



Memorandum

To Winona County Board of Commissioners
From Brian P. Bender – Planning Director
Date April 20, 2010
Subject List of Significant Ordinance Changes

Chapter 1 – TITLE AND ADOPTION

The Chapter has no significant changes.

Chapter 2 – INTENT AND PURPOSE

The Chapter has no significant changes.

Chapter 3 – PARCELS OF RECORD / NONCONFORMING STRUCTURES AND USES

- * **New** – The designation of all residences legally established since the adoption of the existing Ordinance (February 1, 1989) through the one non-farm residence per ¼ / ¼ section of land density standard receives the classification as a parcel of record.
- * **New** – The provisions relating to nonconforming structures and uses have precise changes throughout the Chapter to make them consistent with the State Statutes (Section #3.2).
- * **New** – The Chapter includes Section #3.2.6 (*Overlay Districts*) as a means to address potential Ordinance conflicts between existing uses and structures on properties now regulated by additional standards found in Chapter 11 (*Natural Features Overlay Districts*).

Chapter 4 – RULES AND DEFINITIONS

- * **New** – This Chapter has a number of new definitions mirroring the revisions of other Chapters. Many of the definitions now have graphics beside their entries to help with their interpretations.

Chapter 5 – ADMINISTRATION

- * **New** – The revised text has specific criteria for different conditional use requests –such as home occupations, a residence on less than 40-acres, a feedlot, and a WECS (Section #5.5.4). The existing has seven criteria used to evaluate a conditional use request.
- * **New** – The revised text has nine criteria to establish the legitimacy of a variance request (Section #5.6.2). The existing has eight criteria used to evaluate a variance request.
- * **New** – Section #5.6.4 places a one-year limit on a variance before the approval expires. The petitioner may obtain a one-year extension from the Board of Adjustment.
- * **New** – Section #5.7 enables the Planning Department to seek reimbursement for supplementary professional services from a petitioner when reviewing a hearing request. An example may be if a traffic study is necessary when considering a conditional use request, the County can have the study commissioned with the petitioner responsible for the cost and not the County.

Chapter 6 – PERMITS

- * **New** – A completely new Chapter as a means to describe and explain all administrative permits and approvals. Staff also prepared a new Fee Schedule to support the various fees and permits found in the Ordinance. Please see the separate Fee Schedule for consideration with the highlighted entries being new fees or increases of existing fees.
- * **New** – The issuance of Advertising Device Permits for commercial signage (Section #6.7)
- * **New** – Zoning Certificates have the label of *Development Permits* (Section #6.11).
- * **New** – The addition of a building size component when determining if a Development Permit is required (Section #6.11).
- * **New** – Agricultural structures now require a Development Permit and the fee is \$25.
- * **New** – The submission of a *survey plot* as part of the documentation needed to obtain a Development Permit for the construction of a new residence (Section #6.11.2).
- * **New** – “Grading and Filling” has the label of a *Land Disturbance Permit* (Section #6.13).

Chapter 7 – ENVIRONMENTAL REVIEW

- * **New** – An entirely new Chapter having the purpose to determine whether certain projects have or may have the potential for significant environmental impacts.

Chapter 8 – LIVESTOCK FEEDLOTS

- * **New** – Different feedlot classifications to establish setbacks for properties having a small number of animals (Section #8.5.1).
- * **New** – The requirement of geotechnical investigations for a site selected for an expansion or the construction of a new facility (Section #8.5.3).
- * **New** – The revised language for the reporting spills and accidental discharges (Section #8.6.1).

Chapter 9 – PERFORMANCE STANDARDS

- * **New** – Detailed changes throughout the Chapter reflecting contemporary building and development practices.

Notable Changes

- The need for a Development Permit for a fence in all districts - excluding the A/RC (Section #9.1.4).
- New standards for recreation cabins, relating to structure size and density upon a parcel (Section #9.6).
- New standards for lot access and driveway construction (Section #9.7).
- New standards for advertising devices (signs), especially for commercial uses (Section #9.9).
- The creation of woodland preservation standards to prevent the clear-cutting of a site slated for residential development (Section #9.16).
- Safety and placement standards for swimming pools (Section #9.19).

Chapter 10 – ZONING DISTRICTS

- * **New** – The creation of the Agricultural / Resource Conservation (A/RC) District and its residential density of one residence per 40-acres. The Ordinance allows residential development through the conditional use process that favors smaller lots on non-prime soils (classes 4 thru 8), and in areas where they will not interfere with adjacent farms (Section #10.5).
- * **New** – The remaining districts are unchanged except for modifications for development standards for the Community Development and Industrial Districts.

Chapter 11 – NATURAL FEATURES OVERLAY DISTRICTS

- * A new Chapter consolidating the various provisions regulating activities in environmentally sensitive areas (floodplains, shorelands, bluffs, and slopes).

Notable Changes

- No development on slopes exceeding 25-percent throughout the County.
- Conditional Use Permit needed for development activities on slopes between 18 and 25-percent.
- The creation of the Mississippi River Bluffs overlay.
- The inclusion of cold water streams standards for additional setbacks along trout waterways.
- The addition of protection measures for archaeological sites.

Chapter 12 – WIND ENERGY CONVERSION SYSTEMS

- * **New** – The Chapter uses the State Model Ordinance as a starting point to regulate WECSs.

Chapter 13 – SUBSURFACE SEWAGE TREATMENT SYSTEMS

- * The Chapter is an accumulation of the existing septic provisions to reflect statewide changes.
- * The requirement of a mandatory certification of compliance at the time of property transfer or point of sale.
- * The creation of an Operating Permit to oversee the maintenance of holding tanks and also of the larger flow amount systems.

Chapter 14 – RURAL ADDRESSING

- * The Chapter has several small changes.

Chapter 15 – SUBDIVISION REGULATIONS

- * **New** – The application of the regulations occur with the division of three or more lots, and or the creation of roads / easements. The creation of a lot for commercial or industrial development also triggers the regulations. In the existing text the trigger of the subdivision regulations happens when a property owner intends to divide a tract of land into three or more lots and exempts the regulations when the division consists of lots exceeding five-acres and having 300 feet of width and do not involve any streets or access easements.

Chapter 16 – ROAD/HOUSE SIGN SPECIFICATIONS

- * The Chapter has several small changes relating to signage material.