

CHAPTER 15

SECTION 1

1501.000. Zoning Ordinance.

1501.001. Legal References.

An Ordinance for the purpose of promoting the health, safety, order, convenience and general welfare by regulating the use of land; the location and use of buildings and the arrangement of buildings on lots in the City of Winsted, Minnesota.

A. Intent and Purpose. Pursuant to authority conferred by the State of Minnesota in Section 462.357, Laws of 2002, or as amended, and for the purpose of:

1. promoting and protecting the public health, safety and general welfare of the inhabitants of the incorporated area of the City of Winsted
2. protecting and conserving the character, social, economic stability of residential, commercial, industrial, natural resource and other use areas;
3. securing the most appropriate use of land
4. preventing the overcrowding of the land and undue congestion of population
5. providing adequate light, air and reasonable access
6. facilitating adequate and economical provision of transportation, water supply and sewage disposal
7. planning for location of schools, recreation facilities and other public requirements

This Ordinance which shall be known and cited as the Winsted Zoning Ordinance, an Ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence, natural resources and other purposes; creating districts for said purposes and establishing the boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing for the violation of this Ordinance.

B. Title. This Ordinance shall be known as “The Winsted Zoning Ordinance” and will be referred to herein as “this Ordinance.”

C. Jurisdiction. The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Winsted.

D. 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.

E. Severability.

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.

1501.002. Rules and Definitions.

A. Rules. For purposes of this Ordinance, words used in the singular number include the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the word “shall” is mandatory, the word “may” is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this Ordinance its meaning shall be construed as set forth in such definition thereof.

B. Definitions. For the purpose of this Ordinance, certain words and terms are herein defined:

1. 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.

2. Alley. A public right-of-way that affords a secondary means of access to abutting property.
3. Animal Shelter. Any place where three (3) or more animals three (3) months of age are boarded, bred and/or offered for sale.
4. Automobile Repair – Minor. Minor repair, incidental body and fender work, painting and upholstering service, replacement of parts, and engine service to passenger vehicles and trucks not exceeding three-quarter (3/4) ton capacity.
5. Automobile Repair – Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including bodywork, framework and painting.
6. Automobile Service Station. 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 repair or similar servicing thereof.
7. Automobile Wrecking or Junkyard. A place maintained for keeping, storing, piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, use, or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in a residential district.
8. Basement. That portion of a floor of a building which is wholly or partially, up to fifty percent (50%), underground or below grade.
9. 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.
10. Boarding House. A building other than a hotel where, for compensation and pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.
11. Buffer Strip. A strip of land containing trees, shrubs or other plantings for the purpose of providing a visual break between different land uses.
12. Building. Any structure used or intended for supporting or sheltering any use or occupancy.

13. Buildable Area. That part of the lot remaining after required yards have been provided.
14. Building, Principal. A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.
15. Building Setback Line. The minimum horizontal distance from the street right-of-way to any building.
16. 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.
17. Clear-Cutting. The removal of an entire stand of trees.
18. Clinic-Medical. A clinic for the purpose of this Ordinance is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a doctor or a group of doctors.
19. Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
20. Commissioner. The Minnesota Commissioner of Natural Resources.
21. Conditional Use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist. The use or development conforms to the comprehensive land use plan of the community and the use is compatible with the existing neighborhood.
22. Council (City). The duly elected and qualified governing body of the City of Winsted, Minnesota.
23. 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 more than three (3) feet above ground.
24. District, Zoning. Any section of the incorporated area of the City of Winsted within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
25. Drainage. The removal of surface water or ground water from land.
26. Dredging. To enlarge or clean-out a waterbody, watercourse or wetland.

27. Drive-In Establishment. An establishment that accommodates the patron's automobile from which the occupants may receive a service.
28. 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.
29. Dwelling, Multiple. A building used or intended to be used as a dwelling by three (3) or more families, where a partition wall divides each dwelling unit and where each unit is capable of individual use, maintenance, and trespassing upon adjoining properties.
30. Dwelling, Single Family. A dwelling occupied by only one (1) family and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.
31. Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
32. Dwelling, Two Family. A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families, living independently of each other.
33. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
34. 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.
35. Essential Services. The phrase "essential services" means 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.
36. Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat.
37. Family. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single

house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

38. 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.
39. Floor Area, Ground. The area within the exterior walls of the main building or structure excluding the garage as measured from the outside walls at the ground level.
40. Frontage. The width of a lot or building site measured on a line separating it from a public street or right-of-way. For the purpose of this Ordinance, the frontage shall be defined as that side which contains the main entryway for the building.
41. 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.
42. 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.
43. Hardship. The term “hardship” as used in this Ordinance is defined as follows: (1) The property in question cannot be put to reasonable use under the conditions allowed by the official controls; (2) the plight of the land owner is due to circumstances unique to his property, not created by the land owner; (3) a variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of the official controls.
44. Height, Building. The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
45. Home Occupation. Home occupations are any gainful occupations engaged in by the occupants of a dwelling, carried on within a dwelling unit and using not more than twenty percent (20%) of the floor area of the structure.
46. 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.
47. Industrial Use. The use of land or building for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

48. Intensive Vegetative Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
49. 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.
50. Lot Area. The total horizontal area within the lot lines of a lot.
51. Lot, Corner. A lot situated at the junction of two (2) or more intersecting streets.
52. Lot, Coverage. The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, decks, or other features.
53. Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.
54. 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.
55. 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.
56. 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.
57. 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 Minnesota Statutes Section 327.31 through 327.36.
58. Mobile Home. A mobile home is a manufactured home that is less than sixteen (16) feet wide, over at least thirty (30) feet of its length in the erected mode, suitable for year 'round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration under State Law and having no foundation other than wheels, jacks or skirtings. Width measurement shall not take account of overhangs and other projections beyond the principal exterior walls.

59. Modular Homes. A modular home is a factory-built house or building intended for residential occupancy that comprises “modules” with three walls and a roof or ceiling. It has to be equipped with complete plumbing, electrical, and heating facilities, and designed to be moved to a site for installation on a foundation and be connected to service facilities. It must be used as a place of residence.”
60. Motel or Motor Court. 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.
61. Non-Conforming Building, Structure or Use. A building, structure or use that does not conform to the district regulations in which it is situated.
62. 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.
63. Ordinary High Water Mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
64. Parking Space. An area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
65. 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.
66. Person. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word “person” is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation who are responsible for the violation.
67. Planned Unit Development. “Planned unit development” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises or any combination of these; or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational

vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

68. 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; and/or columns or poles as the major support for such structure; and/or exterior sidewalls consisting of raised, ribbed or metal panels.
69. 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.
70. Public Uses. Uses owned or operated by municipal, school districts, county, state, or other governmental units.
71. Public Waters. Any waters of the State which serve a beneficial public purpose as defined in Minnesota Statute, Section 103G.005, subdivision 15.
72. 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.
73. Recyclable Materials. These include paper, glass, plastic and metals.
74. Recycling Collection Site. A site or location for the temporary storage of recyclable materials.
75. 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.
76. 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.
77. Residential Planned Unit Development. A use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. Residential apartments, manufactured home parks, timeshare condominiums, townhouses, cooperatives and full fee ownership residences would be examples of this PUD type. A development must contain at least five (5) dwelling units or sites.
78. 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.

79. 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.
80. Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system.
81. Sewer System. Pipelines or conduits, pumping stations and force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
82. Shoreland. The land located within the following distances from public waters (a) 1000 feet from the normal high watermark of a lake, pond or flowage; (b) 300 feet 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.
83. Shoreland 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.
84. 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.
85. 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.
86. 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.
87. 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.
88. Sign, Real Estate. The term “sign, real estate” shall mean a sign offering property (land and/or building) for sale, lease or rent.

89. 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.
90. 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.
91. Steep Slope. Land where 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 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.
92. 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 next above it.
93. Structure. Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.
94. Temporary Structure. A structure that is not permanently erected on a site
95. Townhouse. Single family attached units in structures housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall and each dwelling unit shall have separate and individual front and rear entrances.
96. Use. The purpose for which land or building thereon are designed, arranged or intended to be occupied or used for which they are occupied or maintained.
97. Variance. The waiving of specific literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with spirit and intent of the Zoning Ordinance. Furthermore, a hardship must be demonstrated on a non-economic basis.
98. 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.

99. Watercourse. Means a channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.
100. Wetland. A surface water feature classified as a wetland in the U.S. Fish and Wildlife Service Circular No. 39 (1971 ed.) which is hereby incorporated by reference and is available through the Minitex inter-library loan system and is not subject to frequent change.
101. 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.
102. Yard, Front. A yard extending across the front of the lot between the side lot lines and lying between the front lot line of the lot and the nearest line of the building.
103. 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.
104. 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.

(Ord. 11-06, Sec. 1501.003.B.83 & 87, 05/17/11; Ord. 11-09, 9/6/11; Ord. 16-02, 1/19/16)

1501.003. 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 and/or non-conforming structures or reduce their impact on adjacent properties;
- e. Eventually bring all non-conforming uses of land and non-conforming structures and uses into conformity.

B. Definitions. For the purposes of this section, the following terms and phrases have the meanings given to them.

1. "Legal non-conformity" or "non-conforming use" means any 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.
2. "Non-conforming use of land" means an activity using land, buildings, and/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.
3. "Non-conforming structure" means 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, etc.
4. "Non-conforming lot of record" means 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.
5. "Expansion," "enlargement," or "intensification" means 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.
6. "Improvement" means 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.

7. "Replacement," "reconstruction," or "restoration" means 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 of a less restricted district.
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 50 percent of its market value and no building permit has been applied for within 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/all 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 and/or the structural size, bulk, lot coverage, etc. 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 50 percent of its market value and no building permit has been applied for within 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 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 and/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 and/or non-conforming structures under this Section.

1501.004. Establishment of Zoning Districts and Provisions/

A. Establishment of Districts. The following district classifications are hereby established within the City of Winsted:

1. "R-1A" Single Family Residential District.
2. "R-1B" Single Family Residential District.
3. "R-2" Multiple Family Residential District.
4. "R-M" Manufactured Home Residential District.
5. "C-1" Commercial Downtown Business District.
6. "C-2" Highway Commercial District.
7. "I-1" Industrial District.
8. "A" Airport District.
9. Shoreland Overlay District.

(Ord. O-15-03; 4/21/15)

B. Zoning District Map. The boundaries of the districts are hereby established and adopted as shown upon the updated map on file in the office of the City Administrator, designated "The Official Zoning Map of the City of Winsted, Minnesota" dated July 18, 2017, which is hereby made a part of this Municipal Code as if the same were fully set forth herein.

C. Zoning District Boundaries. The boundaries of districts are the central lines of streets; the center lines of alleys; the rear lot lines where there are not alleys; the side lines of recorded lots or designated distances where land is unplatted.

D. 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 case the City Council, Planning Commission or a property owner may request a study by the city 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 and/or Planning Commission, upon the receipt of the staff study may, if appropriate, initiate an amendment to the zoning ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the city.

E. Opt-Out of Minnesota Statutes, Section 462.3593. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Winsted opts-out of the

requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.
(Ord. O-16-04, 8/16/16)

1501.005. “R-1” Single Family Residential District.

A. Purpose. It is the intent of this district to permit the development of single dwellings 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.

1. Single family dwellings;
2. 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 Minnesota Statutes Chapter 144D, or as amended;
3. Public parks and playgrounds;
4. Essential services;
5. A licensed day care facility for up to twelve (12) or fewer persons and licensed under Minnesota Rules, Chapter 9502, or as amended; and
6. Two Family dwellings.

C. Permitted Accessory Uses.

1. Private garages and parking spaces;
2. Swimming pool, subject to design standards contained in Section 1501.014.O. of this Ordinance and other recreational facilities which are operated for the enjoyment and convenience of the residents;
3. Tool houses and similar buildings for storage of domestic equipment and noncommercial recreational equipment; and
4. Boarding or renting of rooms to not more than two (2) persons.
5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

1. Governmental and public utility buildings and structures, public or semi-public recreational buildings and community centers;
2. Planned Unit Developments regulated in Section 1501.013.;
3. Nursing homes, rest home and homes for the aged provided that adequate parking is provided and the site is accessible to commercial service areas;
4. Clinics and other buildings for the treatment of human beings contingent upon adequate parking being provided;
5. Churches, libraries, museums, schools, memorial buildings, hospitals and cemeteries;
6. Home occupations; and
7. Relocation of building: 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 and a building permit. Any relocated building not exceeding ten (10) feet in width or twelve (12) feet in length and not more than ten (10) feet in height, shall require only a building permit. A conditional use permit shall only be issued to those relocated buildings that the Planning Commission determines meet the standards required in Section 1501.017 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.

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. 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) or area per family – whichever is greater	10,000 sq. ft.	12,000 sq. ft.
	10,000 sq. ft.	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 – total both sides	13 feet	13 feet
Rear yard setback – minimum	25 feet	25 feet

Height – maximum	35 feet	35 feet
Lot coverage maximum – structures	50%	50%
Parking Requirements	See Section 1501.014.A. for parking	

2. On corner lots, the side yard on the street side shall not be less than the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to thirty (30') feet or less.

G. Principal Structure Standards.

1. Building Width. Residential structures shall not be less than twenty-four (24) feet in width over thirty feet (30') of its length. Length refers to the side of the structure having the longest horizontal measurement. This requirement does not apply to accessory structures, including garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
2. Foundation. All residential structures shall have permanent foundations of concrete or treated wood, constructed in conformance with the State Building Code. This requirement shall not apply to accessory structures, such as garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.

H. Front Deck Exception. The owner may construct and maintain a deck that encroaches into the front yard setback of the R-1B zone, as long as:

1. The deck is constructed of wood.
2. 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 (42) inches.
3. The deck shall not be longer than the length of the side of the house facing the curb.
4. The deck shall not be closer than five (5) feet to any public utility easement or public right of way.
5. 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 (10) feet from the house.
6. Decks shall not be included in the lot coverage requirements of this Ordinance.

I. Required Trash Areas: For all non-residential uses in the R-1A district, exterior garbage and trash 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.

J. The following shall not be allowed in this zone. Any structure more than seven (7') feet in height, with or without a permanent floor, having a design that uses augured pillars (or columns) as footings; and/or columns or poles as the major support for such structure; and/or exterior sidewalls consisting of raised, ribbed or metal panels.

(Ord. O-15-03; 4/21/15; Ord. 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.0051. "R-1B" Single Family Residential District.

A. Purpose. It is the intent of this district to permit the development of single dwellings and expansion of existing single family 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.

1. Single family dwellings;
2. 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 Minnesota Statutes Chapter 144D, or as amended;
3. Public parks and playgrounds;
4. Essential services;
5. A licensed day care facility for up to twelve (12) or fewer persons and licensed under Minnesota Rules, Chapter 9502, or as amended; and
6. Two Family dwellings.

C. Permitted Accessory Uses.

1. Private garages and parking spaces.
2. Swimming pool, subject to design standards contained in Section 1501.014.O. of this Ordinance and other recreational facilities which are operated for the enjoyment and convenience of the residents;
3. Tool houses and similar buildings for storage of domestic equipment and noncommercial recreational equipment; and
4. Boarding or renting of rooms to not more than two (2) persons.

5. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

1. Governmental and public utility buildings and structures, public or semi-public recreational buildings and community centers;
2. Planned Unit Developments regulated in Section 1501.013.;
3. Nursing homes, rest home and homes for the aged provided that adequate parking is provided and the site is accessible to commercial service areas;
4. Clinics and other buildings for the treatment of human beings contingent upon adequate parking being provided;
5. Churches, libraries, museums, schools, memorial buildings, hospitals and cemeteries;
6. Home occupations; and
7. Relocation of building: 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 and a building permit. Any relocated building not exceeding ten (10) feet in width or twelve (12) feet in length and not more than ten (10) feet in height, shall require only a building permit. A conditional use permit shall only be issued to those relocated buildings that the Planning Commission determines meet the standards required in Section 1501.017 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.

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. 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) or area per family – whichever is greater	9,000 sq. ft.	10,000 sq. ft.
	9,000 sq. ft.	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 – structures	50%	50%
Parking Requirements	See Section 1501.014.A. for parking	

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

G. Principal Structure Standards.

1. Building Width. Residential structures shall not be less than twenty-four (24) feet in width over thirty feet (30') of its length. Length refers to the side of the structure having the longest horizontal measurement. This requirement does not apply to accessory structures, including garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
2. Foundation. All residential structures shall have permanent foundations of concrete or treated wood, constructed in conformance with the State Building Code. This requirement shall not apply to accessory structures, such as garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.

H. Front Deck Exception. The owner may construct and maintain a deck that encroaches into the front yard setback of the R-1B zone, as long as:

1. The deck is constructed of wood.
2. 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 (42) inches.
3. The deck shall not be longer than the length of the house facing the curb.
4. The deck shall not be closer than five (5) feet to any public utility easement or public right of way.
5. 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 (10) feet from the house.
6. Decks shall not be included in the lot coverage requirements of this Ordinance.

I. Required Trash Areas: For all non-residential uses in the R-1B district, exterior garbage and

trash 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.

- J. The following shall not be allowed in this zone.** Any structure more than seven (7') feet in height, with or without a permanent floor, having a design that uses augured pillars (or columns) as footings; and/or columns or poles as the major support for such structure; and/or exterior sidewalls consisting of raised, ribbed or metal panels.

(Ord. O-15-03; 4/21/15; Ord 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.006. "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.

1. All permitted uses as allowed in "R-1" Family Residential Districts;
2. Two family dwellings;
3. Multiple family dwelling units, Townhouses, other attached dwelling units, subject to requirements in Section 1501.006.G.;
4. Boarding and rooming houses; and
5. Nursing homes.

C. Permitted Accessory Uses.

1. Private garages and parking spaces;
2. Swimming pool, subject to design standards contained in Section 1501.014.O. and other recreational facilities which are operated for the enjoyment and convenience of the residents; and
3. Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
4. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

- D. Conditional Uses.** The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

1. All conditional uses, subject to the same provisions as allowed in the “R-1” Family Residential Districts, except two family dwellings and nursing homes which in this district are permitted uses; and
2. Funeral homes provided yard area and screening is adequate to buffer adjoining properties and adequate parking is provided.
3. State licensed residential facilities serving from seven (7) to sixteen (16) mentally or physically challenged persons, licensed and registered as specified under Minnesota Statutes 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, or as amended;
(Ord. 07-09, Sec. 1501.006.D.3, 08/21/07)

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. Lot, Yard, Area and Height Requirements.

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

	Single Family & other uses	Two Family Homes	Multiple Family Homes
Lot Area (minimum) or Area per family – whichever is greater	10,000 sq. ft.	12,000 sq. ft.	15,000 sq. ft.
	10,000 sq. ft.	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 - structures	50%	50%	50%
Parking Requirements	See Section 1501.014.A. for parking		

2. On corner lots, the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to thirty (30) feet or less.

G. Attached Dwelling Unit Standards:

1. Site Plans Required. All development requests for the construction of multiple family units or townhouses shall be accompanied by a properly prepared site plan (see Section 1501.015. for procedure and information submittals). 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 and shall conform to the standards set in Section 1501.015.K. below.
- 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
- 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 and/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 (18%).

2. Parking Requirements.

- a. Two (2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Planning Commission, and each space shall be served adequately with access drives.
- b. Parking spaces shall not be located within ten (10) feet of the side or rear lot line.
- c. Bituminous or concrete driveways and parking areas with concrete curbing shall be required.

3. 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, etc., so that no portion of the site remains undeveloped.
- b. A minimum of twenty percent (20%) of the site shall be landscaped.

4. Screening.

- a. Screening to a height of at least five (5) feet shall be required where: (a) any off street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone and (b) where the driveway to the parking area of more than six (6) parking spaces is within fifteen (15) feet 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 (5) feet high, but shall not extend within fifteen (15) feet of any street, driveway or lot line.
 - 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.
 - e. Required Trash Areas: For all multi-family uses 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.
5. 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.

H. Principal Structure Standards.

1. Building Width. Single Family residential structures shall not be less than twenty-four (24) feet in width over thirty feet (30') of its length. Length refers to the side of the structure having the longest horizontal measurement. This requirement does not apply to accessory structures, including garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
2. Foundation. All residential structures shall have permanent foundations of concrete or treated wood, constructed in conformance with the State Building Code. This requirement shall not apply to accessory structures, such as garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.

I. Front Deck Exceptions. The owner may construct and maintain a deck that encroaches into the front yard setback of the R-2 zone, as long as:

1. The deck is constructed of wood.

2. The deck must be “open air” – the deck 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 42 inches.
3. The deck shall not be longer than the length of the house along the curb.
4. The deck shall not be closer than five (5) feet to any public utility easement.
5. The deck can only be as wide as the original steps, which may include a landing that contains footings, but under no circumstances, a depth greater than 10 feet from the house.
6. Decks shall not be included in the lot coverage requirements of this Ordinance.

J. The following shall not be allowed in this zone. Any structure more than seven (7') feet in height, with or without a permanent floor, having a design that uses augured pillars (or columns) as footings; and/or columns or poles as the major support for such structure; and/or exterior sidewalls consisting of raised, ribbed or metal panels.

(Ord. 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.007. “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.

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.

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

C. Permitted Accessory Uses.

1. Private garages, parking spaces
2. Tool houses and similar buildings for storage of domestic equipment and noncommercial recreational equipment.
3. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

1. Home occupations, provided the use can be reasonably and safety conducted in a manufactured home structure.

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. Lot, Yard and Area 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 lots per acre
Lot Area (minimum)	5750 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 - structures	50%

G. Procedure for Manufactured Home Park or Manufacture Home Subdivision Approval.

1. The developer shall meet informally with the City of Winsted Planning Commission to review tentative site plans for the development and review procedural steps required by the ordinance, specifically the preparation and approval of a site plan (see Section 1501.015. for the procedure and information submittals required).
2. An application to amend the zoning boundaries shall be filed and processed upon the procedures established by the city’s zoning ordinance.
3. The site plan and zoning change 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.
- h. Sign; location, size, height and illumination.

H. 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) parking space for each ten (10) manufactured home spaces.
- 4. Each manufactured home space access drive and parking space shall be hard surfaced.

I. Accessory Structure Standards.

- 1. Two residential accessory buildings or structures are allowed per residential lot. The size of one accessory structure shall not exceed 750 square feet in size. The size of the second accessory structure shall not exceed 120 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.

J. 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; 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 (150) feet. 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. Owner shall pay required sewer and water connection fees to the City.

K. Internal Roads and Streets.

1. All roads shall have a hard-surfaced roadway (mountable, 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 (40') feet 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 (50') feet of an intersection, street shall be at right angles. A distance of eighty-five (85') feet 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 (100') feet from its point of beginning.

L. 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 (30') feet in length or width.

M. 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.

N. Weather shelters. There shall be emergency weather shelters large enough to accommodate the residents in the area (MN State Statutes § 327.20).

O. 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.

P. 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.

Q. Other Requirements.

1. Any additional data required by the State Board of Health for licensing of manufactured home parks shall also be submitted to the City Planning Commission 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.

(Ord. 16-03, 4/5/16)

1501.008. "C-1" Commercial Downtown Business District.

A. Purpose. It is the intent of this district to provide for the establishment of commercial and service activities that draw and serve customers from the entire community or region.

B. Permitted Uses.

1. Business services including banks, offices and postal stations
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. Personal services including drug stores, hardware stores, haberdasher, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail, flower shops and commercial greenhouses, barber and beauty shops, reducing salons, photographic shops and funeral homes
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 (see Section 1501.014.A. for parking standard). No such residence shall be allowed on street level
8. Governmental and public utility buildings and structures
9. Recreational services including theaters, bowling lanes, clubs and lodges

10. Hotels, motels, taverns, private clubs and lodges

11. Clinics and other buildings for treatment of human beings
(Ord. 07-09, Sec. 1501.008.B.6, B.7, 08/21/07)

C. Permitted Accessory Uses.

1. Commercial or business building for a use accessory to the principal use, located anywhere on a lot, same as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building.
2. Signs as regulated by the Winsted Sign Ordinance.
3. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

1. Open outdoor sales, services or rental as an accessory provided:
 - a. the area is fenced or screened from abutting properties; and
 - b. sales areas are surfaced to control dust
2. Planned Unit Developments regulated by Section 1501.013.
3. Kennels or other animal care or shelter facilities excluding livestock feeding yards, slaughtering of animals or stock yards
4. Drive-in restaurants, drive-in banks and other drive-in services
5. Multiple family dwellings provided that there is no conflict with adjacent commercial activities and that off-street parking is provided (see Section 1501.006.F. for development standards).
6. A single street level residence provided any such residence shall not occupy the front 25 feet of the building on that street level.
(Ord. 07-09, Sec. 1501.008.B.6, B.7, 08/21/07; Ord. 0-12-05, Sec. 1501.008.D.6, 2/21/12)

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. Lot, Yard, Area, and Height Requirements.

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

Lot Area	No minimum
Lot Width	No minimum
Front yard setback	No setback requirement
Side yard setback	No setback requirement
Rear yard setback	No setback requirement
Height - maximum	45 feet
Lot coverage maximum - structures	No coverage requirement

2. Foundation. All residential structures shall have permanent foundations of concrete or treated wood, constructed in conformance with the State Building Code.

G. Site Plan Required. A site plan is required to be prepared and approved by the City for all uses proposed in this district. See Section 1501.015. for procedure and information to be submitted.

H. Permit Required. A Zoning Permit is required to be prepared and approved by the City for all uses proposed in this district. Said permit shall be in such form and require such information as is determined by the City Administrator.

(Ord. 07-09, Sec. 1501.008.H, 08/21/07; Ord. 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.009. “C-2” Highway Commercial District.

A. Purpose. It is the intent of this district to provide for the establishment of 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” Commercial Business District.

B. Permitted Uses.

1. All permitted uses as allowed in a “C-1” Commercial Business District except that residences are allowed on any level when included as an integral part of the principal building and off-street parking is provided for all uses.
2. Automobile Service Stations including sales, gasoline service stations and auto repair garages, provided that no filling station, public garage or gasoline distributing station shall be located within two hundred (200) feet of a school, church, hospital or meeting place having a seating capacity of more than fifty (50) persons.

(Ord. 07-09, Sec. 1501.009.B.3, 08/21/07)

C. Permitted Accessory Uses.

1. Commercial or business building for a use accessory to the principal use, located anywhere on a lot, same as the principal use. However, the accessory structure shall not be constructed prior to or in lieu of the principal building.

2. Signs as regulated by the Winsted Sign Ordinance.

3. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses.

1. All conditional uses subject to the same provisions as is allowed in the “C-1” Commercial Business District.
2. Greenhouses, farm or truck gardens, display and sale of agricultural products;
(Ord. 07-09, Sec. 1501.009.D, 08/21/07)

E. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

F. Lot, Yard, Area, and Height Requirements. The following standards apply to the District’s uses:

Lot Area	No minimum
Lot Width	No minimum
Front yard setback	60 feet from back of curb
Side yard setback	20 feet
Rear yard setback	30 feet
Height - maximum	35 feet
Lot coverage maximum - structures	50%

G. Site Plan Required. A site plan is required to be prepared and approved by the City for all uses proposed in this district. See Section 1501.015. for procedure and information to be submitted.

H. Permit Required. A Zoning Permit is required to be prepared and approved by the City for all uses proposed in this district. Said permit shall be in such form and require such information as is determined by the City Administrator.

(Ord. 07-09, Sec. 1501.009.I, 08/21/07; Ord. 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.010. “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.

1. Any branch of trade industry employing labor and capital; activities not allowed in other districts; activities which do not require steam, diesel or gasoline engines as a prime

mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses

2. Building materials, storage yards, lumber yards
3. Contractor's equipment and storage yards
4. Wholesale business and warehousing
5. Machine shops, public or private garages
6. Public utility and service buildings and gas regulator stations
7. Residences when on the same parcel as the principal use and occupied by an individual employed by the principal use
8. Public transportation terminals, public utility buildings and transformer stations without storage walls, storage buildings or distributing stations

C. Permitted Accessory Uses.

1. Open and outdoor storage
2. Offices accessory to a principal use
3. Parking attendant shack, guard house, gate house, etc.
4. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

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

E. Interim Uses. The following uses shall require an Interim Use Permit based on the procedures set forth in Section 1501.0175:

1. Community solar energy systems (SES).

F. Uses by Administrative Permit. The following uses shall require an Administrative Permit based on the procedures set forth in Section 1501.021.

1. Temporary Structures as regulated by Section 1501.014.P.

G. Lot, Yard, Area and Height Requirements.

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

Lot Area	No minimum
Lot Width	100 feet
Front yard setback	25 feet
Side yard setback	10 feet
Rear yard setback	25 feet
Height - maximum	See below
Lot coverage maximum - structures	50%

2. Building Height. No structure hereafter erected shall exceed forty-five (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.

H. Other Requirements. Where land zoned industrial is directly contiguous to land zoned residential or commercial, proper screening so as to provide visual and noise relief to adjoining properties shall be provided. Such screening shall be accomplished with materials and/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 Required. A site plan is required to be prepared and approved by the City for all uses proposed in this district. See Section 1501.015. for procedure and information to be submitted.

J. Permit Required. A Zoning Permit is required to be prepared and approved by the City for all uses proposed in this district. Said permit shall be in such form and require such information as is determined by the City Administrator.

(Ord. 07-09, Sec. 1501.010.J, 08/21/07; Ord. 16-02, 1/19/16; Ord. 16-03, 4/5/16)

1501.011. “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.

1. Aircraft hangars.
2. Flight based operations, including maintenance, sales and charter activities.
3. Aircraft repair.

C. Permitted Accessory Uses.

1. Offices accessory to a principal use.

D. Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 1501.017.

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 use or an abutting "R" 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.
 - e. Sales, service and storage areas are grassed or surfaced to control dust.

E. Interim Uses.

1. Roof or building mounted and ground mounted solar energy systems as regulated by Section 1501.025.F.

F. Lot Requirements, Setbacks and Building Standards. The minimum requirements for this district are established and as agreed o in the permit issued by the City of Winsted.

(Ord. 16-03, 4/5/16)

1501.012. 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.

<u>Lake</u>	<u>Protected Waters Inventory I.D. #</u>
Winsted Lake - a general development lake	43-12P

Grass Lake	43-13P
South Lake	43-14P
Butler Lake	86-255P
- natural environment lakes	

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 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:

	General Development Lake		Natural Environment Lake	
	Riparian Lots (Waterfront)	Nonriparian Lots (non-waterfront)	Riparian Lots (Waterfront)	Nonriparian Lots (non-waterfront)
Lot Area (sq. ft.)				
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 add	11,000	7,500	30,000	13,000
Water Frontage or Lot Width at Building Line (ft.)				
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 add	60	55	100	95
Setback From Ordinary High Water Mark (ft.)				
Dwelling – single family	75	75	150	150
Dwelling – 2 or more units	75	75	200	200

I. Additional Structure Setback Standards from:

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 Nonriparian Lots
(Waterfront) (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 4 ft.
2. Landings or lifts serving residential uses must not exceed 32 sq. ft. 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.
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 Regulations, Chapter 1340.

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.
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.
 - 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:
 - 1) sediment and pollutant trapping and retention;
 - 2) storage of surface runoff to prevent or reduce flood damage;
 - 3) fish and wildlife habitat;
 - 4) recreational use;
 - 5) shoreline or bank stabilization; and
 - 6) 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 Minnesota Statutes, Section 1030.245.
 - 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 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.
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 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 Minnesota Statutes, Chapter 103G, subsection 245, or as amended.

P. Placement and Design of Roads, 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 1501.012.N. must be met.

Q. Site “Suitable Area” Evaluation for PUDs 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 1501.012.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 PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follow: 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

* Average Unit floor Area (sq. ft.)	Sewered General Development Lake	Natural Environment Lake
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 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 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 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 item 1 above. This yields a base number of dwelling units and sites for each tier.
 - 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 1501.012.H. are met or exceeded and the design criteria in Section 1501.012.R.4-8 are satisfied. The allowable density increases in Section 1501.012.R.3.b. 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 PUDs; and
 - b. ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 1501.012.R.5.

5. Open Space Requirements for PUDs.
 - 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:
 - outdoor recreational facilities
 - areas containing significant historical sites
 - unplatted cemeteries
 - 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 PUDs. For residential PUDs, 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 PUDs. PUDs 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 PUDs 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 1501.012.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 and/or sewage treatment systems are allowed in either residential or commercial PUDS.
 - b. Dwelling units or sites must be clustered into one or more groups and located to meet or exceed the following dimensional standards:
 - setback from the ordinary high water level;
 - elevation above the surface water features;

- 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.
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.

1501.013. Planned Unit Developments.

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 Council:
 - a. Dedicated to the public, where a community-wide use is anticipated and the Council agrees to accept the dedication;
 - b. Landlord control, where only the use by tenants is anticipated; or a
 - c. Property Owners Association, provided all of the following conditions are met:
 - 1) 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.
 - 2) 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.
 - 3) 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.

- 4) 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 prorata 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.
 - 5) Membership must be mandatory for each owner and any successive buyer.
 - 6) The open space restrictions must be permanent and not for a given period of years.
 - 7) The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
 - 8) Property owners must pay their prorata 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.
 - 9) The Association must be able to adjust the assessment to meet changed needs.
 - 10) The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the 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 telecable shall be installed underground.
 8. Utility Connections. Standards are specified in Section 1501.014.M.
 9. Roadways. All streets shall conform to the design standards contained in the Winsted Subdivision Ordinance, unless otherwise approved by the Council.
 10. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the 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 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 (15') feet 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 the sum of the building heights of the two buildings.

C. Submission Requirements. Five (5) copies of the following exhibits, analysis and plans shall be submitted to the Planning Commission and Council during the PUD process, at the times specified in Section 1501.013.D.

1. General Concept Stage.

a. General Information:

- 1) The landowners name and address and this interest in the subject property;
- 2) The applicants name and address if different from the landowner;
- 3) 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; and
- 4) 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:

- 1) The address and legal description of the subject property;
- 2) The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property; and

- 3) A map depicting the existing development of the subject property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet 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 100 feet 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.
 - 1) Contours – minimum two (2') foot intervals;
 - 2) Location, type and extent of tree cover;
 - 3) Slope analysis;
 - 4) Location and extent of water bodies, wetlands, streams, and floodplains within 350 feet of the subject property;
 - 5) Existing drainage patterns;
 - 6) Vistas and significant views; and
 - 7) 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:
 - 1) Area devoted to residential uses;
 - 2) Area devoted to residential use by building type;
 - 3) Area devoted to common open space;
 - 4) Area devoted to public open space;
 - 5) Approximate area devoted to streets;
 - 6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - 7) Approximate area and floor area, devoted to commercial uses; and
 - 8) 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 (1”) inch equals one hundred (100’) feet:
 - 1) Proposed name of the development, not duplicating a name of any other plat recorded with the County in which the property is situated;
 - 2) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - 3) 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;
 - 4) 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;
 - 5) Location, designation and total area of all common open space;
 - 6) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - 7) Proposed lots and blocks, if any, and numbering system;
 - 8) The location, use and size of structures and other land uses on adjacent properties;
 - 9) Detailed sketches and provisions of proposed landscaping;
 - 10) General grading and drainage plans for the developed PUD; and
 - 11) 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, Administrator or Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
 - m. The Planning Commission may excuse an applicant from submitting any specific item of information or document required in this Section 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 staff 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.

- 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. 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:
 - 1) Overall maximum PUD density range;
 - 2) General location of major streets and pedestrian ways;
 - 3) General location and extent of public and common open space;
 - 4) General location of residential and non-residential land uses with approximate type and intensities of development;
 - 5) Staging and time schedule of development; and
 - 6) Other special criteria for development.
 - b. Schedule.
 - 1) Developer meets with the City Administrator to discuss the proposed development(s).
 - 2) The applicant shall file the concept stage application, together with all supporting data and filing fee as established by the City Council.
 - 3) Within thirty (30) days after verification by the staff that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
 - 4) The City Administrator 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 Council. Notice of said hearing shall contain the following:
 - i. a legal property description;
 - ii. a description of the development request; and
 - iii. 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 350 feet 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.
- 5) The City Administrator 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 Council.
 - 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 to be declared necessary to establish performance conditions in relation to the required standards stated within this section.
 - 7) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
 - 8) 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 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.
 - 9) Within thirty (30) days of receipt of the report and recommendation of the Planning Commission, the 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 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 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 Council action. In such case, the 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 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 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 a Development Stage Plan consisting of the information and submissions required under Section 1501.013.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 Administrator shall refer such plan to the following City Staff and/or official bodies for the indicated action:
 - 1) The City Attorney for legal review of all documents;
 - 2) The City Engineer for review of all engineering data and of the Developer's Agreement;
 - 3) The Planning Commission for review and recommendation to the Council; and
 - 4) When appropriate, as determined by the City Administrator, to other special review agencies such as the DNR, Watershed District, Highway Department, or others.
 - 5) All staff reports referred to above shall submit their reports in writing to the Planning Commission and to the applicant.
- d. Schedule.
 - 1) Developer meets with the City Administrator and other City staff, as needed, to discuss specific development plans.
 - 2) 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 Council.
 - 3) A technical staff report shall be prepared on the proposed development, and distributed to the Planning Commission and the applicant prior to the meeting.
 - 4) The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.

- 5) Planning Commission will make a recommendation to the Council on the Development Stage Plan.
 - 6) Council reviews all recommendations and approves or denies the plan.
 - 7) The City Administrator shall instruct the City Attorney to draw up a PUD Agreement which stipulates the specific terms and conditions approved by the Council and accepted by the applicant. This Agreement shall be signed by the Mayor, City Administrator, and the applicant within thirty (30) days of Council approval of the Development Stage Plan. Where the Development Stage Plan is to be resubmitted or denied approval, the 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 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 and/or an approved Development stage Plan, the approval shall expire. Upon application by the applicant, the 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 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 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.
 - 1) Upon approval of the Development Stage Plan, and within the time established in Section 1501.0123.D.3.e., the applicant shall file with the City Administrator 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 Council.
 - 2) 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 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.
 - 1) Compliance With Overall Plan. Following Final Plan approval of a PUD, or a stage thereof, the City Administrator 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.
 - 2) If the City Administrator 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 Council. Within thirty (30) days of such notice, the 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.

1501.014. General Regulations and Performance Standards.

A. Parking Requirements.

- 1. Intent. The intent of this section of the Zoning Ordinance is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.
- 2. Parking and Loading Requirements. In all zoning districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

3. General Parking Provisions

- a. Loading space shall not be counted towards supplying off-street parking space.
- b. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- c. For the purpose of this section, “floor area,” in the cases of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten percent (10%).
- d. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- e. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.

4. Required Off-Street Parking. The amount of required off-street parking space for new uses or building, additions thereto and additions to existing buildings as specified previously, shall be determined in accordance with the following table and the space so required and shall be irrevocably reserved for such use.

USE	# of Parking Spaces
Single Family, Two Family, Townhouses	Two (2) spaces per unit
Multiple Family (3 or more units)	Two (2) spaces per unit
Elderly (Senior Citizen) Housing	One and one-half (1 ½) spaces
Boarding/Rooming House	Four (4) spaces for every three persons being accommodated in this type of facility.
Motels, Motor Hotels, Hotels	One (1) space per room for rent, plus one (1) space for every ten rooms for rent, plus one (1) space for every employee on whichever shift has the most employees.
Church, Theater, Auditorium	One (1) space for every four (4) seats, based upon the design capacity of the main assembly hall.
Medical, Dental or Hospital out-patient clinic	One (1) space for every 110 square feet of net floor area or seven and one-half (7 ½) spaces per doctor, whichever is greater
Drive-In Establishment & Convenience Food	One (1) space for every 35 square feet of gross floor area or fifteen (15) spaces, whichever is greater.

USE	# of Parking Spaces
Office Buildings & Professional Offices	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 Station	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 Store 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 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	One (1) space for every 60 square feet of gross floor area.
Funeral Homes	Twenty (20) spaces for every parlor or chapel, plus one (1) space for every funeral vehicle parked on the premises. Aisle space is also required to be provided off-street for making up a funeral procession.
Auto Repair, Bus Terminal, Boat & Marine Sales and Repair, Bottling Company or a Trade Employing Six (6) or fewer people, 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, Warehouse, Storage, Bulk Goods Handling, 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

5. Parking Lot Standards. In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations:

- a. Adequate ingress and egress shall be provided.
- b. Such parking lots shall be maintained in a useable dust-proof condition, such as concrete, blacktop or properly treated crushed rock or some other permanently surfaced area and shall be kept graded and drained to dispose of surface water.
- c. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight (8) feet from said lot line shall be required and maintained.

- d. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
- e. Plans for the construction of any such parking lot must be approved by the city engineer before construction is started. No such land shall be used for parking until approved by the city engineer.

B. Loading Requirements. In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of ten thousand (10,000) square feet or more, there shall be off-street loading provided on the basis of the following:

Gross Floor Area (square feet)	Minimum Required Loading Berths
10,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3
70,000 to 100,000	4
each additional 40,000	1 additional

C. 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 Minnesota Statutes Chapter 515A et seq., commonly known as the Uniform Condominium Act, is hereby adopted, or as amended.
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:
 - 1) The repair and maintenance of all common properties;
 - 2) A provision regarding access to the abutting property for the adjacent property owner and/or his representatives for the purpose of construction, reconstruction, repair and maintenance of either side of the total property;
 - 3) 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;
 - 4) A restriction limiting changes in color, material and design of the dwelling, so as to be compatible with the attached unit; and,
 - 5) A provision which addresses maintenance of insurance coverage in event of fire, explosion, vandalism and malicious mischief.
- e. Utility connections.
 - 1) 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.
 - 2) Sewer connection. Where more than one (1) unit is served by a sanitary sewer lateral, which exceeds three hundred (300') feet 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.

D. Minimum Structural Code. Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this subdivision.

1. Declaration of Policy. The governing body declares the purpose of this code is to protect, preserve, and promote the physical health of the people by establishing standards that are applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed. This policy:
 - a. Establishes minimum standards for safety from fire, for the use and location and amount of space for human occupancy, and safe and sanitary maintenance;
 - b. Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures;
 - c. Determines the responsibilities of owners, operators and occupants; and
 - d. Provides for the administration and enforcement thereof.

2. Duty of Occupant or Owner of Occupied or Unoccupied Building and its Premises or Vacant Premises.
 - a. It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter.
 - b. It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this ordinance applicable to the premise.
 - c. If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.
 - d. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.
 - e. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect proof condition, extermination shall be the responsibility of the owner and operator.
 - f. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
3. Regulations for the Use and Occupancy of Dwellings. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit:
 - a. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.
 - b. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
 - c. Drainage: All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. In addition, no property owner shall undertake any activities for diverting or channeling stormwater onto neighboring property.
 - d. Entrances: For each dwelling unit there shall be a normally used separate access, either to a hallway, stairway, or street, which is safe and in good repair. A secondary exit to the

ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.

- e. Floor Area: Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven (7) feet above the floor.
4. Maintenance and Repair. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.
 5. Designation of Unfit Dwellings. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:
 - a. The public officer may determine that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.
 - b. Such conditions may include the following without limitation:
 - 1) Defects that increase the hazards of fire, accident, or other calamities.
 - 2) Lack of adequate ventilation, light, cleanliness, or sanitary facilities.
 - 3) Dilapidation.
 - 4) Disrepair.
 - 5) Structural defects.
 - 6) Overcrowding.
 - 7) Inadequate ingress and egress.
 - 8) Unsightly appearance that constitute a blight to the adjoining property, the neighborhood, or the City.
 - 9) Air pollution.
 - c. Placarding (order to vacate): Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.
 - d. Notice of Violation: Procedures as outlined in Section 1501.004.8 are applicable hereto.
 - e. Compliance required before reoccupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.

- 1) The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
 - 2) It shall be unlawful for anyone to rent, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.
 - 3) It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.
6. Designation of Blighted Buildings and Premises (residential and nonresidential). The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements:
- a. The Public Officer may determine that if the appearance of a premise is not commensurate with the character of other properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the city for such reasons as, but not limited to:
 - 1) Dead trees or other unsightly natural growth.
 - 2) Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, or inadequate drainage.
 - 3) Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements.
 - b. Notice of Violation. Procedures as outlined in Section 1501.014.8.
7. Inspection of Buildings and Structures, and Premises.
- a. For the purpose of determining compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.
 - b. The Public Officer is not limited by the conditions in the above paragraph where new construction or vacant premises are involved and may make such inspections at any appropriate time.
 - c. The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.
 - d. Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance

with the provisions of this ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this ordinance.

8. Notice of Violations; Procedures.

- a. Informal discussion: Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this ordinance, the public officer will arrange to meet with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.
- b. Formal hearing: If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:
 - 1) Shall be in writing.
 - 2) Shall list the violations alleged to exist or to have been committed.
 - 3) Shall provide a reasonable time, but not less than 60 days in any event for the correction of the violations particularized.
 - 4) Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation.
 - 5) If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary.
 - 6) Delivery shall be by personal service or by registered or certified mail, return receipt requested, and delivered to addressee only. If service is made by registered or certified mail, the public officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.

9. Public Officer Authority. For the purpose of protecting the city against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this ordinance, and of other laws which regulate or set standards affecting buildings and premises.

10. Governing Body Authority. The governing body is hereby authorized:

- a. To informally review all alleged violations as provided in Section 1501.014.D.8. prior to notification prescribed in the same section.
- b. To take action as prescribed in Section 1501.014.D.8.
- c. To hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this ordinance, as outlined in Section 1501.014.D.11.
- d. Discretionary authority may be exercised in specific cases where variance from the terms of the ordinance as:

- 1) Will not adversely affect the public health, safety or welfare of inhabitants of the city.
- 2) Is in harmony with the spirit of this ordinance.
- 3) Where literal enforcement of the ordinance's provisions will result in unnecessary hardship.

11. Governing Body: Appeals.

- a. Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the public officer, as provided in Section 1501.014.D.8. Such protest and request for a hearing shall be filed with the office of the city administrator.
- b. Upon receipt of a protest and request for a hearing, the city administrator shall notify in writing the governing body for such appeal.
- c. The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.
- d. Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.
- e. Except where an immediate hazard exists, the filing of a protest and request for a hearing before the governing body shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.

E. Auto Service Station Standards.

1. Setbacks. When this use is adjacent to residential districts, the service station buildings, signs and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.
2. 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.
3. Fencing and Screening. When adjacent to residential property, there shall be a screening fence.
4. Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting for service longer than fifteen (15) days.
5. Exterior Storage. Exterior storage, besides vehicles, shall be limited to service equipment and items offered for sale and those items listed in Section 1501.014.E.8. Exterior storage of items offered for sale shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise.

6. Screening. All areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner.
7. Architecture. The station and other buildings shall be of a design that is compatible with the surroundings.
8. Outdoor Displays. The storage of new or used tires, batteries and other such items for sale outside the building shall be controlled. Such items shall be displayed in specially designated containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans and other unsightly materials will not be permitted in an area subject to public view.
9. Lighting. Lights shall be designed and placed in such a manner as to direct the light away from residential areas.
10. Other Activities. Business activities not listed in the definition of service stations and not incidental to the station are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: a) automatic car and truck wash, b) rental of vehicles, equipment or trailers, and c) general retail sales.
11. Gas pumps located at and a part of other types of business establishments shall require a conditional use permit.

F. Drive-In Business Standards. The following standards shall apply to drive-in businesses in all districts.

1. Design Standards.
 - a. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.
 - b. 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.
 - c. 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.
2. General.
 - a. Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.
 - b. The hours of operation shall be set forth as a condition of any building permit for drive-in businesses.
 - c. Each drive-in business serving food may have outside seating.

- d. Each food or beverage drive-in business shall refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
 - e. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within three hundred (300) feet of any residential dwelling unit.
 - f. 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 and/or rear of the principal structure.
3. Locations.
- a. No drive-in business shall be located within two hundred (200) feet of a public or parochial school or church.
 - b. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.
 - c. No drive-in shall be located on any street other than a thoroughfare or business service road as designated on the city map.
4. Site Plan.
- a. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
 - b. A landscaping plan shall be included and shall set forth complete specifications for plan and other features.
 - c. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
 - d. The design of any structure shall be compatible with other structures in the surrounding area.

G. Junk Yards or Automobile Wrecking Yards.

- 1. Non-conforming Use. Any automobile 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 Zoning Administrator.
 - 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:
 - 1) All vehicles must remain upright unless the motor and running gear have been removed; and
 - 2) No vehicle storage nor any business operation is permitted in any flood plain area, wetland, or in areas where groundwater is less than three (3') feet 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 autos. Additionally, all autos must be setback at least ten (10') feet 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:
 - 1) The location of buildings and auto storage area and all applicable linear dimensions;
 - 2) A fencing plan;
 - 3) A signage plan;
 - 4) A drainage plan;
 - 5) A hazardous waste plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
 - Motor oil and/or fuel;
 - CFCs (chlorofluorocarbons);
 - Auto or other motorized vehicle batteries;
 - Antifreeze; and
 - Any other substance as requested by the Planning Commission or City Council.
 - 6) Provide a copy of the EPA ID Number Notification and a copy of their Hazardous Waste License.

H. Exterior Storage Standards.

- 1. Storage of Materials
 - a. In the **Industrial District**, open storage of materials in any required yard setbacks (front, side or rear yard) shall be prohibited.
 - b. In all **Residential Districts**, all materials and equipment shall be stored within a building or structure or fully screened so as not to be visible from adjoining properties, except for the following:
 - 1) usable laundry equipment;
 - 2) recreational vehicles and equipment;

- 3) 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;
 - 4) off-street parking of passenger vehicles and trucks; and
 - 5) firewood, provided it is kept in a neat and orderly manner and does not create a nuisance to adjoining property.
- c. In all residential districts, no more than five (5) motor vehicles or similar devices (to include automobiles, trucks, SUVs, boats, trailers, snowmobiles, ATVs, golf carts, and any similar type vehicles), may be parked or stored anywhere outside a permanent building. Any such vehicle or similar device placed upon a trailer shall constitute one vehicle for purposes of this section. All vehicles or similar devices must be owned by the resident of the dwelling, excluding occasional guests and patrons of an approved business. Vehicles or similar devices parked in the “front yard” area must be on a paved or gravel (not dirt or grass surface). A “front yard” shall constitute the area from any public street to the front of the dwelling. Vehicles or similar devices are exempt from the previously mentioned “front yard provision” for the months of January, February, March, November and December of each year. (Ord. 0-09-03, 1/20/09)

2. 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 District**, 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.

I. Screening Provisions.

- 1. General Provisions. In all districts where yard setbacks exist or are required, the areas shall be kept clear of all structures and storage, except as otherwise allowed by ordinance. In the case of corner lots, the property shall have two (2) front yards. In those instances when screening is required, a screening and/or landscaping plan must be submitted to the Planning Commission and the City Council for review and approval.
- 2. Uses Requiring Screening. Outside storage areas shall be screened from all public roads and from front and side lot lines in all cases. Outside storage areas shall also be screened from rear lot lines except when the rear yard is immediately adjacent to a permitted Agricultural use, Commercial or Industrial use.

3. Screening Types.

- a. Walls or Fences

- 1) When used, walls or fences must provide for full visual screening of storage areas, as viewed from residential areas and state and county roads.
- 2) The materials used for constructing the wall or fence shall be specified in the screening plan and shall be subject to approval by the Planning Commission or City Council.
- 3) Walls and fences, when used as a screening device, may be placed along the property lot lines except in those instances when the lot fronts a state or county road. When this screening type is used along state or county roads, walls and fences shall be setback a minimum of fifteen feet (15') from the road right of way with landscaping between the screening and pavement.
 - b. Berms. Berms shall be constructed with a slope not to exceed 3:1 and shall be covered with sod or other landscape material sufficient to prevent erosion of the berm.
 - c. Trees, hedges or other vegetative materials, when used, must provide at least 75% opacity during growing season. Such screening must also conform to the requirements of the landscape provisions in in Section 1501.014.J.
4. 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 sightly 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.

J. Landscape Provisions

1. Intent. It is the intent of these landscape provisions to require landscaping of open areas in order to provide visual relief from building and hard surfaced areas, to soften or hide the visual effects of open storage areas of an industrial activity.
2. General Requirements
 - a. Landscaping of yards fronting a state or county road is required.
 - b. Landscaping of yards fronting city roads may be undertaken in conjunction with screening requirements.
 - c. When landscaping is required, a landscaping plan must be submitted to the Planning Commission for review and comment and then submitted to the City Council for approval.

3. Site Plan and Landscaping Plan Requirements

- a. The plan must be drawn at a scale of not less than one inch (1") equals fifty feet (50').
- b. Boundary lines of property with dimensions based upon certified survey.
- c. Location of all existing or proposed streets, rights-of-way, utility easements, buildings parking areas or water bodies.
- d. 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.
- e. Location and appropriate detail of all required screening showing the relationship of the screening to the development site and adjacent property.
- f. Planting details indicating common name and location of all new plant materials.
- g. Location and common name of existing trees and shrubs.
- h. Details of sodding and seeding, including the delineation of area and square footage.

4. Maintenance Requirements

- a. Areas left in a natural state and vegetative screening area shall be properly maintained in a sightly and well kept condition.
- b. Diseased, dying or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.

5. Landscaping Standards

- a. Sizes of Plant Materials at the time of planting:
 - 1) Deciduous trees – 1 ½" caliper minimum, as measured 6 inches above ground
 - 2) Coniferous trees – 2 feet minimum in height
 - 3) Ornamental trees – ½" caliper minimum, as measured 6 inches above ground
 - 4) Shrubs – 24" height minimum
- b. An attempt shall be made to preserve health existing trees where practical.
- c. Not more than 50% of the required number of trees shall be of one (1) species.
- d. Prohibited Species:
 - 1) Boxelder
 - 2) Eastern Cottonwood
 - 3) Elm
 - 4) Ginkgo
 - 5) Poplar, except Sioux Poplar
 - 6) Others as determined by Planning Commission

K. Water Supply. Public or private supplies of water for domestic purposes shall conform to Minnesota Department of Health and the Minnesota Pollution Control Agency water quality.

1. Public or municipal water supplies shall be used where available and where feasible.
2. Permit. No person, firm or corporation shall install, alter, repair or extend any private well without first obtaining a permit therefore from the City Administrator for the city.
 - a. Applications for permits shall be made in writing upon printed blanks or forms furnished by the City Administrator and shall be signed by the applicant.
 - b. Each application for a permit shall include: a correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings, sewage treatment facilities property lines; a complete plan of the water supply system showing the location, size and design of all parts of the system to be installed, altered, repaired or extended; the name of the person, firm or corporation who is to install the system, any further information as required by the City Administrator.
 - c. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in the areas subject to flooding shall be flood proofed.
 - d. No private well shall be located closer than three (3) feet to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the wall alcove. No well shall be located closer than fifteen (15) feet to a property line.
 - e. Private wells shall be located in accordance with the standards of the Minnesota Health Department Standards MHD 217 "Location of Wells, (c) (1)."

L. Sewage Treatment. Any premises intended for human occupancy shall be provided with an adequate method of sewage treatment to be maintained in accordance with acceptable practices.

1. Public or municipal collection and treatment facilities shall be used.
2. Compliance. Individual sewage treatment systems are not allowed within the Winsted city limits. All areas within the city limits are served by a central sewer collection system and there are no existing individual systems in the city.
3. Review. Upon any annexation proceedings, the City Administrator and Building Inspector will conduct a review of the existence of any individual on-site sewage treatment systems. Upon the identification of such systems, the Building Inspector shall inform the property owner(s) they have two (2) years from the date of annexation to connect to the city's sewage treatment system and have the septic system removed.
4. Any non-conforming sanitary facility found to be a public nuisance shall be discontinued within thirty (30) days after receiving written notice from the City Administrator.

M. Utility Connection. All of the following utility connection provisions shall apply to all districts within the City.

1. Water Connections. Where more than one property is served from the same service line, a shut-off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normal supplied shut-off at the street. Any and all meters or metering devices shall be attached to the main structure located on the premises.
2. Sewer Connections. Where one or more units are served by a sanitary sewer line which extends 300 feet in length or greater, provision must be made for a manhole to allow adequate cleaning and maintenance of the line. All lines once in place shall be dedicated to the city, and thereafter, shall be the responsibility of the City for cleaning and maintenance. Any and all meters or metering devices shall be attached to the main structure located on the premises.
3. Electrical Power Systems. All electrical power lines shall be located underground. All maintenance and service shall be the responsibility of electric power supplier or its designated agent. Any and all meters or metering devices shall be attached to the main structure located on the premises.
4. Telephone and other Wire Communication Systems. Telephone and other wire communication systems shall be located underground. Exception to this would include only a central plant consisting of switching gear located at a central office. All maintenance and services shall be the responsibility of the supplier of services or his designated agent. The continuity of service of these systems is an especially important consideration in that they are relied upon in emergencies and disaster situations. As such, the design and operation of such systems shall be accomplished in such a way as to best serve the citizens of Winsted. Local customer loop circuits, wherever possible, will be designed in such a way as to fit the pattern of the street system or easements along property lines. All extensions of services proposed into new subdivisions following the adoption of this ordinance shall be submitted to the Planning Commission for its review and recommendation, then forwarded to the City Council for approval or denial. The review by the Planning Commission and City Council shall be limited to matters pertaining to the location of circuits connecting each customer to a local central office. Should easements be required, the Planning Commission will recommend suitable locations and forward these recommendations to the City Council for approval. Meters or metering devices shall be attached to the main structure located on the premises served.
5. Gas Systems. Gas systems include those installations and functions required to convey gas from source to customer. The primary elements of the gas system include gathering systems facilities, including processing and compression stations, transmission lines installed for the purpose of transmitting to one or more distribution centers to the customer meters. All primary and secondary distribution systems shall be located underground. All maintenance and service shall be the responsibility of the gas system supplier or his designated agent. Where feasible, all distribution systems shall be designed in a loop pattern so as to provide service for more than one direction in case of

failure in one part of the system. All gas mains shall be laid by direct burial under streets, sidewalks, or parking strips with service connections provided by taps and valve branches. Meters or metering devices shall be attached to the main structure located on the premises.

N. Home Occupation. Home occupations are any gainful occupations engaged in by the occupants of a dwelling, carried on within a dwelling unit and using not more than twenty percent (20%) of the floor area of the structure.

1. Standards:

- a. Home occupations shall not include retail or wholesale sales except by mail.
- b. They shall not permit any exterior or interior alterations or construction features not usually found in residential dwellings.
- c. No signage shall be allowed with the exception of one (1) sign not to exceed four (4) square feet in area and non-illuminated.
- d. Business hours shall be confined to the hours of 8:00 a.m. to 8:00 p.m.
- e. There shall be no exterior storage or storage of any potential hazardous materials.
- f. 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.

O. 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 100 square feet and a depth exceeding 18 inches, 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; and

- 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 18 feet (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; and
 - 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 5 feet 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 4 feet 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 3 inches.
 - a. Safety fences, if constructed primarily of wood, shall be composed of vertical members with spaces no greater than 4 inches between the boards. If constructed of other materials, the fence shall contain no spaces through which a sphere 4 inches 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 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.
 - a. 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.

P. Temporary Structures.

1. Purpose: The purpose of this chapter 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.
2. 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 chapter.
3. Special Requirements:
 - a. Structures: Temporary structures governed by this chapter shall be allowed in all zoning districts.
 - b. 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.
 - c. 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.
 - d. State Building Code: All applicable requirements of the state building code shall be met.
 - f. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the building official.
 - e. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the City Administrator or designee.

- f. Parking: Subject to the provisions of Section 1501.014.
 - g. Signage: Subject to the provisions of Section 1501.023.
 - h. Residential Use: Unless otherwise allowed by this section, no temporary structure shall be used for residential purposes.
4. 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:
- a. Only agricultural products such as vegetables, juices, fruits, flowers, nursery stock, and similar items shall be sold on the premises.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Enclosed structures shall only be permitted for storage purposes accessory to the stand for agricultural products.
 - f. The aggregate floor area of all temporary structures and/or accessory structures and buildings shall not occupy more than ten (10) percent of the minimum lot area of the zoning district.
 - g. 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.
 - h. Mechanical refrigeration devices shall be limited to one thousand six hundred (1,600) cubic feet in size.
 - i. Off street parking shall be provided to adequately accommodate the use. No on street parking shall be allowed.

- k. Signage shall conform to Section 1501.023.
5. Temporary Sales Offices: Where permitted, temporary sales offices must satisfy all of the following performance standards:
- a. All temporary sales offices are required to receive a building permit.
 - b. Each development project shall be limited to one temporary sales office.
 - c. All temporary sales offices shall be required to meet the standards of the Americans with disabilities act.
 - d. Temporary sales offices shall have skirting around the entire perimeter.
 - e. 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 V crushed rock.
 - f. 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.

1501.015. Information Requirements & Procedure for Site Plan Approval

A. Purpose. 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.
2. Parcels not previously platted and/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, 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 for Site Plan Approval. Applications for Site Plan approval shall be on a form provided by the City Administrator's office 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 his/her 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;
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;
 - 1) Electric
 - 2) Natural gas
 - 3) Telephone
 - 4) Water service
 - 5) 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, etc.);
 - q. Traffic flow on-site;
 - r. Traffic flow off-site; and
 - 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; and,
 15. Other information considered pertinent by the City Staff, consultants, Planning Commission or City Council.
 16. 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. Application Approval/Denial Time Limits. Pursuant to Minnesota Statutes § 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.

F. Site Plan Review Process.

1. The City Administrator or his/her 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 may require the Applicant or a Representative thereof meet with the City Administrator and/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 1501.015.F.5. as may be amended. The City Administrator or designee shall either: approve the site plan, conditionally approve the site plan, or deny the site plan. The City Administrator and/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.

G. Application Site Plan Consideration. In considering applications for Site Plan approval under this Zoning 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.
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.

H. Developer's Agreement. Prior to issuing a building permit, the approving authority (either the City Administrator and/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. Time Limit from Site Plan Approval until Building Permit is Issued. From the time the applicant receives site plan approval from the City Council, the applicant must be issued a building permit within twelve months from the site plan approval date. Failure to do so will require the applicant to obtain a new site plan approval, with appropriate fees, to receive a building permit. The applicant may apply for one 6-month extension before the expiration date. Application for an extension is an administrative process.

1501.016. Building Permits, 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.
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 Planning Commission or its designated representative 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 or relocated shall be 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.

1501.017. 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.

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 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 350 feet of the applicant's property for which the conditional use is being applied for; and,
10. Any additional written or graphic data reasonably requested by the City

D. Standards. Pursuant to Minnesota Statutes § 15.99, an application for 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.

E. Procedure.

1. The applicant shall file the completed application form with the City Administrator. 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 a 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 (350) feet 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.
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.
4. The City Administrator or designee shall forward the Application to the Planning Commission. The Planning Commission shall conduct the public hearing. Following the hearing, the Planning Commission shall make a report on the proposal to the Council and shall recommend to the Council whatever action it deems advisable, but the Planning Commission shall not recommend the granting of a permit unless it finds that the establishment, maintenance, or conducting of the use for which a permit is sought will not under the circumstances of the particular case be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of such use, or to the public welfare, or injurious to property or improvements in the neighborhood. The Planning Commission may recommend the City Council approve application, deny the application, or approve the application with special conditions.

5. The Planning Commission may designate conditions and require guarantees in the granting of use permits in the same manner provided in Section 1501.018 of the Zoning Ordinance, Board of Zoning Adjustment, for the granting of adjustments.
6. The City Council shall act on the application after receiving a recommendation from the Planning Commission. The City Council shall either: approve the conditional use permit request, conditionally approve the conditional use permit request, or deny the conditional use permit request. The City Council may impose necessary conditions and safeguards on site plan approval so as to protect the public health, safety, and welfare.
7. The City Administrator or designee shall notify the applicant of the Council's decision within fifteen (15) days of its decision.
8. The City Administrator or designee shall cause the Conditional Use Permit to be Recorded with McLeod County and the applicable parcel(s).

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

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.
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, and the like adopted by the City, as may be amended.

G. Performance Standards. The following performance standards are applicable to Conditional Uses.

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: minimize internal site access problems and maneuvering conflicts; to avoid visual or noise impacts on any adjacent residential use or district; and 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 and/or landscape treatments 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 and/or landscaping are required around the enclosed receptacle.
11. All signs shall be in compliance Section 1501.022 of the Zoning Ordinance.
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 are obtained and documented to the City.

13. Any/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.

- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. Lapse of Conditional Use Permit by Non-Use.** Whenever within one (1) year after granting the Conditional Use Permit the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been provided by the Planning Commission.
- 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 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.

1501.0175. Interim 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.
- B. Intent.** The intent of this ordinance is to:
1. Allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
 2. Allow a use that is presently acceptable but that with anticipated development may not be acceptable in the future.
- C. Scope.** An Interim Use Permit is required when the use is classified as a interim use within a zoning district or acknowledged as requiring a interim use permit within a zoning district or zoning standard.
- D. Application, Hearing, Procedure.** The application, public hearing, and procedure requirements for Interim Use Permits shall be the same as those for Conditional Use Permits as provided in Section 1501.017 of the Zoning Ordinance.
- E. Criteria for Review.**
1. The “Required Findings” and “Performance Standards” for review of Interim Use Permits shall be the same as those for Conditional Use Permits as provided in Section 1501.017 of the Zoning Ordinance.
 2. The Planning Commission shall recommend an Interim Use Permit and the City Council shall issue such Interim Use Permit only if it finds that such use at the proposed location:
 - a. Meets the standards of a conditional use permit set forth in Section 1501.017 of the Zoning Ordinance.
 - b. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
 - c. Is allowed as an interim use in the applicable zoning district or acknowledged as required within a specific zoning or performance standard.
 - d. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
- F. Termination.** An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

1. The date specified in the permit;
2. A violation of the conditions under which the permit was issued; or
3. A change in the City's zoning regulations which render the use nonconforming.

1501.018. Variances.

A. Appeals and the Board of Adjustment

The Board of Adjustment 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 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 decision shall be made to the City Council, where its decision, in turn, may be appealed to the District Court. Board of Adjustment decisions shall be final except upon their appeal to the City Council.

B. Procedure for all other Variance Requests. Requests for a variance or appeal shall be filed with the City Administrator and shall be accompanied by a fee, as established by the City Council, along with material explaining the request.

1. The applicant shall file with the City Administrator or designee the completed application on an official form provided by the City. 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 of the deficiencies in writing within fifteen (15) days.
2. The applicant shall supply to the City Administrator or designee a list of names and addresses for property owners located within 350 feet of the applicant's property for which the variance is being applied for.
3. Upon receipt of a complete application by the City Administrator, the Administrator or his/her designee shall set the date for a public hearing. A copy of the completed application and attachments shall be forwarded to the Board of Adjustment.

4. Notice of such hearing shall be mailed no less than ten (10) days nor more than thirty (30) days to the property owners within three hundred fifty (350) feet of the affected parcel. Such notice shall also be published in the official newspaper within the above period of time. Failure of a property owner to receive notice shall not invalidate any such proceedings.
5. A variance of this Zoning Ordinance shall be by a simple majority vote of the Board of Adjustment.
6. Within sixty (60) days of the official submission date, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the Appellant or the Petitioner by mail. It shall take one of three actions - approval, denial or approval with special conditions. The Board of Adjustment may postpone action to allow for additional information or testimony; however the 60 day rule remains in effect.
7. The City Administrator or designee shall record the variance with the subject property at the McLeod County Recorder's Office.
8. The decisions of the Board of Adjustment shall be final unless a Notice of Appeal of same to the City Council is filed with the City Administrator or designee within fifteen (15) days from the date said decision of the Board of Adjustment was mailed.
9. No application by a property owner for a variance shall be submitted to the Board of Adjustment within a twelve (12) month period following a denial of a substantially similar request. The Board may permit a new application, if in the opinion of the Board, new evidence of change or circumstances warrant it.

C. Criteria for Granting Variances. The Board of Adjustment shall not authorize a variance from the provisions or requirements of this Ordinance unless it finds evidence that all the following facts and conditions exist:

1. Evidence of ownership or enforceable option on the property.
2. The variance is consistent with the City of Winsted's Comprehensive Plan.
3. The variance is in harmony with the general purposes and intent of the ordinance.
4. The Applicant establishes that there are 'practical difficulties' in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

c. The variance, if granted, will not alter the essential character of the locality.

5. 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.

D. Earth Sheltered Construction Variances. Variances shall be granted for earth sheltered construction, when in harmony with the ordinance.

E. Variance Conditions. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

F. Lapse of Variance. If, within one (1) year after granting a variance, the work permitted is not started, such a variance shall become null and void unless a petition for an extension has been approved by the Board of Adjustment.

1501.019. Zoning Amendments (or Rezonings)

A. Kinds of Amendments.

1. A change in a district's boundary (rezoning)
2. A change in a provision of this Ordinance (text amendment)

B. Initiation of Proceedings. Proceedings for amending this Ordinance shall be initiated by at least one (1) of the following three (3) methods:

1. By verified petition of not less than fifty percent (50%) of the owners of property located within three hundred fifty (350) feet of the proposed changes;
2. By recommendation of the Planning Commission; or
3. By action of the City Council.

C. Required Exhibits for 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 350 feet of the property under consideration.

D. Procedure. The procedure for a property owner(s) to initiate a rezoning or amendment change applying to the property is as follows:

1. The applicant(s) shall file a completed application on the form designated by the City of Winsted together with the required exhibits with the City Administrator or designee and shall pay a filing fee, as established by the City Council. 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 of the deficiencies in writing within fifteen (15) days.
2. Upon receipt of a complete application, the City Administrator or designee shall schedule a date for public hearing. Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days to property owners within three hundred fifty (350) feet of the affected parcel as determined by the City Administrator or designee. Such notice shall also be published in the official newspaper within the above period of time. Failure of a property owner to receive notice shall not invalidate any such proceedings.
3. The Planning Commission shall hold the public hearing and then shall recommend to the City Council one of three actions – approval, denial or approval with special conditions. The Planning Commission may postpone action to allow for additional information or testimony; however the 60 day rule remains in effect.
4. The City Council shall act upon the application within sixty (60) days of the official submission date and after receiving the recommendation of the Planning Commission.
5. The City Administrator or designee shall cause the updating of the official zoning map (rezoning) or text amendment to be reflected in the Zoning Ordinance and Official Map.
6. No application by a property owner for an amendment to the text of the ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

E. Criteria for Granting Zoning Amendments.

1. The City Council may adopt amendments to the zoning ordinance or zoning map by a simple majority, unless property is being rezoned from residential to commercial/industrial wherein a two-thirds majority (four of five Council Members) vote is required.
2. 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 application is or will be compatible with present and future land uses of the area.
- c. The proposed application conforms to all performance standards contained in this Ordinance.
- d. The proposed application can be accommodated with existing public services and will not overburden the City's service capacity.
- e. Traffic generation by the proposed use is within capabilities of streets serving the property.

1501.020. Administration and Enforcement.

A. Appeals and the Board of Adjustment

The Board of Adjustment 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 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 or unnecessary hardship that would deprive the owner of the reasonable use of land or building involved, but in no other uses except as specifically described. Any appeals on a Board of Adjustment decision shall be made to the City Council, where its decision, in turn, may be appealed to the District Court. Board of Adjustment decisions shall be final except upon their appeal to the City Council.

B. Enforcement. This ordinance shall be administered and enforced by the City Council of Winsted, Minnesota. The City Administrator may institute appropriate action for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary. The City Administrator shall also perform the following duties:

- 1. maintain permanent and current recordings of this Ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals and applications;
- 2. receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies; and

3. review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

C. 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 record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.
2. Violations of Ordinance. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and shall be subject to the penalties as established by state law. Each day that a violation is permitted to exist shall constitute a separate offense.
3. Violations of a Conditional Use Permit. Violation of any condition of a Conditional Use Permit may result in immediate termination of such permit by the City Council, following public hearing.
4. Notice of Violation. Notice and public hearing of violations and termination proceedings on all non-conforming, conditional, incompatible, accessory or home occupation uses shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof by one (1) legal published notice at least ten (10) days before the hearing date. Notice shall be given by the City Council within a reasonable time.

1501.021. 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:
 - 1) Compliance with and effect upon the comprehensive plan and public facilities plans.
 - 2) 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.
 - 3) 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.
 - 4) Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - 5) 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 1501.017 of this chapter and all other applicable provisions of this chapter.
- 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 chapter shall be attached to the permit.
- h. Determination of noncompliance with applicable codes, Ordinances, and the standards in this chapter 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 1501.017 of this chapter, 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.
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 chapter shall be in accordance with section 1501.020 of this chapter. 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 chapter also shall be grounds for denial of future permit applications.
5. Certification 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.

1501.022. Repealer, Date of Adoption, Signatures.

The previous Zoning Ordinance and all subsequent amendments to that ordinance adopted by the Winsted City Council are hereby repealed in their entirety. Any previous Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.

1501.023. 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 Zoning Administrator upon application submitted in such form as the City requires.

It shall be the duty of the Zoning Administrator, 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 Zoning Administrator 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.
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 Minnesota Statute § 211B.045 and erected as stipulated in this Ordinance.
3. The replacement of any sign matching the same size and location of the previous sign.
4. Temporary signs erected as stipulated in this ordinance.
5. Real-Estate signs erected as stipulated in 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 2 sq. ft. in area.

(Ord. 09-04, Sec. 1501.022.D.7, 04/07/09)

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 20% of the wall area that they are affixed to except as regulated in Section 1201.022.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) sq. ft.

3. **Projecting Sign:** A sign, other than a wall sign, that is attached to and projects from the building façade. 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 1201.022.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 1201.022.I.

5. Awning Sign: Awning Signs shall have a minimum clearance of eight (8) feet 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 72 hours of the expiration of the event or purpose for which the sign was placed, and/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.

(Ord. 11-06, Sec. 1501.022.E.1-8, 05/17/11)

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 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 (15) ft. 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 1201.022.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 automobile 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 vehicular sight triangle.
11. Illuminated signs shall not be permitted within any residential district, except as regulated in Section 1501.023.I. of this Winsted City Code.
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 subsection 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.
15. Any other sign not expressly permitted by the provisions of these regulations.

(Ord. 11-06, Sec. 1501.022.F.9 & 11, 05/17/11)

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) sq. 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 Zoning Administrator. The City has the right to destroy said sign, not in compliance with this provision, within thirty (30) days.

(Ord. 11-06, Sec. 1501.022.H, 05/17/11)

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.
 - 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 as regulated by temporary sign provisions in this Ordinance.
4. 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.
 - 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.
 - ii. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

(Ord. 11-06, Sec. 1501.022.I, 05/17/11; Ord. 15-13, Secs. 1501.023.F. & 1501.023.I.)

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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator at the expense of the holder of the property owner.
2. The Zoning Administrator 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.

M. Revoke Permit.

The Zoning Administrator 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.

(Ord. 11-06, Sec. 1501.022.J-M, 05/17/11)

1501.024. Allowable Street Widths.

A. Standards. The following standards apply to street widths (unless otherwise noted).

	Right-of-Way	Paved
Arterial Street	100 feet	52 feet
Collection Street	70 feet	40 feet
Local Street	60 feet	34 feet
Cul-de-sac or Marginal Frontage	50 feet	32 feet

Alley	30 feet	20 feet
Pedestrian Way	10 feet	N/A
* Private Common Access	30 feet	20 feet
Alley in Industrial or Commercial Areas	24 feet	20 feet
One-way Alleys, Residential	16 feet	12 feet
Two-way Alleys, Residential	20 feet	16 feet

(Ord. 11-09, Sec. 1501, 09/06/11)

1501.025. ALTERNATIVE ENERGY SYSTEMS.

A. SCOPE. This subchapter 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.
 - (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 subchapter, 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 C, above 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 Minn. Rules § 6115.0211, Subd. 6b and subject to written consent of all property owners and/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 from interior side lot lines and at least ten feet from rear lot lines.
 - ii. (b) 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 Minn. Rules Chapter 7030, as amended, and city 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.
- 3. *Safety.* Ground source heat pumps shall be certified by Underwriters Laboratories, Inc. and meet the requirements of the State Building Code.
- 4. *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.
 - 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.
- 5. *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.* Residential wind turbines in accordance with the standards in this section are prohibited in the R-1 (Single Family Residential District), R-2 (Multiple Family Residence District), C-1 (Commercial Downtown District), C-2 (Commercial Highway District), R-M (Manufactured Home District), unless they are structurally attached to the principal structure (roof) and do not exceed 5 feet 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 20 acres in size in the I-1 (Industrial District). 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, including any portion of the rotor or axis extending above the tower, 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 recommendation of the Planning and Zoning Commission, 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.
 - ii. Design data which shall indicate basis of design, including manufacturer's dimensional drawings and installation and operation instructions.
 - 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 15 feet is permitted.
- d. *Roof mounting.* Roof-mounted wind turbines are not permitted, except those that do not exceed 5 feet 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, 300 feet or 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, 600 feet or 3.0 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 Minn. Rules Chapter 7030, as amended, and city code at all property lines.
- h. *Screening.* Wind energy systems are exempt from the requirements of Section 1501.014.I.
- 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 subchapter 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 Zoning Administrator 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.

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 and/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.
 - 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 and/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 (10) feet at maximum tilt.
 - v. Ground Mounted SES shall only be located in the rear yard as defined by this Section.
 - 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 I-1 Industrials districts, and shall be processed according to the standards of Section 1501.017.5.
 - 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 (1/2) mile of another SES.
 - iv. Prohibitions: The City prohibits all Community SES within:
 - 1) Shoreland Districts as designated by the Department of Natural resources (DNR) and the Winsted Zoning Map.

- 2) Wetlands to the extent required by the Minnesota Wetland Conservation Act,
 - 3) Within one thousand (1,000) feet 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.
 - 4) The Floodplain Management Overlay District.
 - 5) Residential Districts, the C-1 Commercial Downtown Business District and the A Airport District.
 - 6) 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 1501.015., 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 and/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 1501.023.

- xi. Screening. Community SES shall be screened from adjacent residential uses in accordance with section 1501.014.I.
 - 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.
 - 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 and/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.
- viii. All SES shall meet all federal and state requirements including the Public Utilities Commission (PUC) requirement and size requirements.

G. PROHIBITED CHARACTERISTICS OF ALTERNATIVE ENERGY SYSTEMS.

1. No alternative energy system shall be constructed within 20 feet laterally of any overhead power line (excluding secondary electrical service lines or service drops). Setbacks from underground distribution lines shall be at least 10 feet.
2. An alternative energy system utilizing a rotary blade shall not have an arc diameter greater than 33 feet.
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.

H. 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:
 - b. Recorded property easements.
 - c. A description of the project including: number, type, height, diameter of all alternative energy systems.
 - d. 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.
 - e. Engineer's certification.

f. Interconnection Agreement.

3. *Duration.* Any system permit issued by the city under this chapter 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 chapter, 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 subchapter, 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.

I. 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 § 1501.017 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.

J. INTERPRETATION.

In interpreting this Section (1501.025) 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.

K. CONFLICT.

This Section (1501.025) 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.

(Ord. 12-10; Sec. 1501.025, 11/20/12; Ord. 16-03, 4/5/16)

1501.026. ACCESSORY BUILDINGS, STRUCTURES AND USES.

- A. SCOPE. This subchapter applies to This subchapter applies to Accessory Buildings, Structures and Uses.
- B. PURPOSE. The purpose of this section is to establish provisions regulating the location, type and dimensional standards for accessory buildings, structures and uses.
- 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 chapter 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 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 and/or utility easement unless approved by the Zoning Administrator 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, as amended.

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 Zoning Administrator or designee shall review the site plan and construction drawings to determine compliance with this zoning chapter and other applicable ordinances, laws, and regulations. All detached accessory buildings below one hundred and twenty 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 Zoning Administrator and building official shall review the site plan and construction drawings to determine compliance with the zoning chapter, 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, R-1B, R-2 and R-M 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 and R-2 districts, twenty feet (20') in the R-1B district and twenty-five feet (25') in the R-M district, from the side lot line abutting the public street right of way.

2. For corner lots within the C-1, C-2, and I-1 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 and I-1 districts and zero feet (0') in the C-1 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 Building Official following the submittal of plans showing a proposed firewall installation or other mitigation measures.
 - b. Such structures shall not be located within any drainage and/or utility easement.
 - 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 Building Official following the submittal of plans showing a proposed firewall installation or other mitigation measures.
 - b. Such structures shall not be located within a drainage and/or utility easement.
 - 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 for at least two (2) vehicles, either attached or detached, can be located on said lot. The minimum size of said garage shall be twenty-two (22) feet wide by twenty-two (22) feet 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 (16) feet in height or the height of the principal building, whichever is greater.
 - c. **Maximum Height Detached Garages.** In residential districts, no individual detached building or structure shall exceed sixteen (16) feet in height. The maximum side wall height of a detached building shall not exceed ten (10) feet 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 in.
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
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 in	30% of the area of the front, side or rear yard in which it is located in	30% of the area of the front, side or rear yard in which it is located in
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 in	30% of the area of the front, side or rear yard in which it is located in	30% of the area of the front, side or rear yard in which it is located in

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 chapter.
3. Agricultural Buildings. Agricultural buildings on farm properties are exempt from the requirements of this section.
4. 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 residentially zoned districts.
 - b. Enclosures: All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following.
 - 1) 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.

- 2) 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.
 - 3) Accessibility. The enclosure must be accessible to waste and recycling collection vehicles.
 - 4) 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.
 - 5) Approval. The design and construction of the trash enclosure shall be subject to the approval of the City through the site plan approval process according to section 1501.015 of this chapter.
 - 6) Landscaping. Landscaping shall be provided surrounding trash enclosures to screen the structure from view of the public right of way and residential properties.
- c. Recycling Space. Recycling space shall be provided as required by the Minnesota state building code.
 - d. 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.
 - e. Exceptions.
 - 1) 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.
 - 2) 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 of subsection B of this section.
 - 3) 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.
5. 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 and/or utility easements.
 - c. Screening and/or a hard surface will be required if problems occur with appearance, noise, odor, and sanitation as determined by the City.
 - d. No such enclosure shall exceed one hundred twenty (120) square feet, unless approved through an administrative permit.
6. 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.
7. 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.
8. 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.