

Lanesboro Heritage Preservation Commission
Agenda
Monday, March 11, 2024 - 5:00 p.m.
Lanesboro Community Center Meeting Room and Zoom

*Zoom is provided as a way to offer more accessibility to council and committee meetings.
However, due to potential technical issues, full functionality is not guaranteed*

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<https://us02web.zoom.us/j/84492958899?pwd=RjN4V2YrZE9DSnQ2djRGUVJ6cnFRUT09>

Meeting ID: 844 9295 8899 Passcode: 767605 Dial by your location • +1 312 626 6799 US (Chicago)

Call the Regular meeting to order:

- A. Approval of Agenda
- B. Public Comments
- C. [Minutes from February 12, 2024, Regular Meeting](#)

Continued Business:

- A. [Historic Site Recommendations](#)
- B. [Heritage Preservation Commission Training Manual - Chapter 3 Review](#)
- C.

New Business:

- A. Sylvan Park Cabin - Local Designation
- B. [Downtown Commercial Land Use](#)

Next Meeting: April 8, 2024 5:00 p.m.

Adjourn

Members: Ceil Allen, Mindy Albrecht-Benson, Kate O'Neary, Lori Bakke, and Kathryn Wade

**Lanesboro Heritage Preservation Commission
Regular Meeting
Monday, February 12, 2024
Lanesboro Community Center and Zoom**

Present Members:

 Mindy Albrecht-Benson X Kathryn Wade X Lori Bakke
 X Ceil Allen X Kate O'Neary

Staff:

 X Mitchell Walbridge Darla Taylor

Visitors:

Vicki McKinney, Bonita Underbakke

Call the Regular Meeting to Order: Member Wade called the regular meeting to order at 5:00 p.m.

- A. **Agenda:** Member Bakke entered a motion to approve the agenda as submitted; Member Allen seconded the motion. Motion carried with all in favor.
- B. **Public Comments:**
 - Vicki McKinney and Kate O'Neary shared research on the cabin in Lanesboro's Sylvan Park. Both expressed interest in having the Heritage Preservation Commission designate the cabin as a local landmark due to its connection with the Izaak Walton League of America. McKinney and O'Neary will continue their research, but suggested that the cabin be restored, receive a local designation, and have a plaque added. They mentioned the space could be used as a rental option in Sylvan Park. Member Bakke entered a motion to refer the idea to the Lanesboro Park Board at its February 2024 meeting; Member Allen seconded the motion. Motion carried with all in favor.
- C. **Minutes of the Regular Meeting, January 17, 2024:** Member Bakke entered a motion to approve the minutes as presented; Member O'Neary seconded the motion. Motion carried with all in favor.

Continued Business

- A. **Historic Site Recommendations:** City Administrator Walbridge shared he has a first draft of the grant application completed and will share a second draft at a future meeting. The grant application deadline is not until May 2024. Members expressed their interest in adding the cabin as a potential landmark designation and would like this added to New Business on future agendas.
- B. **Heritage Preservation Commission Training Manual – Chapter 3 Review:** Member Wade entered a motion to table the Chapter 3 Review until the March 2024 meeting; Member O'Neary seconded the motion. Motion carried with all in favor.
- C. **Hotel Lanesboro Exterior Changes:** Chelsey Skelly, owner of Hotel Lanesboro, was present via Zoom to share a summary of proposed exterior improvements to the Hotel Lanesboro building. The style and height of the fence on the south side of the building facing Parkway Avenue was discussed at length. Member Bakke entered a motion to approve Skelley's plan with consideration of a 5-foot height recommendation as well as the potential to add some black accents to the fence; Member Wade seconded the motion. Members Bakke, Wade, and Allen voted in favor; Member O'Neary voted against. Motion carried.

New Business

- A. **Heritage Preservation Commission Duties & Powers Summary:** Administrator Walbridge shared a summary of the duties and powers of the Lanesboro Heritage Preservation Commission as per the city's code of ordinances. Administrator Walbridge shared that the commission is largely advisory and can transmit its opinions, by motion, via referrals to other commissions and the city council.

Draft 2/13/24

Member Wade noted the next meeting is scheduled for March 11, 2024, at 5:00 p.m.

Member Bakke entered a motion to adjourn the meeting; Member O'Neary seconded the motion. Motion carried. Meeting adjourned at 5:54 p.m.

Respectfully submitted,

Mitchell Walbridge
City Administrator/Clerk

CHAPTER 3: DESIGNATING PROPERTIES

A Starting Question

A property owner wants to designate their property as a historic landmark under the community's preservation ordinance, and they wish to know what the process will be. How will you answer them?

Designating a property means formally listing it under local law as a historic resource or as part of a district. This is a land use action, and therefore requires formal hearings. It also requires an appropriate level of documentation that substantiates the historic significance of the property. This includes information from a survey, using specific categories for classifying properties, information that places the property into historical context and application of criteria for determining significance and integrity. This chapter provides an overview of those informational tools used in the designation process.



In This Chapter:

- A. Designating Historic Properties
- B. Inventories
- C. Types of Historic Properties
- D. Significance and Integrity
- E. Defining Districts and Using Boundaries




A. Designating Historic Properties

The designation of individual properties and districts as historic is fundamentally a zoning power and may only be made by a local governing body (i.e. Mayor/Council) through adoption of an ordinance. The designation ordinance should include findings that describe the historic, architectural or archeological significance of the property, the boundaries of the property, and reference the applicable ordinance or section of the local code that allows the Council to make the designation and review alterations to those properties.

Designating a property or a district can sometimes be a long and occasionally contentious process. The Commission should consider holding special information meetings or forums with community groups and property owners to answer questions, dispel myths, and discuss the community's concerns prior to holding a formal vote on whether to recommend designation of the property. Such outreach can be very important when it comes time to present the designation request to the City Council.



		Heritage Preservation Site Designation Type 4 Review	
GENERAL INFORMATION			
1. Applicant			
Name: _____			
Street: _____		City: _____ State: _____ Zip: _____	
Business Telephone: _____		Fax: _____	
Email: _____			
2. Property Identification Number (PID) for this application: _____			
3. Property Address for this application:			
Street: _____		City: Northfield State: MN Zip: 55057	
4. Project Name and Project Description:			
5. Property Owner <input type="checkbox"/> Same as the Applicant			
Name: _____			
Street: _____		City: _____ State: _____ Zip: _____	
Business Telephone: _____		Fax: _____	
Email: _____			
6. Project Contact (Architect, Designer, Engineer, Land Surveyor, or Landscape Architect, if applicable)			
Name: _____		Role in Project: _____	
Company: _____			
Street: _____		City: _____ State: _____ Zip: _____	
Business Telephone: _____		Fax: _____	
Email: _____			
City Use Only			
Received by: _____		Date Received: _____ Date Complete: _____	
Permit No.: _____		Fee: _____ Date Paid: _____	
Other: _____		Escrow: _____ Date Paid: _____	
Community Development		801 Washington Street Northfield, MN 55057	
		Phone: 507-645-3059 www.ci.northfield.mn.us	
		1	

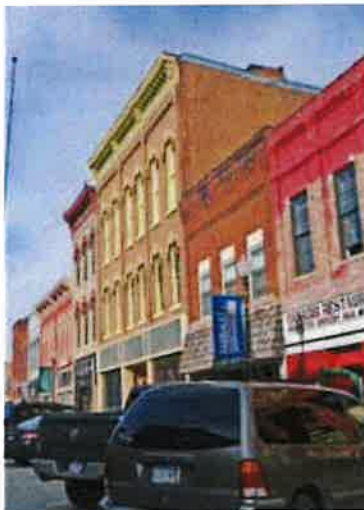
Nomination form example from Northfield, MN for designating a property as a Heritage Preservation Site.

STEPS IN A LOCAL ORDINANCE:

The steps listed here may vary from those in some local ordinances. Always check for any differences.

NOTE:

Chapter 5 provides more detail about hearing procedures.



The Steps in the Designation Process

If a survey indicates that a property is eligible for designation and the owner is interested in doing so, these are the typical steps.

1. Prepare the nomination

Include descriptions of significance along with key features and other data as specified in the ordinance and rules and procedures. The nomination should include a statement that describes why the property/district is significant and relates it to the criteria published in the ordinance.

2. File the nomination with the HPC

Check for completeness of documentation before continuing.

3. Schedule a HPC hearing

Provide public notice, as required in the ordinance.

4. Preservation commission decision

The commission's action is a recommendation to the governing body.

5. Referral to Planning Commission

After the Preservation Commission's decision, the nomination is sent to the Planning Commission, and at this stage, is also sent to the SHPO for comment.

6. City Council/county commissioners hearing

Also conducted according to due process requirements, including appropriate public notice.

7. Appeal

Follow the process specified in the ordinance. Because designations are legislative actions, appeals by property owners or other eligible parties are typically heard by City Council.

What is the Commission's Role?

The local preservation commission reviews designation applications/nominations and makes a recommendation to the elected body. Because designation is a zoning action, it is the City Council that typically has the legal authority to designate properties as historic.

B. Inventories

What is an Inventory?

An inventory is a collection of data about the potential historic significance of properties in a community. It includes any surveys of historic resources, as well as individual evaluations of properties that may be conducted for a variety of research purposes. It is maintained as an informational source. The inventory usually includes the evaluation of resources for potential eligibility for listing in a formal register of historic resources. The inventory can assist in executing a Minnesota Environmental Rights Act (MERA) action when a historic property is threatened.

How is an Inventory Used?

At the local level, a preservation commission uses the inventory as a reference point in determining if any properties would merit consideration for designation. They also use the inventory as a means of developing educational materials about the historic resources of the community or for background information during project review.

Planning departments may also use this information when developing neighborhood plans, or when evaluating development proposals that may require special review under development permitting regulations other than the preservation ordinance.

Why is it Important to Keep a Local Inventory Up to Date?

Since the historic resource inventory is the starting point for research, education programs, and nominations, its value is greatest when the information is up to date. The status of a property as having potential historic significance can change due to a loss of integrity, or new interpretations of historic significance in the community, and thus regular updates of surveys is important. Increasingly, local governments are integrating survey information into Geographic Information Systems (GIS), which means that this information can now be updated more efficiently.



GIS:

GIS can be used to locate existing historic properties and future properties coming online. In addition, the information can be used to assist in understanding how historic properties relate to other planning factors, including land use, transportation patterns and socioeconomics.

FOR MORE INFORMATION

The State of Minnesota maintains a survey of over 70,000 structures and 18,000 archaeological sites, as of 2016, throughout the state.

<http://www.mnhs.org/shpo/survey/inventories.php>



MINNESOTA ARCHITECTURE - HISTORY INVENTORY FORM

Project: Local Historic Bridge Study - Phase II
Minneapolis, Hennepin County, Minnesota

Historic Name	Bridge 90482	SHPO Inventory Number	11-NDP-90482
Current Name	Bridge 90482	Review and Compliance Number	
Field #		Form (New or Updated)	Updated
Address	4600 Black Stone Ave. S. over Minnehaha Creek	Linear Feature?	No
City/Town	Minneapolis	HPC Status	Potential
County	Hennepin	Resource Type	Structure
Legal Desc., Trp.	28 Range 24 Sec 17 QQ NE 1/4	Architect/Engineer	City Engineer of the City of Minneapolis
USGS Quad	ST. PAUL 6 EAST	Style	No Style
UTM Zone	15N Datum NAD83	Construction Date	1922
Easting	489751 Northing	Original Use	Transportation
Property ID (PIN)		Current Use	Transportation

Description

90482 carries Nokomis Avenue South over Minnehaha Creek, between East 46th and East 47th Streets, in Minneapolis, Hennepin County, Minnesota. The bridge crosses over Minnehaha Creek in a north-south alignment that is skewed to the creek, as the creek passes under the bridge in a southwest to northeast alignment. The bridge is located within the Minnehaha Segment of the Grand Rounds, which is defined by the creek and Minnehaha Parkway. The linear park area surrounding Minnehaha Creek features a valley of varying width, generally with steep banks on either side. Dense areas of mature trees as well as manicured open spaces with walking and biking trails line the creek.

Bridge 90482 is a single span, reinforced concrete, deck-girder bridge that was constructed in a Classical Revival style. The bridge has a total structure length of 41 feet, with a 36-foot long main span. The out-to-out deck width is 56 feet. The superstructure is comprised of reinforced concrete abutments and concrete wingwalls. An arched fascia girder on both sides obscures the abutments and girders from view, except for under the span. There are recessed panels in the spandrel walls and a large keyhole at the top of the arch. Projecting rusticated pilasters are found at either end of the arch. There is a continuous band of decorative deck coping that extends the length of the structure.

The superstructure consists of nine reinforced-concrete deck girders that rest on the concrete abutments. The deck consists of a 30-foot wide concrete roadway with raised concrete sidewalks on either side. The solid concrete railing features square end posts with shallow pyramidal caps on each end. There are two intermediate posts that have decorative molding on the sides and pyramidal caps. Railing panels consist of three groups of seven vertical, rectangular openings in the railing. A short metal tube railing was added to the top of the concrete balustrade in 1989. The entire r

Integrity - Good

Bridge 90482 remains in its original location over Minnehaha Creek, retains its park-like setting within the Minnehaha Segment of the Grand Rounds, and retains its historic use as a crossing over Minnehaha Creek. As such, the bridge retains good integrity of location and setting. According to the registration requirements in the "Reinforced-Concrete Highway Bridges in Minnesota (MPCF)" in order to be eligible for the NRHP, "the significant Reinforced-concrete element in the superstructure span must be in substantially original condition. Because this engineering element is the most important feature of bridges in this property type, neither its original substructure nor its original deck and railing system are necessary for the bridge to be eligible. (Although these components, when original, may enhance the significance of the bridge)" (Harris 1990: 8-7). Since the bridge's construction in 1922, routine maintenance has been performed on the bridge, including a new concrete wearing surface and the addition of metal pipe railings to meet safety requirements in 1989. The bridge railing was rehabilitated in 2013. While the railing retains its historic design, a coat of gray special surface finish was applied to the railing as part of the rehabilitation.

RE: MPCF 9000

Example of inventory form for Minneapolis, MN

C. Types of Historic Properties

Historic properties come in a variety of forms. These are the typical categories:

Building

A structure intended to shelter some sort of human activity. Examples include a house, barn, hotel, or church.

Historic District

A geographically definable area, possessing a significant concentration of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Object

Usually artistic in nature, or small in scale when compared to structures and buildings, and generally associated with a specific setting or environment. Examples of objects are monuments, sculptures and fountains.

Site

A discrete area significant solely for activities in that location in the past, such as a battlefield or designed landscape (parks and gardens).

Structure

A functional construction meant to be used for purposes other than sheltering human activity. Examples include, an aircraft, a ship, a grain elevator, and a bridge.

Other categories also are used. These include:

- Cultural landscape
- Traditional cultural property
- Maritime sites
- Archaeological resources



A bandshell is categorized as an "object" property type.



The Indian Mounds Park Mound Group is classified as site.



An archaeological resource is a property type.



A "building" is a structure intended to shelter some sort of human activity.



Individual Landmarks and Districts

Properties identified as having historic significance and formally designated to a local historic register may be listed individually (usually termed a “landmark”), or as a contributing resource in a historic district.

Contributing vs. Non-Contributing Properties

When a boundary is defined for a historic district, it will be drawn around all of the properties in the area. Each of these is then classified as a “contributing” or “non-contributing” to the district’s historic significance. Each property is first identified as such in a historic resource survey, which is then formally adopted when the district is designated.



Contributing property

A contributing property is any building, structure, object or site within the boundaries of the district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features. Another key aspect of the contributing property is historic integrity (discussed later in this chapter).

Non-contributing property

In a historic district, those properties that do not have historic significance are termed “non-contributing.” This does not indicate that the property is incompatible in its character with the district; that is a different consideration.



A property may be rated as non-contributing for these reasons:

- It is of more recent construction, and therefore does not have historic significance at this time
- It is an older property, but is substantially altered and therefore has lost its integrity
- There is insufficient information to determine that the property has historic significance

D. Significance and Integrity

Age of Historic Resources

In general, properties must be at least 50 years old before they can be evaluated for potential historic significance, although exceptions do exist when a more recent property clearly has historic value.

Significance

To be eligible for designation as a historic resource, a property must demonstrate significance in terms of criteria that are adopted. Most local governments apply criteria adapted from those established by the Secretary of the Interior:

- Association with events or trends important in the history of the community
- Association with individuals who made a demonstrable and lasting contribution
- Architectural merit
- The potential to yield information that will contribute to a better understanding of our past

Integrity

In addition to demonstrating significance, a property must retain physical integrity to reflect that significance; it must not have been substantially altered since the period of historical association.

Integrity includes the aspects of location, design, setting, materials, workmanship, feeling and association. A majority of the resource's structural system and materials and its key character-defining features should remain intact.





What are Character-Defining Features?

Every old building is unique, with its own identity and its own distinctive character. Character refers to all those visual aspects and physical features that comprise the appearance of a historic building.

The presence of key character-defining features helps determine a property's integrity. Character-defining elements include the overall shape of the building, its materials, craftsmanship, and decorative details, as well as the various aspects of its site and environment. Some basic character-defining feature categories:

- Shape of the building overall (simple rectangle, complex composition)
- Roof shape (sloping, flat)
- Roof details (eaves, rafters)
- Openings (windows and doors)
- Projections (porches, turrets, bay windows)
- Trim and other components (decorative elements, railings, shutters)
- Materials

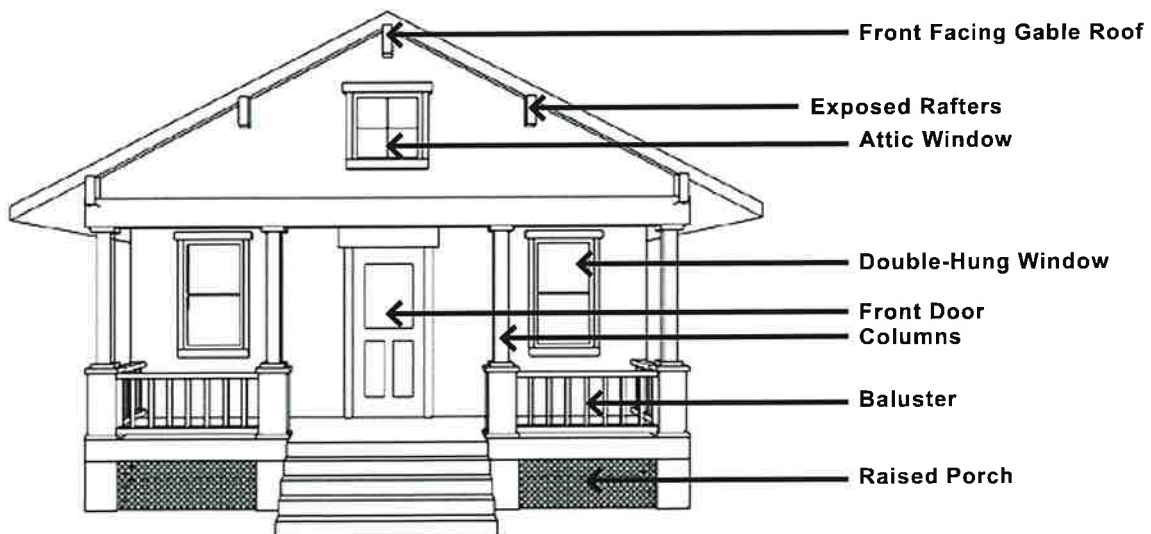
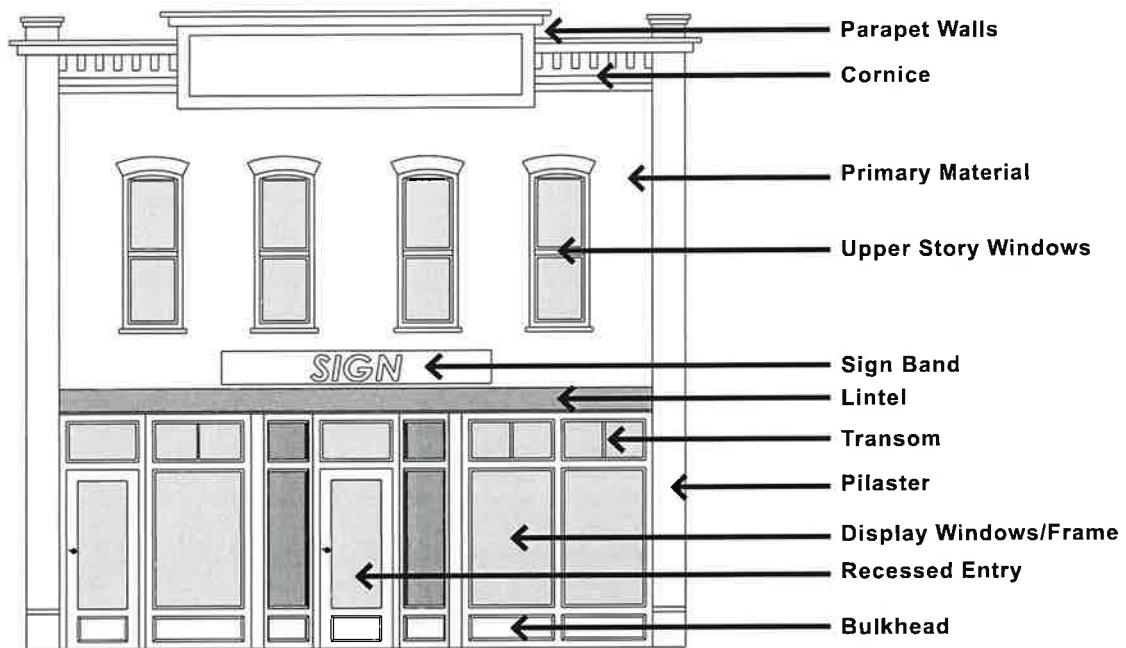


The following illustrations identify character-defining features on different property types.



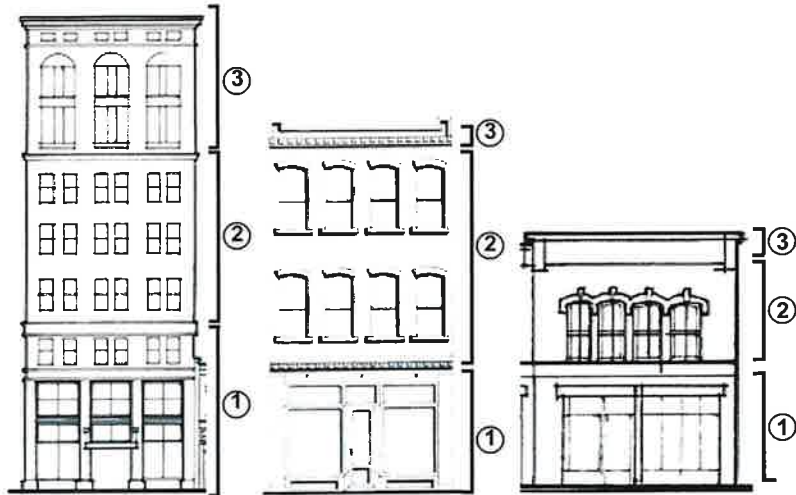
Identifying Character-Defining Features in Individual Buildings

Character-defining features may be illustrated in surveys, historic guidebooks and commission design review guidelines. These documents help property owners identify those elements that should be respected when making improvements. Typical storefront components are shown below.



Character-Defining Features in a Historic District

In a historic district, many buildings may share similar design features, even when the structures span several decades or represent different architectural styles. When these features are repeated along the street, they contribute to a sense of visual continuity, which in itself can be a key character-defining feature.



These three commercial buildings in a historic district, although of different heights and periods of design, share these elements:

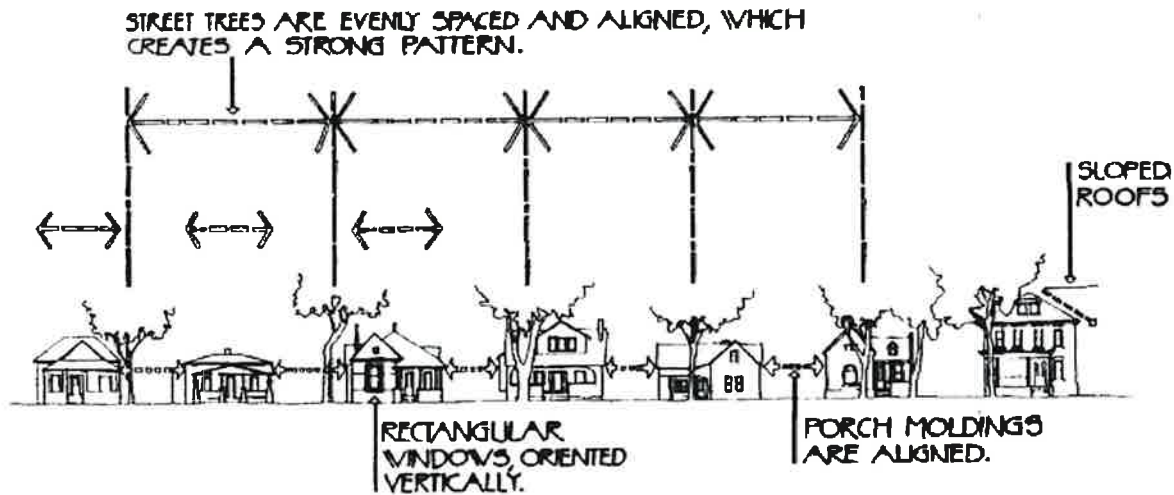
1. Base, 2. Middle, and 3. Cap.



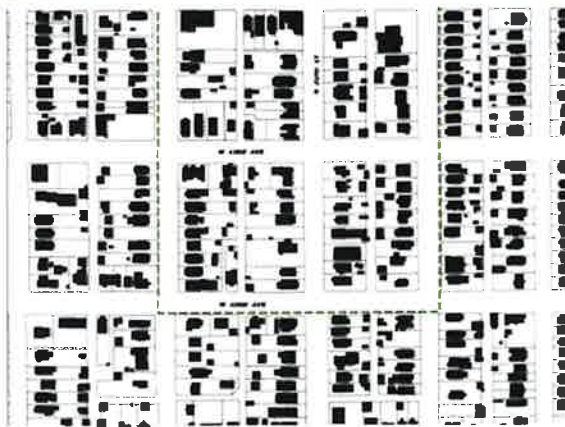
In many commercial districts, similarity of floor heights at the street level, and horizontal moldings combine to create a horizontal alignment that establishes a distinctive scale for a block, which is character-defining.

Character-Defining Features in a Residential Historic District

Features of a Residential Block



The uniform spacing of buildings and side yards creates a rhythm of house fronts in many residential districts, which is character-defining.



The arrangement of city blocks, the width of streets and the presence of alleys are often key features of many single family residential districts. Aerial photographs and "figure-ground" maps also illustrate the uniform setback of building fronts and consistent orientation to the street.

FACTORS TO CONSIDER IN ESTABLISHING DISTRICT BOUNDARIES:

Historical Factors:

- Original settlement boundaries
- Early concentration of building

Visual Factors:

- Views
- Gateways
- Topography

Physical Factors:

- Railroads, highways
- Major urban spaces
- Rivers, natural features
- Changes in land use
- Walls, fences
- Limits of settled areas

Surveyed lines and lines of convenience

- Legal boundaries
- Streets and right-of-way
- Property lines
- Uniform setbacks

NOTE :

In some cases there may be differences between a National Register district boundary and that of a local district.

E. Defining Districts and Using Boundaries

What Does a District Boundary Include?

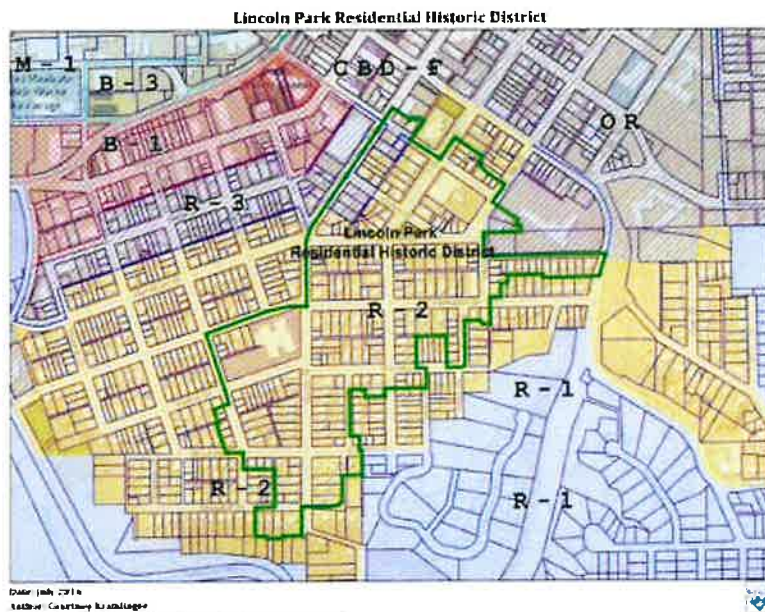
Local boundaries are drawn to contain all of the contributing resources that are identified. They also may be influenced by land use planning policies as well. New construction in the immediate context can affect one's perception of the historic character of the district and for this reason, the boundary may include vacant land and blocks that face historic properties.

Environmental Setting and Landscape Features

Districts often include a combination of buildings, structures, landscapes, and site features, such as fences and walls.

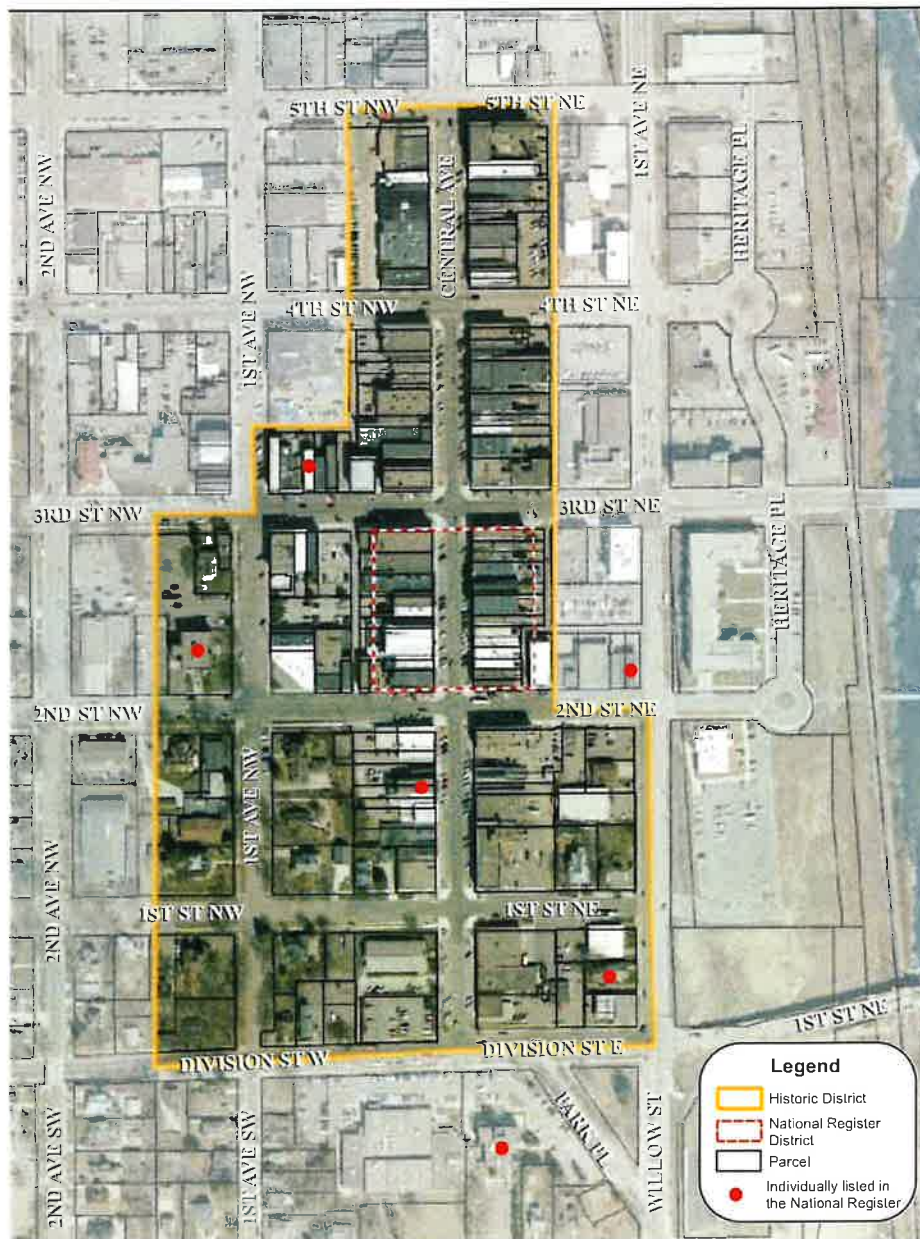
Relationship to Zoning and Other Boundaries

In addition to considering context for purposes of design review, boundaries may also be drawn to align with underlying zoning boundaries, special planned development areas, or other local demarcations.



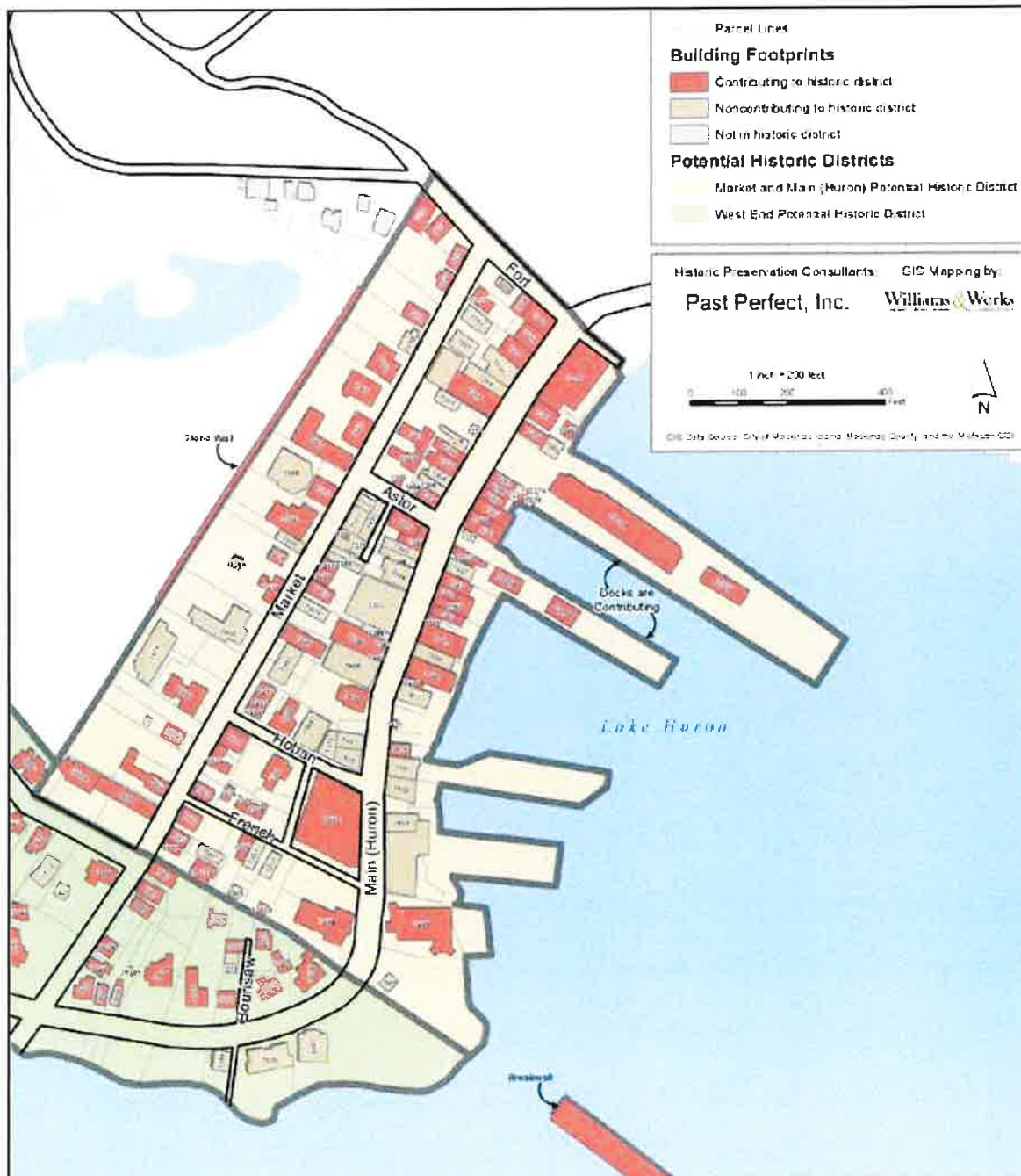
Lincoln Park Residential Historic District Map from Mankato shows zoning districts with the Historic District boundary overlay.

Historic District Boundaries



A map of historic districts in Faribault, Minnesota, shows all buildings within the boundary. It identifies both the local and NRHP district boundaries, as well as several individual NRHP properties.

Note that this map uses an aerial photo and includes parcel lines, which can be a simple thing to make as a visual aid for a historic district nomination or design review process.



A map of a potential historic district in Mackinac Island, Michigan, shows all buildings within the boundary. Contributors are identified in red; non-contributors in brown. Other structures, including two wharves, a stone retaining wall and a breakwater, are also identified as contributing resources.

Commissions use this information when designating historic districts and also in the design review process to consider the context of a project and the significance of the resource at hand.

' 151.04 DEFINITION OF TERMS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE OR FACILITY. Any building or improvement located on the same lot as the principal use subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

ACCESSORY USE. A use on the same lot with and incidental and subordinate to the principal use or structure or facility.

BUILDING. Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services and other activities carried out for financial gain.

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 comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The city may impose additional conditions in specific instances to protect the health, safety and welfare.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to principal use or site and at any point extending more than three feet above ground level.

DWELLING, DUPLEX, TRIPLEX and QUAD. A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping cooking, eating, living and sanitation facilities.

DWELLING, MULTIPLE. A building or portion thereof used for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY. A building used exclusively for occupancy by two families living independently of each other.

DWELLING SITE. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations, such as motel, hotel and resort rooms and cabins.

HOME OCCUPATION. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

JUNK YARD. Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

LIGHT INDUSTRIAL. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line of record bounding a lot which divides a lot from another lot, a public street or any other public or private space.

LOT LINE, FRONT. A lot line abutting a dedicated public right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the zoning administrator based upon characteristics of the surrounding neighborhood.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under M.S. ' 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

NONCONFORMING STRUCTURE OR USE. A structure or use lawfully in existence on the effective date of this chapter or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

NONCONFORMITY. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto 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.

PLANNED UNIT DEVELOPMENT, COMMERCIAL. Typically include uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are Commercial Planned Unit Developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL. A use where the nature of residency is non-transient, and major or primary focus is not service-oriented. For example: residential apartments, manufactured home parks, townhouses and full-fee ownership residences would be considered as Residential Planned Unit Developments. To qualify as a Residential Planned Unit Development, a development must contain at least five dwelling units or sites.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RESTAURANT. An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

SETBACK. The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

SETBACK LINE. The line which is the specified setback -distance from and parallel to any lot line, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff.

STORAGE. Goods, materials or equipment placed or left in a location on a premises.

STRUCTURE. Anything constructed, placed or erected on or attached to, in some manner, the ground.

STRUCTURE, PRINCIPAL. The building in which is conducted the primary use of the lot on which the building is located.

USE. The purpose or activity for which a premises is designed, arranged or intended or for which it is or may be occupied or maintained.

WIND ENERGY CONVERSION SYSTEM OR WINDMILL. An apparatus capable of converting wind energy into electricity.

YARD. An open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

YARD, FRONT. The area between the front lot line and the front setback line.

YARD, REAR. The area between the rear lot line and the rear setback line.

YARD, SIDE. A space extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

ZONING ADMINISTRATOR. The City Administrator/Clerk or other person designated by the City Council to administer and enforce the provisions of this chapter.

' 151.26 C-1 DOWNTOWN COMMERCIAL DISTRICT.

(A) *Purpose.* The purpose of the C-1 Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment.

(B) *Permitted uses and structures.*

(1) Business and commercial establishments including:

(a) Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places, auto dealers, automobile service stations, farm implement dealerships, farm supply stores, seasonal evergreen sales and meat locker shops.

(b) Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops and photographic studios.

(c) Professional services, including medical and dental clinics and attorney's offices.

(d) Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.

(e) Entertainment and amusement services, including motion picture theatres, recreation halls and bowling alleys.

(f) Lodging services, including hotels and motels.

(g) Finance, insurance, real estate and tax services.

(2) Public and semi-public buildings, including post office, fire hall and city hall.

(3) Private clubs.

(4) Apartments, provided they are located above the first floor level.

(5) Automobile parking lots.

(6) Essential services, such as sewer, water, telephone and electric utility facilities.

(7) Churches and places of religious assembly.

(C) *Accessory uses.* Uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use, solar panels, satellite dishes and antennas.

(D) *Conditional uses.* Within the C-1 District no structure or land shall be used for the following

except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) One and two-family dwellings and multiple-family dwellings, including manufactured homes meeting the standards as set forth in ' 151.24, and manufactured home parks licensed by the state.

(2) Nonresidential licensed day care facilities.

(3) Outdoor storage incidental to a principal use.

(4) Drive-thru or drive-up window accessory to a principal use.

(5) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-1 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* None.

(2) *Lot width.* None.

(3) *Setbacks.*

(a) *Front yards.* No infill development shall be closer to the front lot line than adjacent commercial uses.

(b) *Side yards.* None.

(c) *Rear yards.* 10 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed 3 stories or 45 feet, whichever is less.

(G) *Parking.* Refer to" 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(I) *Conditional use permit standards for the C-1 Central Business District.*

(1) *Purpose.* It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council

may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- (d) The use does not have an undue adverse impact on the public health, safety or welfare.
- (e) The use meets meet the performance standards of ' 151.31.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division (I) will be met.

(a) One and two family dwellings and multiple-family dwellings, including manufactured homes meeting the standards set forth in ' 151.24 and manufactured home parks licensed by the state.

- 1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;
- 2. At least two off-street parking spaces must be provided for the each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;
- 3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;
- 4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character;
- 5. The city may require buffering or screening if needed.

(b) Nonresidential licensed daycare facilities.

- 1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;
- 2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);
- 3. One parking space for each six attendees based on the licensed capacity of the center shall be

provided; and

4. Shall obtain all applicable state, county and city licenses.

(c) Outdoor storage incidental to a principal use.

1. Outdoor storage shall not be located within 100 feet of any residential parcel;

2. Outdoor storage shall be screened by suitable materials, such as a fencing or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;

3. Outdoor storage must be located in a rear or side yard;

4. Shall be kept in a neat and orderly fashion;

5. Shall not contain any unlicensed or inoperable motor vehicles; and

6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) Drive-thru or drive-up windows accessory to a principal use.

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;

2. Stacking areas shall provide for a minimum of six cars per aisle;

3. Public address system shall not be audible from any residential parcel;

4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and

5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.

(e) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

1. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. Shall not be located to obstruct parking spaces;
 5. Shall be located adjacent to an entrance to the principal use;
 6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
 7. Shall not have speakers or audio equipment which is audible from adjacent parcels.
- Penalty, see' 151.99