b>
<b>Lot Area (sq. ft.)</b>				
Dwelling – Single Family	15,000	10,000	40,000	20,000
Dwelling – Two Family	26,000	17,500	70,000	35,000
Dwelling - Multiple Family (3 units)	38,000	25,000	100,000	52,000
Dwelling – Multiple Family – each addl. Unit <b>add</b>	11,000	7,500	30,000	13,000
<b>Water Frontage or Lot Width at Building Line (ft.)</b>				
Dwelling – Single Family	75	75	125	125
Dwelling – Two Family	135	135	225	220
Dwelling – Multiple Family (3 units)	195	190	325	315
For Each Additional Unit <b>add</b>	60	55	100	95
<b>Setback From Ordinary High Water Mark (ft.)</b>				
Dwelling – single family	75	75	150	150
Dwelling – 2 or more units	75	75	200	200

I. Additional Structure Setback Standards.

- 1. Top of bluff 30 ft.
- 2. Unplatted cemetery 50 ft.

- 3. Right-of-way – state/county hwys.            50 ft.
- 4. Right-of-way – other public roads            20 ft.

J. Setbacks for Non-water Oriented Uses. Non-water oriented commercial, industrial, public or semipublic uses must be located on lots or parcels without public waters frontage, or, if located on lots with public waters frontage, must either be setback double the normal ordinary highwater level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

	Riparian Lots (Waterfront)	Nonriparian Lots (non-waterfront)
Building Height Limitation (ft.) except Churches and non-residential agricultural structures	25	25
Elevation of Lowest Floor Above Highest Known Water Level (ft.)	3	3
Placement of Roads and Parking Areas from Ordinary High Water Mark (ft.)	50	50
Total Lot Area Covered by impervious surface	25%	25%

K. Stairways, Lifts and Landings. Stairways and lifts are a preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. The following design criteria must be met:

- 1. Stairway width serving a residential use must not exceed four feet (4');
- 2. Landings or lifts serving residential uses must not exceed thirty-two (32) square feet in area;
- 3. Canopies or roofs are not allowed;
- 4. Stairways, lifts or landings may be either constructed above the ground on posts or pilings or placed into the ground provided they are designed and built in a manner that ensures control of soil erosion;
- 5. Stairways, lifts or landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water; and

6. Ramps, lifts or mobility paths for physically challenged persons are allowed provided the dimensional and performance standards listed above are complied with in addition to the requirements of Minnesota Administrative Rule 1341.

L. Decks. Decks must meet structure setback standards except when added to structures existing on the date the Shoreland Ordinance was established provided the following criteria and standards are met:

1. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
2. The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing shoreland setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive;
3. The deck is constructed primarily of wood and is not roofed or screened;  
and
4. Detached decks must not exceed eight (8) feet above grade at any point.

M. Controlled Accesses to Public Waters. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian (non-waterfront) lots within subdivisions are permissible and must meet or exceed the following standards;

1. These lots must meet the width and size requirements for residential lots and must be suitable for the intended uses of controlled access lots;
2. Docking, mooring or over-water storage is allowed for up to six (6) watercraft;
3. The lot must be jointly owned by all purchasers of lots in the subdivision who are provided access rights on the access lot; and
4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. Activities allowed include watercraft launching, loading, storage, docking, beaching or mooring. Non-significant conflict recreational activities allowed include swimming, sunbathing or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the number of watercraft allowed to be continuously moored, docked or stored over water. Centralization of common facilities and activities must be required. Suitable locations must be determined to



minimize topographic and vegetation alterations. All parking areas, storage buildings and other facilities are required to be screened by vegetation or topography as much as practical from view from public waters.

- N. Shoreland Alterations/Grading and Filling. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.
1. Removal or alteration of vegetation is allowed subject to the following standards:
    - a. Selective removal of natural vegetation shall be allowed, provided sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from public waters;
    - b. Clear cutting of natural vegetation shall be prohibited;
    - c. Natural vegetation shall be restored insofar as feasible; and
    - d. The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.
  2. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water or a watercourse leading to public water must be authorized by a conditional use permit if:
    - a. The movement of more than fifty (50) cubic yards of material on the steep slopes and bluff impact zones; and
    - b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
  3. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, Conditional Use Permits, Variances and Subdivision approvals:
    - a. Grading or filling in any wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
      - I. Sediment and pollutant trapping and retention;
      - II. Storage of surface runoff to prevent or reduce flood damage;

- III. Fish and wildlife habitat;
  - IV. Recreational use;
  - V. Shoreline or bank stabilization; and
  - VI. Note worthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others.
- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
  - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible;
  - d. Methods to prevent erosion and trap sediment must be employed;
  - e. Fill or excavated material must not be placed in a manner that creates an unstable slope;
  - f. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minn. Stat. § 103G.245;
  - g. Placement of natural rock rip rap, including associated grading of shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical. The landward extent of the rip rap is within ten (10) feet of the ordinary high water level and the height of the rip rap above the ordinary high water level does not exceed three (3) feet;
  - h. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater. Fill or excavated material must not be placed in bluff impact zones;
  - i. No permits will be issued for construction activities located within areas containing steep slopes (defined in Section 1501.002.B.) and identified on the official zoning map. Any construction activities on lots containing steep slopes will be required to meet or exceed setback standards from the steep slope.

- O. Stormwater Management. The following general and specific standards shall apply:
1. When possible, existing natural drainage ways, wetlands and vegetated soils surfaces must be used to convey, store, filter and retain stormwater run-off before discharge to public waters;
  2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site;
  3. Should constructed facilities also be needed such as diversions, settling basins, skimming devices, dikes, waterways and ponds, preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities;
  4. Impervious surface area of lots must not exceed twenty-five percent (25%) of the lot area;
  5. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts;
  6. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge; and
  7. Connection to Public Waters. Excavations in shoreland area where the intended purpose is connection to a public water shall require a permit from the City Administrator or designee before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters, subject to criteria in Minn. Stat. § 103G.245.

P. Placement and Design of Road, Driveways and Parking Areas.

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. A qualified individual must provide documentation that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with

the field office technical guides of the local soil and water conservation district or other applicable technical materials.

2. Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads and access related parking areas may be placed within shore impact zone provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 1501.044.N. of this Ordinance must be met.

Q. Site "Suitable Area" Evaluation for PUD's in Shoreland. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 1501.044.R.:

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions  
Sewered (feet)

General Development lakes – each tier	200
Natural Environment lakes – each tier	320

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

R. Residential and Commercial Planned Unit Development (PUD) Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

1. Residential PUD “Base” Density Evaluation. The suitable area within each tier is divided by the single residential lot size for lakes, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit

developments are then compared with the tier, density and suitability analysis contained within this section.

2. Commercial PUD “Base” Density Evaluation. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages or porches and basements unless they are habitable space.

- a. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development  
Floor Area Ratios \*  
Public Waters Class

* Average Unit floor Area (sq. ft.)	Sewered General Development Lake	Natural Environment Lake
200	.040	.010
300	.048	.012
400	.056	.014
500	.065	.016
600	.072	.019
700	.082	.021
800	.091	.023
900	.099	.025
1,000	.108	.027
1,100	.116	.029
1,200	.125	.032
1,300	.133	.034
1,400	.142	.036
1,500	.150	.038

- For average unit floor area less than shown, use the floor area ratios listed for two hundred (200) square feet. For areas greater than shown, use the ratios listed for one thousand five hundred (1,500) square feet. For recreational camping areas, use the ratios listed at four hundred (400) square feet. Manufactured homes sites in recreational camping area shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for one thousand (1,000) square feet.
- b. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites;

- c. Divide the total floor area by tier computed in item 3 above by the average inside living area size determined in Section 1501.044.R.2.a. This yields a base number of dwelling units and sites for each tier; and
- d. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein.

3. Density Increase Multipliers.

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 1501.044.H. of this Ordinance are met or exceeded and the design criteria in Section 1501.044.R.4-8. of this Ordinance are satisfied. The allowable density increases in Section 1501.044.R.3.b. of this Ordinance will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the local unit of government and the setback is at least twenty-five percent (25%) greater than the minimum setback.
- b. Allowable Dwelling Unit or Dwelling Site Density increases for Residential or Commercial Planned Units Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- 4. Before final approval of a PUD, a declaration of covenants, conditions and restrictions shall address the following:
  - a. Prohibition of any further future vegetative and topographic alterations, other than routine maintenance; prohibition of any further building construction within the PUD site; prohibition of uncontrolled beaching of watercraft, and the prohibition of commercial uses in residential PUD's; and
  - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 1501.044.R.5.

5. Open Space Requirements for PUD's.
  - a. At least fifty percent (50%) of the total project area must be preserved as open space; area uses that may be included in the open space calculation are:
    - I. Outdoor recreational facilities;
    - II. Areas containing significant historical sites;
    - III. Unplatted cemeteries; and
    - IV. Subsurface sewage treatment systems, if the use of this space is restricted to avoid adverse impacts on the system.
  - b. Additional open space requirements for Residential PUD's. For residential PUD's, at least fifty percent (50%) of the shore impact zone area of existing developments and at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.
6. Erosion Control and Stormwater Management for PUD's. PUD's must be designed and constructed to effectively manage reasonably expected quantities of stormwater run-off. Within the first tier, impervious surface coverage must not exceed twenty-five percent (25%) of the area, except for Commercial PUD's for which thirty-five percent (35%) impervious surface area is allowed, provided an approved storm water management plan is in force and is consistent with criteria specified in Section 1501.044.O.
7. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
  - a. Planned Unit Developments must be connected to publicly owned water supply and sewer systems; no on-site water supply or sewage treatment systems are allowed in either residential or commercial PUD's;
  - b. Dwelling units or sites must be clustered into one or more groups and located to meet or exceed the following dimensional standards:
    - I. Setback from the ordinary high water level;
    - II. Elevation above the surface water features; and
    - III. Conform to height restrictions.

8. Other PUD Standards include:
  - a. Shore recreation facilities must be centralized and located in areas suitable for them. Elevation criteria must include land slope, water depth, vegetation, soils and depth to groundwater and bedrock;
  - b. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one (1) for each allowable dwelling unit or site in the first tier. Launching ramp facilities may be provided for use by occupants of dwelling units or sites located in other tiers;
  - c. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided; and
9. Preliminary plans for all Planned Unit Developments in shoreland areas must be approved by the Commissioner of Natural Resources prior to the final approval by the City.

**1501.045. FP Floodplain Overlay District.**

A. Statutory Authorization, Findings of Fact and Purpose.

1. Statutory Authorization. The legislature of the State of Minnesota has, in Minn. Stat. § 103F and Chapter 462 encouraged and authorized local government units to adopt regulations designed to minimize flood losses.
2. Purpose.
  - a. This section regulates development in the flood hazard areas of Winsted, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  - b. National Flood Insurance Program Compliance. This section is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59



-78, so as to maintain the community's eligibility in the National Flood Insurance Program.

- c. This section is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

B. General Provisions.

1. How to Use This Section. This section adopts the floodplain maps applicable to the City of Winsted and includes three floodplain districts: Floodway, Floodway Fringe, and General Floodplain.
  - a. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 1501.045.D. or 1501.045.E. will apply, depending on the location of a property.
  - b. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 1501.045.D. apply unless the floodway boundary is determined, according to the process outlined in Section 1501.045.F. Once the floodway boundary is determined, the Flood Fringe District standards in Section 1501.045.E. may apply outside the floodway.
2. Lands to Which Section Applies. This section applies to all lands within the jurisdiction of Winsted, Minnesota shown on the Official Zoning Map or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.
  - a. The Floodway, Flood Fringe and General Floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this section. In case of a conflict, the more restrictive standards will apply.
3. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and in this Section 1501.045. The attached material includes the Flood Insurance Study for McLeod County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate Map panels therein numbered 27085C0080E, 27085C0085E, and 27085C0095E;

all documents being dated July 7, 2014 and prepared by the Federal Emergency Management Agency. These materials are on file at Winsted City Hall located at 201 First Street North Winsted, Minnesota.

4. Regulatory Flood Protection Elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot (1') above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
5. Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
  - a. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The City Administrator or designee must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
  - b. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.
6. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this section imposes greater restrictions, the provisions of this section prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.
7. Warning and Disclaimer of Liability. This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This section does not create liability on the part of the City of Winsted or its officers or employees for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.
8. Severability. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of law, the remainder of this section shall not be affected and shall remain in full force.
9. Definitions. Unless specifically defined below, words or phrases used in this section must be interpreted according to common usage and so as to give this section its most reasonable application.

- a. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- b. Base Flood Elevation. The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- c. Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- d. Conditional Use. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
  - I. Certain conditions as detailed in this Ordinance exist; and
  - II. The structure or land use conform to the Comprehensive Land Use Plan if one exists and are compatible with the existing neighborhood.
- e. Development. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- f. Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- g. Farm Fence. A fence as defined by Minn. Stat. § 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this Section. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this Section.
- h. Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- i. Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

- j. Flood Fringe. That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for McLeod County, Minnesota
- k. Flood Prone Area. Any land susceptible to being inundated by water from any source (see “Flood”).
- l. Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- m. Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- n. Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- o. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.
- p. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- q. Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- r. Principal Use or Structure. All uses or structures that are not accessory uses or structures.
- s. One Hundred Year Floodplain. Lands inundated by the “Regional Flood” (see definition).
- t. Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made

obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

- u. Recreational Vehicle. A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this section, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- v. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one percent (1%) chance or one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- w. Regulatory Flood Protection Elevation (RFPE). An elevation not less than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- x. Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- y. Special Flood Hazard Area. A term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- z. Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 1501.045.I.3.a. of this Ordinance and other similar items.
- aa. Substantial Damage. Means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

bb. Substantial Improvement. Within any consecutive three hundred sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- I. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; and
- II. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this section, “historic structure” is as defined in 44 Code of Federal Regulations § 59.1.

10. Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 1501.045.B.3. above may include floodplain areas that lie outside of the corporate boundaries of the City of Winsted at the time of adoption of this section. If any of these floodplain land areas are annexed into the City after the date of adoption of this section, the newly annexed floodplain lands will be subject to the provisions of this section immediately upon the date of annexation.

### C. Establishment of Zoning Districts.

#### 1. Districts.

- a. Floodway District. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A on the Flood Insurance Rate Map panels adopted in Section 1501.045.B.3. of this Ordinance. that are at or below the ordinary high water level as defined in Minn. Stat. § 103G.005, subd. 14.
- b. Flood Fringe District. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone A on the Flood Insurance Rate Map panels adopted in Section 1501.045.B.3. that are below the on percent (1%) annual chance flood elevation (100 year flood elevation) but above the ordinary high water level as defined in Minn. Stat. § 103G.005, subd. 14.

- c. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in 1501.044.B.3 of this Ordinance, which are not subject to criteria mentioned in Sections 1501.045.C.1.a. and 1501.045.C.1.b.
2. Compliance. Within the floodplain districts established in this section, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this section and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 1501.045.D., 1501.045.E. and 1501.045.F., respectively, are prohibited. In addition, a caution is provided here that:
  - a. New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this section and specifically Section 1501.045.I.;
  - b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this section and specifically Section 1501.045.K.; and
  - c. As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this section and specifically as stated in Section 1501.045.J.

D. Floodway District (FW).

1. Permitted Uses. The following uses, subject to the standards set forth in Section 1501.045.D.2., are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
  - a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  - b. Industrial-commercial loading areas, parking areas, and airport landing strips;
  - c. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature

preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails;

- d. Residential lawns, gardens, parking areas, and play areas; and
- e. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Sections 1501.045.D.4.a., 1501.045.D.4.c. and 1501.045.D.4.f. are met.

2. Standards for Floodway Permitted Uses.

- a. The use must have a low flood damage potential.
- b. With the exception of the uses listed in Section 1501.045.D.1.e., the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- c. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

3. Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 1501.045.J.4. and further subject to the standards set forth in Section 1501.045.D.4., if otherwise allowed in the underlying zoning district or any applicable overlay district.

- a. Structures accessory to the uses listed in Section 1501.045.D.1. and the uses listed in Sections 1501.045.D.3.b. through 1501.045.D.3.g.
- b. Extraction and storage of sand, gravel, and other materials.
- c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d. Storage yards for equipment, machinery, or materials.
- e. Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 1501.045.B.9.g., are permitted uses.



- f. Travel ready recreational vehicles meeting the exception standards in Section 1501.045.I.3.
- g. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event.

4. Standards for Floodway Conditional Uses.

- a. All Uses. A conditional use must not cause any increase in the stage of the one percent (1%) chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- b. Fill; Storage of Materials and Equipment.
  - I. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - II. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
  - III. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the one percent (1%) percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- c. Accessory Structures.
  - I. Accessory structures must not be designed for human habitation.
  - II. Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
    - (a). Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and

- (b). So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.
- III. Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:
- (a). The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and
  - (b). Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
- IV. As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed five hundred and seventy-six (576) square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:
- (a). To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
  - (b). There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one (1) foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- d. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minn. Stat. § 103G.245.
- e. A levee, dike or floodwall constructed in the floodway must not cause an increase to the one percent (1%) chance or regional flood. The

technical analysis must assume equal conveyance or storage loss on both sides of a stream.

- f. Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

E.—Flood Fringe District (FF).

1. Permitted Uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 1501.045.E.2. If no preexisting, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.
2. Standards for Flood Fringe Permitted Uses.
  - a. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one (1) foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least fifteen feet (15') beyond the outside limits of the structure.
    - I. As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed five hundred and seventy-six (576) square feet in size may be internally floodproofed in accordance with Section 1501.045.D.4.c.
  - b. The cumulative placement of fill or similar material on a parcel must not exceed one thousand (1,000) cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 1501.045.E.2.a., or if allowed as a conditional use under Section 1501.045.E.3.c.
  - c. The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
  - d. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - e. Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

- f. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
  - g. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
  - h. Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
  - i. Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
  - j. Manufactured homes and recreational vehicles must meet the standards of Section 1501.045.I.
3. Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 1501.045.J.4. of this Ordinance. Conditional uses must meet the standards in Sections 1501.045.E.2.d. through 1501.045E.2.j. and 1501.045.E.4.
- a. Any structure that is not elevated on fill or floodproofed in accordance with Section 1501.045.E.2.a.
  - b. Storage of any material or equipment below the regulatory flood protection elevation.
  - c. The cumulative placement of more than one thousand (1,000) cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 1501.045.E.2.a.
4. Standards for Flood Fringe Conditional Uses.

- a. The standards listed in Sections 1501.045.E.2.d. through 1501.045.E.2.j., apply to all conditional uses.
- b. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area is considered above-grade and not a structure's basement or lowest floor if:
  - I. The enclosed area is above-grade on at least one side of the structure;
  - II. It is designed to internally flood and is constructed with flood resistant materials; and
  - III. It is used solely for parking of vehicles, building access or storage.

These alternative elevation methods are subject to the following additional standards:

- I. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment, including ductwork, and other service facilities are placed at or above the regulatory flood protection elevation or are designed to prevent flood water from entering or accumulating within these components during times of flooding;
- II. Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood. The design plans must stipulate:
  - (a). A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There must be a minimum of two openings on at least two sides of the structure and the bottom of all openings must be a maximum of one foot above grade. The automatic openings must have a net area of at least one square inch for every square foot of enclosed area subject to flooding, unless a registered professional engineer or architect certifies that a

smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and

- (b). That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and will be used solely for building access, parking of vehicles, or storage.
- c. Basements, as defined by Section 1501.045.B.9.c., are subject to the following:
  - I. Residential basement construction is not allowed below the regulatory flood protection elevation; and
  - II. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 1501.045.E.4.d.
- d. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.
- e. The placement of more than one thousand (1,000) cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
  - I. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
  - II. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.

- III. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- f. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

F.—General Floodplain District (GF).

1. Permitted Uses.

- a. The uses listed in Section 1501.045.D.1. of this Ordinance, Floodway District Permitted Uses, are permitted uses.
- b. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Sections 1501.045.F.2. and 1501.045.D. applies if the proposed use is determined to be in the Floodway District. Section 1501.045.E. applies if the proposed use is determined to be in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations.

- a. Upon receipt of an application for a permit or other approval within the General Floodplain District, the City Administrator or designee must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- b. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Section 1501.045.F.2.c. of this Ordinance.
- c. The determination of floodway and flood fringe must include the following components, as applicable:
  - I. Estimate the peak discharge of the regional (1% chance) flood;
  - II. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and

- III. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half foot (0.5'). A lesser stage increase than one-half foot (0.5') is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- d. The City Administrator or designee will review the submitted information and assess the technical evaluation and the recommended Floodway or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The City Administrator or designee may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the City Administrator or designee may approve or deny the application.
  - e. Once the Floodway and Flood Fringe District Boundaries have been determined, the City Administrator or designee must process the permit application consistent with the applicable provisions of Sections 1501.045.D. and 1501.045.E.

G.—Land Development Standards.

1. In General. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Winsted.
2. Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this section.
  - a. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
  - b. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.



- c. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
  - d. In the General Floodplain District, applicants must provide the information required in Section 1501.045.F.2. to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
  - e. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
    - I. All such proposals are consistent with the need to minimize flood damage within the flood prone are;
    - II. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    - III. Adequate drainage is provided to reduce exposure of flood hazard.
3. Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. Constructed with materials and utility equipment resistant to flood damage;
  - c. Constructed by methods and practices that minimize flood damage; and
  - d. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

~~H.~~ Public Utilities, Railroads, Roads and Bridges.

- ~~1.~~ Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be

floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

2.—Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1501.045.D. and 1501.045.E. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

3.—On-site Water Supply and Sewage Treatment Systems. Where public utilities are not provided:

a.—On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

b.—New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this section.

4.—Manufactured Homes, Manufactured Home Parks and Recreational Vehicles.

1. Manufactured Homes. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement manufactured home units on lots of record are prohibited in the Floodway District. If allowed in the Flood Fringe District, these uses are subject to the requirements in Sections 1501.045.E., and 2.a. and 2.b. below.

2. Placement of Manufactured Homes. New and replacement manufactured homes in the Flood Fringe District must comply with the following standards:

a.—New and replacement manufactured homes must be elevated in compliance with Section 1501.045.E. and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces; and

b.—New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1501.045.G.2.b.

3. Recreational Vehicles. Placement of recreational vehicles in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this section:

a. Recreational vehicles are exempt from the provisions of this section if they are placed in any of the following areas and meet the criteria listed in Section 1501.045.I.3.b.:

I. Individual lots or parcels of record;

II. Existing commercial recreational vehicle parks or campgrounds; and

III. Existing condominium-type associations.

b. Criteria for Exempt Recreational Vehicles.

I. The vehicle must have a current license required for highway use.

II. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

III. No permanent structural type additions may be attached to the vehicle.

IV. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

V. Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 1501.045.I.2.b.

VI. An accessory structure must constitute a minimal investment.

c. Recreational vehicles that are exempt in Section 1501.045.I.3.c. lose this exemption when development occurs on the site that exceeds a

minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 1501.045.E. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

- d. New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five (5) units or dwelling sites may be allowed subject to the following:
  - I. On any new or replacement recreational vehicle site in the Flood Fringe District, the recreational vehicle and its contents must be placed on fill at or above the regulatory flood protection elevation and adequate road access to the site must be provided in accordance with Section 1501.045.G.2.b.; and
  - II. Any new or replacement recreational vehicle site located in the Floodway District or as an alternative to (a) above in the Flood Fringe District, may be allowed as a conditional use in accordance with the following provisions and the provisions of Section 1501.045.J.4.:
    - (a). The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to the City Council, as specified in Section 1501.045.G.2.b. The plan must demonstrate that adequate time and personnel exist to carry out an evacuation, and that the exemption provisions of Section 1501.045.I.3.a. will be met;
    - (b). All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 1501.045.H.3.; and
    - (c). Any fill placed in the floodway to meet the requirements of this section must not increase the flood stage of the regional (1% chance) flood.

J.—Administration.

- 1.—City Administrator or Designee. A City Administrator or designee must administer and enforce.

2.—Permit Requirements.

a.—Permit Required. A permit must be obtained from the City Administrator or designee prior to conducting the following activities:

I.—The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this section.;

II.—The use or change of use of a building, structure, or land;

III.—The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this section;

IV.—The change or extension of a nonconforming use;

V.—The repair of a structure that has been damaged by flood, fire, tornado, or any other source;

VI.—The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain;

VII.—Relocation or alteration of a watercourse, unless a public waters work permit has been applied; and

VIII.—Any other type of “development” as defined in this section.

b.—Application for Permit. Permit applications must be submitted to the City Administrator or designee on forms provided by the City Administrator or designee. The permit application must include the following as applicable:

I. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit;

II. Location of fill or storage of materials in relation to the stream channel;

III. Copies of any required municipal, county, state or federal permits or approvals; and

IV. Other relevant information requested by the City Administrator or designee as necessary to property evaluate the permit application.

e.—Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the City Administrator or designee stating that the use of the building or land conforms to the requirements in this section.

d.—Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions in this section. Floodproofing measures must be certified by a registered professional engineer or registered architect.

e.—Record of First Floor Elevation. The City Administrator or designee must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The City Administrator or designee must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

f.—Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the City Administrator or designee must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minn. Stat. § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

g.—Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the City Administrator or designee must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

### 3.—Variances.

a.—Variance Applications. An application for a variance to the provisions of this section will be processed and reviewed in accordance with applicable state statutes and Section 1501.008.-

b.—Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower

degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

e.—Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied.

f.—Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

g.—Variances may only be issued by a community upon:

(a). A showing of good and sufficient cause;

(b). A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.-

h.—Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

i.—Flood Insurance Notice. The City Administrator or designee must notify the applicant for a variance that:

f.—The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and

g.—Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

j.—General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

f.—The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

- II.—The danger that materials may be swept onto other lands or downstream to the injury of others;
  - III.—The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  - IV.—The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  - V.—The importance of the services to be provided by the proposed use to the community;
  - VI.—The requirements of the facility for a waterfront location;
  - VII.—The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - VIII.—The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - IX.—The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
  - X.—The safety of access to the property in times of flood for ordinary and emergency vehicles; and
  - XI.—The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- f.—Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten (10) days notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- g.—Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- h.—Record-Keeping. The City Administrator or designee must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the



Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

4.—Conditional Uses.

a.—Administrative Review. An application for a conditional use permit under the provisions of this section will be processed and reviewed in accordance with Section 1501.006.

b.—Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this section, and those factors identified in Section 1501.045.J.3.e.

e.—Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:

I.—Modification of waste treatment and water supply facilities;

II.—Limitations on period of use, occupancy, and operation;

III.—Imposition of operational controls, sureties, and deed restrictions;

IV.—Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and

V.—Floodproofing measures, in accordance with the State Building Code and this section. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

d.—Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten (10) days notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

e.—Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

K.—Nonconformities.

1.—Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued subject to the following conditions. Historic structures, as defined in Section 1501.045.B.9.bb.II., are subject to the provisions of Sections 1501.045.K.1.a. through 1501.045.K.1.e.

a.—A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

b.—Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Sections 1501.045.K.1.c. and 1501.045.K.1.g. of this Ordinance.

e.—The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed fifty percent (50%) of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure, then the structure must meet the standards of Section 1501.045.D. or Section 1501.045.E. both of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

d.—If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one (1) year, any future use of the premises must conform to this section. The Assessor must notify the City Administrator or designee in writing of instances of nonconformities that have been discontinued for a period of more than one (1) year.

e.—If any nonconformity is substantially damaged, as defined in Section 1501.045.B.9.aa., it may not be reconstructed except in conformity with the provisions of this section. The applicable provisions for establishing new uses or new structures in Sections 1501.045.D. or

1501.045.E. will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

~~f.~~—If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1501.045.B.9.x., it must not be reconstructed except in conformity with the provisions of this section.

~~g.~~—Any substantial improvement, as defined in Section 1501.045.B.9.bb., to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Sections 1501.045.D. or 1501.045.E. for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

~~L.~~—Penalties and Enforcement.

~~1.~~—Violation Constitutes a Misdemeanor. Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

~~2.~~—Other Lawful Action. Nothing in this section restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the City Administrator or designee within the specified period of time, each additional day that lapses will constitute an additional violation and will be prosecuted accordingly.

~~3.~~—Enforcement. Violations of the provisions of this section will be investigated and resolved in accordance with the provisions of Section 1501.003. In responding to a suspected violation, the City Administrator or designee and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

~~M.~~—Amendments.

~~1.~~—Floodplain Designation, Restrictions on Removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory

flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

~~2.~~—Amendments Require DNR Approval. All amendments to this section must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

~~3.~~—Map Revisions Require Section Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1501.045.B.3.

#### **1501.046. PUD Planned Unit Development Overlay District.**

- A. Purpose. This section is established to provide procedures and standards designed to allow greater flexibility in the development of neighborhoods by incorporating a mixture of housing densities or uses through the PUD development process. This process is intended to encourage:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments;
  2. More convenience in location and design of development and service facilities;
  3. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion;
  4. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban uses;
  5. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments;
  6. A development pattern in harmony with the objectives of the Comprehensive Land Use Plan; and
  7. A more desirable and creative environment than might be possible through the strict application of zoning and subdivision rules.

B. General Requirements and Standards.

1. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple owners, the approved final plan shall be binding on all owners.
2. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City's Comprehensive Land Use Plan.
3. Common Open Space. Common open space at least sufficient to meet minimum requirements, as established in the City's Comprehensive Land Use Plan or other land use rules, and improvements as necessary and appropriate for the benefit and enjoyment of the PUD residents shall be provided within the area of the PUD development.
4. Operating and Maintenance Requirements for PUD Common Open Space and Facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a pre-determined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City Council:
  - a. Dedicated to the public, where a community wide use is anticipated and the City Council agrees to accept the dedication;
  - b. Landlord control, where only the use by tenants is anticipated; and
  - c. Property Owners Association, provided all of the following conditions are met:
    - I. Prior to the use or occupancy or sale or the execution of contracts for sale or rental of an individual building unit, parcel, tracts, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions shall be filed with the City;
    - II. The declaration of covenants, conditions and restrictions or equivalent documents shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration;

- III. The declaration of covenants, conditions and restrictions shall provide that an owners association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control;
- IV. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, with said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro-rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made;
- V. Membership must be mandatory for each owner and any successive buyer;
- VI. The open space restrictions must be permanent and not for a given period of years;
- VII. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it;
- VIII. Property owners must pay their pro-rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes;
- IX. The association must be able to adjust the assessment to meet changed needs; and
- X. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

5. Staging of Public and Common Open Space. When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
6. Density. The maximum allowable density variation in a PUD shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases the negotiated standards shall be consistent with the development policies as contained in the Comprehensive Land Use Plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125%) percent of the proposed residential density of the entire PUD.
7. Utilities. In any PUD, all utilities, including telephone, electricity, gas, and tele-cable shall be installed underground.
8. Utility Connections. Standards are specified in Chapter 4 of Municipal Code for the City of Winsted.
9. Roadways. All streets shall conform to the design standards contained in the Winsted Subdivision Ordinance, unless otherwise approved by the City Council.
10. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
11. Urban/Rural Servicing Requirements. All development will be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services will be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities services may be granted approval for development, provided that all applicable provisions of this Ordinance, other applicable City Ordinances, and State Regulations are complied with.
12. Setbacks.

- a. The front and side yard restrictions of the periphery of the PUD site at a minimum shall be the same as imposed in the respective districts.
  - b. No building shall be located less than fifteen feet (15') from the back of the curb line along those roadways which are part of the internal street pattern.
  - c. No building within the project shall be nearer to another building than one-half (0.5) the sum of the building heights of the two (2) buildings.
- C. Submission Requirements. Five (5) copies of the following exhibits, analysis and plans shall be submitted to the Planning Commission and City Council during the PUD process, at the times specified in Section 1501.046.D.

1. General Concept Stage.

a. General Information.

- I. The landowners name and address and this interest in the subject property.
- II. The applicants name and address if different from the landowner.
- III. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
- IV. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

b. Present Status.

- I. The address and legal description of the subject property.
- II. The existing zoning classification and present use of the subject property and all lands within three hundred and fifty feet (350') of the subject property.
- III. A map depicting the existing development of the subject property and all land within three hundred and fifty feet (350') thereof and



indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet (100') of the property.

- c. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the Comprehensive Land Use Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- d. Site Conditions. Graphic reproductions of the existing site conditions at a scale of one hundred feet (100') to the inch. All of the graphics should be the same scale as the final plan to allow easy cross-reference. The use overlays are recommended for clear reference.
  - I. Contours – minimum two foot (2') intervals.
  - II. Location, type and extent of tree cover.
  - III. Slope analysis.
  - IV. Location and extent of water bodies, wetlands, streams, and floodplains within three hundred and fifty feet (350') of the subject property.
  - V. Existing drainage patterns.
  - VI. Vistas and significant views.
  - VII. Soil conditions as they affect development.
- e. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- f. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
  - I. Area devoted to residential uses;
  - II. Area devoted to residential use by building type;

- III. Area devoted to common open space;
  - IV. Area devoted to public open space;
  - V. Approximate area devoted to streets;
  - VI. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
  - VII. Approximate area and floor area, devoted to commercial uses; and
  - VIII. Approximate area and floor area, devoted to industrial or office use.
- g. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.
  - h. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
  - i. General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
  - j. Schematic utility plans indicating placement of water, sanitary, and storm sewers.
  - k. The Planning Commission may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
  - l. The Planning Commission may require the submission of any additional or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.
2. Development Stage. Development stage submissions should depict and outline the proposed implementations of the general concept stage for the

PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

- a. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan;
- b. Five (5) sets of preliminary plans, drawn to a scale of not less than one inch (1") equals one hundred feet (100').
  - I. Proposed name of the development, not duplicating a name of any other plat recorded with the County in which the property is situated.
  - II. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
  - III. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.
  - IV. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
  - V. Location, designation and total area of all common open space.
  - VI. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
  - VII. Proposed lots and blocks, if any, and numbering system.
  - VIII. The location, use and size of structures and other land uses on adjacent properties.
  - IX. Detailed sketches and provisions of proposed landscaping.
  - X. General grading and drainage plans for the developed PUD.
  - XI. Any other information that may have been required by the Planning Commission or City Council in conjunction with the approval of the general concept plan.

- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
  - d. A tabulation indicating the number of residential dwelling units and expected population;
  - e. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity;
  - f. Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed building(s);
  - g. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structures, and uses;
  - h. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan;
  - i. A preliminary plat prepared in accordance with the Subdivision Ordinance of Winsted;
  - j. A soil erosion control plan acceptable to watershed districts, DNR, Soil Conservation District, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures;
  - k. A statement summarizing all changes that have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data;
  - l. Such other and further information as the Planning Commission, City Administrator or designee or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof; and
  - m. The Planning Commission may excuse an applicant from submitting any specific item of information or document required in this section if it finds to be unnecessary to the consideration of the specific proposal for PUD approval.
3. Final Plan Stage. After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD the

applicant will submit the following material for review by the City prior to issuance of a building permit:

- a. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility;
- b. All certificates, seals, and signatures required for the dedication of land and recordation of documents;
- c. Final architectural working drawings of all structures;
- d. A final plat and final engineering plans and specifications for streets, utilities, and other public improvements, together with a Community/Developer Agreement for the installation of such improvements and financial guarantees for the completion of such improvements; and
- e. Any other plan, agreements, or specifications necessary for the City Staff to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

D. Procedure for Processing a Planned Unit Development.

1. Application Conference. Upon filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the City Administrator or designee. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of this proposal for the area for which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data.
2. General Concept Plan.
  - a. Purpose. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing his basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the immediately significant elements for City review and comment:

- I. Overall maximum PUD density range;

- II. General location of major streets and pedestrian ways;
- III. General location and extent of public and common open space;
- IV. General location of residential and non-residential land uses with approximate type and intensities of development;
- V. Staging and time schedule of development; and
- VI. Other special criteria for development.

b. Schedule.

- I. Developer meets with the City Administrator or designee to discuss the proposed development(s).
- II. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by the City Council.
- III. Within thirty (30) days after verification by the City that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
- IV. The City Administrator or designee shall set a public hearing for the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council. Notice of said hearing shall contain the following:
  - (a). A legal property description;
  - (b). A description of the development request; and
  - (c). A map detailing the property location.

The notice shall be published in the official newspaper at least ten (10) days prior to the hearing and written notification of said hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this section.

- I. The City Administrator or designee shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the City Council.
  - II. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to the required standards stated within this section.
  - III. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
  - IV. Within thirty (30) days of the public hearing, or such further time as may be agreed to by the applicant, the Planning Commission shall itself review said reports and plans and submit its written report and recommendations to the City Council and applicant. The report shall contain the findings of the Planning Commission with respect to the General Concept Plan. If the Planning Commission fails to act within the time specified within, it shall be deemed to have recommended the Plan for approval.
  - V. Within thirty (30) days of receipt of the report and recommendation of the Planning Commission, the City Council shall grant approval, resubmit the plan to the Planning Commission for further consideration of specified items, or deny approval of the plan.
- c. Optional Submission of Development Stage Plan. In cases of single stage PUD's or where the applicant wishes to begin the first stage of a multiple stage PUD immediately, he may, at his option, initially submit Development Stage Plans for the proposed PUD. In such case, the Planning Commission and City Council shall consider such plans, grant or deny Development Stage Plan approval in accordance with the provisions of this section.
  - d. Effect of Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this section or of any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked

or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.

- e. Limitation on General Concept Plan Approval. Unless a Development Stage Plan covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date the City Council grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this section and of an approved General Concept Plan, the approval may be revoked by City Council action. In such case, the City Council shall adopt a resolution repealing the General Concept Plan approval for that portion of the PUD that has not received final approval and re-establishing the zoning and other City Code provisions that would otherwise be applicable. Upon application by the applicant, the City Council at its discretion may extend for additional periods not in excess of six (6) months each, the filing deadline for any Development Stage Plan, when, for good cause shown, such extension is necessary.

### 3. Development Stage.

- a. Purpose. The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the Final Plan.
- b. Submission of Development Stage. Upon approval of the General Concept Plan, and within the timelines established above, the applicant shall file with the City Administrator or designee a Development Stage Plan consisting of the information and submissions required under Section 1501.046.C.2.b., for the entire PUD or for one or more stages in accordance with a staging plan approved as part of the General Concept Plan. The Development Stage Plan shall refine, implement and be in substantial conformity with the approved General Concept Plan.
- c. Review and Action by City Staff and Planning Commission. Immediately upon receipt of a completed Development Stage Plan, the City Administrator or designee shall refer such plan to the following City staff or official bodies for the indicated action:
  - I. The City Attorney for legal review of all documents;
  - II. The City Engineer for review of all engineering data and of the Developer's Agreement;



- III. The Planning Commission for review and recommendation to the City Council;
- IV. When appropriate, as determined by the City Administrator or designee, to other special review agencies such as the DNR, Watershed District, Highway Department, or others; and
- V. All staff reports referred to above shall submit their reports in writing to the Planning Commission and to the applicant.

d. Schedule.

- I. Developer meets with the City Administrator or designee and other City staff, as needed, to discuss specific development plans.
- II. The applicant shall file the Development Stage application within six (6) months after Concept Plan review, together with all supporting data and filing fee, as established by City Council.
- III. A technical staff report shall be prepared on the proposed development, and distributed to the Planning Commission and the applicant prior to the meeting.
- IV. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
- V. Planning Commission will make a recommendation to the City Council on the Development Stage Plan.
- VI. City Council reviews all recommendations and approves or denies the plan.
- VII. The City Administrator or designee shall instruct the City Attorney to draw up a PUD Agreement which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This Agreement shall be signed by the Mayor, City Administrator or designee, and the applicant within thirty (30) days of City Council approval of the Development Stage Plan. Where the Development Stage Plan is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its action.

- e. Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this section or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the City Council at its discretion may extend for not more than six (6) months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where the Development Plan approval expires, the City Council shall forthwith adopt a resolution repealing the General Concept Plan approval and the Development Stage Plan approval and re-establishing the zoning and other Code provisions that would otherwise be applicable.
- f. Site Improvements. At any time following the approval of a Development Stage Plan by the City Council, the applicant may apply for grading permits for the area within the PUD for which Development Stage Plan approval has been given.

#### 4. Final Plan.

- a. Purpose. The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Rules as land use regulations apply to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.
- b. Schedule.
  - I. Upon approval of the Development Stage Plan, and within the time established in Section 1501.046.D.3.e., the applicant shall file with the City Administrator or designee a Final Plan consisting of the information and submissions required by this section for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff, unless otherwise specified by the City Council.
  - II. Within thirty (30) days of its approval, the applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County Recorder. The applicant shall provide

the City with a signed copy verifying County recording within forty (40) days of the date of approval.

- c. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the City Administrator or designee that the approved Final Plan has been recorded and upon receiving a permit application from the applicant, all appropriate City officials may issue building permits and other permits for development, construction and other work in the area encompassed by the approved Final Plan provided, however, no such permit shall be issued unless the appropriate official is satisfied that the requirements of all City rules applying to the development have been satisfied.
- d. Limitation on Final Plan Approval. Within one (1) year after the approval of a Final Plan for the PUD, construction shall commence in accordance with such approved plan. Failure to commence construction within this time period, unless an extension has been granted, shall automatically render the PUD permit and approvals void. In such case, the City Council shall adopt an ordinance repealing the PUD permit and approvals, re-establishing the zoning rules and other applicable rules that would have otherwise been applicable to the subject property. The time limit established in this paragraph may, at the discretion of the City Council, be extended for not more than six (6) months.
- e. Inspections During Development.
  - I. Compliance with Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the City Administrator or designee shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
  - II. If the City Administrator or designee finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, he shall immediately notify the City Council. Within thirty (30) days of such notice, the City Council shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment of the Final Plan.

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